

**From:** "Henry Porter" <PORTERHJ@dhec.sc.gov>  
**To:** <PHL@nrc.gov>  
**Date:** 10/3/05 11:17AM  
**Subject:** Request for review of Implementation of Increased Controls

Dear Paul,

Attached is our letter with attachments requesting review of our method for implementing the increased controls for our licensees in accordance with your letter dated September 2, 2005. I have put the original in the mail. If you have any questions or need to discuss this, please do not hesitate to contact me or Michael Moore.

Sincerely,

Henry J. Porter, Assistant Director  
Division of Waste Management  
SCDHEC  
porterhj@dhec.sc.gov  
(803) 896-4245

**CC:** "Michael Moore" <MOOREMS@dhec.sc.gov>

**Mail Envelope Properties (43414B85.838 : 11 : 55352)**

**Subject:** Request for review of Implementation of Increased Controls  
**Creation Date:** 10/3/05 11:16AM  
**From:** "Henry Porter" <PORTERHJ@dhec.sc.gov>  
  
**Created By:** PORTERHJ@dhec.sc.gov

**Recipients**

nrc.gov  
twf1\_po.TWFN\_DO  
PHL (Paul Lohaus)

dhec.sc.gov  
MOOREMS CC (Michael Moore)

**Post Office**  
twf1\_po.TWFN\_DO

**Route**  
nrc.gov  
dhec.sc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	467	10/03/05 11:16AM
NRCSecurityletter.doc	23040	
Attachement 1 Increased Controls.doc		39936
Attachment 2 Table.doc	36864	
Attachment 3 SecurityAmendment.doc		20992
Attachment 4 Notice of Appeal Procedure.doc		27648
Lohaus ltr.pdf	108780	
Mime.822	355074	

**Options**

**Expiration Date:** None  
**Priority:** Standard  
**Reply Requested:** No  
**Return Notification:** None  
  
**Concealed Subject:** No  
**Security:** Standard

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C. Earl Hunter, Commissioner  
*Promoting and protecting the health of the public and the environment.*

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Paul C. Aughtry, III  
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October 3, 2005

Paul H. Lohaus, Director  
Office of State and Tribal Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Lohaus,

We are requesting your review of our proposed method for placing increased controls on licensees regulated by the South Carolina Department of Health and Environmental Control, Radioactive Waste Program in accordance with your letter dated September 2, 2005 (RCPD-05-014). We intend to implement the increased controls through an amendment to each of the licenses that fall into Groups 1 – 4 and include quantities of materials listed in the Table of Radionuclides of Concern included with your correspondence. The license amendments will be issued within 30 days of approval by the NRC. Attached is copy of the proposed license amendment and transmittal letter for your review.

If you have any questions or need any additional information, please contact Michael Moore or me at (803) 896-4240

Sincerely,

Henry J. Porter, Assistant Director  
Division of Waste Management  
Bureau of Land and Waste Management

Enclosures

*Cover Letter for License Amendment*

Date

Licensee

Dear:

The U.S. Nuclear Regulatory Commission (NRC) and its Agreement States are in the process of implementing increased controls for licensees that possess certain radioactive materials in quantities of concern. The NRC has determined that additional requirements need to be implemented to supplement existing regulatory requirements in 10 CFR " 20.1801-1802 (rules similar to South Carolina Regulation 61-63, RHA 3.20). The increased controls are a matter of compatibility with the NRC and must be implemented in a time frame established by the NRC and with essentially identical content to those being used by NRC for its licensees.

Your radioactive material license has been identified as authorizing possession of certain radioactive material in one of the affected categories. Therefore, in accordance with South Carolina Regulation 61-63, RHA 3.51, your license has been amended to require that you to comply with the increased controls detailed in attachment 1. The table of radionuclides of concern (Table 1) is provided as attachment 2. Your newly amended license is provided at attachment 3. Within twenty-five (25) days from the date of this letter:

1. You shall notify this office (1) if you are unable to comply with any of the requirements in attachment 1, (2) if compliance with any of the requirements is unnecessary because of your specific circumstances, or (3) if implementation of any of the requirements would cause you to be in violation of the provisions of any regulation or your license. The notification shall provide your justification for seeking relief from or variation of any specific requirement.
  
2. If you consider that implementation of any of the requirements detailed in attachment 1 would adversely impact safe operation of your facility, you must notify this office, in writing, of the adverse safety impact, the basis for its determination that the requirement would have an adverse safety impact, and either a proposal for achieving the same objectives specified in the attachment 1-requirement in question, or a schedule for modifying the facility to address the adverse safety condition. If neither approach is appropriate, you must supplement your response to paragraph 1 above to identify the condition as a requirement with which you cannot comply, with attendant justifications as required in paragraph 1 above.

Page 2 of 2

3. You shall submit to this office a schedule for completion of each requirement detailed in attachment1. You must be in full compliance with the additional requirements no later than 6 months from the date of this letter.

Responses to paragraphs 1-3, above, shall be submitted to the South Carolina Department of Health and Environmental Control/Bureau of Land & Waste Management at 2600 Bull Street in Columbia, SC 29201. In addition, your response shall be marked as "Withhold from Public Disclosure under 10CFR 2.390 and the South Carolina Freedom of Information Act.

As provided by the Administrative Appeals Act, you have an opportunity to request a hearing to contest this action. The procedure for this is described in Attachment 4.

Should you require assistance in addressing this letter, please call (803)-896-4240.

Sincerely,

Henry J. Porter, Asst. Director  
Division of Waste Management  
Bureau of Land & Waste Management

**4 Attachments**

1. Increased Controls
2. Table 1
3. License Amendment
4. Notice of Appeals Procedure

**INCREASED CONTROLS FOR LICENSEES THAT POSSESS SOURCES  
CONTAINING RADIOACTIVE MATERIAL QUANTITIES OF CONCERN**

The purpose of the increased controls for radioactive sources is to enhance control of radioactive material in quantities greater than or equal to values described in Table 1, to reduce the risk of unauthorized use of radioactive materials, through access controls to aid prevention, and prompt detection, assessment, and response to mitigate potentially high consequences that would be detrimental to public health and safety. These increased controls for radioactive sources are established to delineate licensee responsibility to maintain control of licensed material and secure it from unauthorized removal or access. The following increased controls apply to licensees which, at any given time, possess radioactive sources greater than or equal to the quantities of concern of radioactive material defined in Table 1.

**IC 1.** In order to ensure the safe handling, use, and control of licensed material in use and in storage each licensee shall control access at all times to radioactive material quantities of concern and devices containing such radioactive material (devices), and limit access to such radioactive material and devices to only approved individuals who require access to perform their duties.

- a. The licensee shall allow only trustworthy and reliable individuals, approved in writing by the licensee, to have unescorted access to radioactive material quantities of concern and devices. The licensee shall approve for unescorted access only those individuals with job duties that require access to such radioactive material and devices. Personnel who require access to such radioactive material and devices to perform a job duty, but who are not approved by the licensee for unescorted access, must be escorted by an approved individual.
- b. For individuals employed by the licensee for three years or less, and for non-licensee personnel, such as physicians, physicists, house-keeping personnel, and security personnel under contract, trustworthiness and reliability shall be determined, at a minimum, by verifying employment history, education, and personal references. The licensee shall also, to the extent possible, obtain independent information to corroborate that provided by the employee (i.e., seeking references not supplied by the individual). For individuals employed by the licensee for longer than three years, trustworthiness and reliability shall be determined, at a minimum, by a review of the employees' employment history with the licensee.
- c. Service providers shall be escorted unless determined to be trustworthy and reliable by an NRC-required background investigation as an employee of a manufacturing and distribution (M&D) licensee. Written verification attesting to or certifying the person's trustworthiness and reliability shall be obtained from the manufacturing and distribution licensee providing the service.
- d. The licensee shall document the basis for concluding that there is reasonable assurance that an individual granted unescorted access is trustworthy and reliable, and does not constitute an

unreasonable risk for unauthorized use of radioactive material quantities of concern. The licensee shall maintain a list of persons approved for unescorted access to such radioactive material and devices by the licensee.

IC 2. In order to ensure the safe handling, use, and control of licensed material in use and in storage, each licensee shall have a documented program to monitor and immediately detect, assess, and respond to unauthorized access to radioactive material quantities of concern and devices. Enhanced monitoring shall be provided during periods of source delivery or shipment, where the delivery or shipment exceeds 100 times the Table 1 values.

- a. The licensee shall respond immediately to any actual or attempted theft, sabotage, or diversion of such radioactive material or of the devices. The response shall include requesting assistance from a Local Law Enforcement Agency (LLEA).
- b. The licensee shall have a pre-arranged plan with LLEA for assistance in response to an actual or attempted theft, sabotage, or diversion of such radioactive material or of the devices which is consistent in scope and timing with realistic potential vulnerability of the sources containing such radioactive material. The pre-arranged plan shall be updated when changes to the facility design or operation affect the potential vulnerability of the sources. Pre-arranged LLEA coordination is not required for temporary job sites.
- c. The licensee shall have a dependable means to transmit information between, and among, the various components used to detect and identify an unauthorized intrusion, to inform the assessor, and to summon the appropriate responder.
- d. After initiating appropriate response to any actual or attempted theft, sabotage, or diversion of radioactive material or of the devices, the licensee shall, as promptly as possible, notify the South Carolina Department of Health and Environmental Control/Radioactive Waste Management at (803) 896-4240.
- e. The licensee shall maintain documentation describing each instance of unauthorized access and any necessary corrective actions to prevent future instances of unauthorized access.

IC 3. a. In order to ensure the safe handling, use, and control of licensed material in transportation for domestic highway and rail shipments by a carrier other than the licensee, for quantities that equal or exceed those in Table 1 but are less than 100 times Table 1 quantities, per consignment, the licensee shall:

1. Use carriers which:

- A. Use package-tracking systems,
- B. Implement methods to assure trustworthiness and reliability of drivers,

- C. Maintain constant control and/or surveillance during transit, and
- D. Have the capability for immediate communication to summon appropriate response or assistance.

The licensee shall verify and document that the carrier employs the measures listed above.

- 2. Contact the recipient to coordinate the expected arrival time of the shipment;
  - 3. Confirm receipt of the shipment; and
  - 4. Initiate an investigation to determine the location of the licensed material if the shipment does not arrive on or about the expected arrival time. When, through the course of the investigation, it is determined the shipment has become lost, stolen, or missing, the licensee shall immediately notify the South Carolina Department of Health and Environmental Control/Radioactive Waste Management at (803) 896-4240. If, after 24 hours of investigating, the location of the material still cannot be determined, the radioactive material shall be deemed missing and the licensee shall immediately notify the NRC Operations Center or, for Agreement State licensees, the appropriate Agreement State regulatory agency.
- b. For domestic highway and rail shipments, prior to shipping licensed radioactive material that exceeds 100 times the quantities in Table 1 per consignment, the licensee shall:
- 1. Notify the NRC<sup>1</sup>, in writing, at least 90 days prior to the anticipated date of shipment. The NRC will issue the Order to implement the Additional Security Measures (ASMs) for the transportation of Radioactive Material Quantities of Concern (RAM QC). The licensee shall not ship this material until the ASMs for the transportation of RAM QC are implemented or the licensee is notified otherwise, in writing, by NRC.
  - 2. Once the licensee has implemented the ASMs for the transportation of RAM QC, the notification requirements of 3.b.1 shall not apply to future shipments of licensed radioactive material that exceed 100 times the Table 1 quantities. The licensee shall implement the ASMs for the transportation of RAM QC.
- c. If a licensee employs an M&D licensee to take possession of the licensed radioactive material and ship it under its M&D license, the requirements of 3.a. and 3.b above shall not apply.

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<sup>1</sup>Director, Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

d. If the licensee is to receive radioactive material greater than or equal to the Table 1 quantities, per consignment, the licensee shall coordinate with the originating licensee to:

1. Establish an expected time of delivery; and
2. Confirm receipt of transferred radioactive material. If the material is not received at the expected time of delivery, notify the originating licensee and assist in any investigation.

IC 4. In order to ensure the safe handling, use, and control of licensed material in use and in storage each licensee that possesses mobile or portable devices containing radioactive material in quantities greater than or equal to Table 1 values, shall:

- a. For portable devices, have two independent physical controls that form tangible barriers to secure the material from unauthorized removal when the device is not under direct control and constant surveillance by the licensee.
- b. For mobile devices:
  1. That are only moved outside of the facility (e.g., on a trailer), have two independent physical controls that form tangible barriers to secure the material from unauthorized removal when the device is not under direct control and constant surveillance by the licensee.
  2. that are only moved inside a facility, have a physical control that forms a tangible barrier to secure the material from unauthorized movement or removal when the device is not under direct control and constant surveillance by the licensee.
- c. For devices in or on a vehicle or trailer, licensees shall also utilize a method to disable the vehicle or trailer when not under direct control and constant surveillance by the licensee.

IC 5. The licensee shall retain documentation required by these increased controls for three years after they are no longer effective:

- a. The licensee shall retain documentation regarding the trustworthiness and reliability of individual employees for three years after the individual's employment ends.
- b. Each time the licensee revises the list of approved persons required by 1.d., or the documented program required by 2, the licensee shall retain the previous documentation for three years after the revision.
- c. The licensee shall retain documentation on each radioactive material carrier for three years after the licensee discontinues use of that particular carrier.
- d. The licensee shall retain documentation on shipment coordination, notifications, and

investigations for three years after the shipment or investigation is completed.

- e. After the license is terminated or amended to reduce possession limits below the quantities of concern, the licensee shall retain all documentation required by these increased controls for three years.

IC 6. Detailed information generated by the licensee that describes the physical protection of radioactive material quantities of concern, is sensitive information and shall be protected from unauthorized disclosure.

- a. The licensee shall control access to its physical protection information to those persons who have an established need to know the information, and are considered to be trustworthy and reliable.
- b. The licensee shall develop, maintain and implement policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of, its physical protection information for radioactive material covered by these requirements. The policies and procedures shall include the following:
  1. General performance requirement that each person who produces, receives, or acquires the licensee's sensitive information, protect the information from unauthorized disclosure,
  2. Protection of sensitive information during use, storage, and transit,
  3. Preparation, identification or marking, and transmission,
  4. Access controls,
  5. Destruction of documents,
  6. Use of automatic data processing systems, and
  7. Removal from the licensee's sensitive information category.

Table 1: Radionuclides of Concern

Radionuclide	Quantity of Concern <sup>1</sup> (TBq)	Quantity of Concern <sup>2</sup> (Ci)
Am-241	0.6	16
Am-241/Be	0.6	16
Cf-252	0.2	5.4
Cm-244	0.5	14
Co-60	0.3	8.1
Cs-137	1	27
Gd-153	10	270
Ir-192	0.8	22
Pm-147	400	11,000
Pu-238	0.6	16
Pu-239/Be	0.6	16
Se-75	2	54
Sr-90 (Y-90)	10	270
Tm-170	200	5,400
Yb-169	3	81
Combinations of radioactive materials listed above <sup>3</sup>	See Footnote Below <sup>4</sup>	

<sup>1</sup> The aggregate activity of multiple, collocated sources of the same radionuclide should be included when the total activity exceeds the quantity of concern.

<sup>2</sup> The primary values used for compliance with this Order are TBq. The curie (Ci) values are rounded to two significant figures for informational purposes only.

<sup>3</sup> Radioactive materials are to be considered aggregated or collocated if breaching a common physical security barrier (e.g., a locked door at the entrance to a storage room) would allow access to the radioactive material or devices containing the radioactive material.

<sup>4</sup> If several radionuclides are aggregated, the sum of the ratios of the activity of each source,  $I$  of radionuclide,  $n$ ,  $A_{(i,n)}$ , to the quantity of concern for radionuclide  $n$ ,  $Q_{(n)}$ , listed for that radionuclide exceeds one. [(aggregated source activity for radionuclide A), (quantity of concern for radionuclide A)] + [(aggregated source activity for radionuclide B), (quantity of concern for radionuclide B)] + etc.  $\geq 1$

Use the following method to determine which sources of radioactive material require increased controls (ICs):

Include any single source larger than the quantity of concern in Table 1

Include multiple co-located sources of the same radionuclide when the combined quantity exceeds the quantity of concern

For combinations of radionuclides, include multiple co-located sources of different radionuclides when the aggregate quantities satisfy the following unity rule: [(amount of radionuclide A). (quantity of concern of radionuclide A)] + [(amount of radionuclide B). (quantity of concern of radionuclide B)] + etc. $\geq$  1

## Guidance for Aggregation of Sources

NRC supports the use of the IAEA's source categorization methodology as defined in TECDOC-1344, "Categorization of Radioactive Sources," (July 2003) (see [http://www-pub.iaea.org/MTCD/publications/PDF/te\\_1344\\_web.pdf](http://www-pub.iaea.org/MTCD/publications/PDF/te_1344_web.pdf)) and as endorsed by the agency's Code of Conduct for the Safety and Security of Radioactive Sources, January 2004 (see <http://www-pub.iaea.org/MTCD/publications/PDF/Code-2004.pdf>). The Code defines a three-tiered source categorization scheme. Category 1 corresponds to the largest source strength (greater than 100 times the quantity of concern values listed in Table 1.) and Category 3, the smallest (equal or exceeding one-tenth the quantity of concern values listed in Table 1.). Increased controls apply to sources that are greater than the quantity of concern values listed in Table 1, plus aggregations of smaller sources that add up to greater than the quantities in Table 1. Aggregation only applies to sources that are co-located.

Licensees who possess sources in total quantities that exceed the Table 1 quantities are required to implement increased controls. Where there are many small (less than the quantity of concern values) co-located sources whose total aggregate activity exceeds the Table 1 values, licensees are to implement increased controls.

Some source handling or storage activities may cover several buildings, or several locations within specific buildings. The question then becomes: When are sources considered co-located for purposes of aggregation? For purposes of the additional controls, sources are considered co-located if breaching a single barrier (e.g., a locked door at the entrance to a storage room) would allow access to the sources. Sources behind an outer barrier should be aggregated separately from those behind an inner barrier (e.g., a locked source safe inside the locked storage room). However, if both barriers are simultaneously open, then all sources within these two barriers are considered to be co-located. This logic should be continued for other barriers within or behind the inner barrier.

The following example illustrates the point: A lockable room has sources stored in it. Inside the lockable room, there are two shielded safes with additional sources in them. Inventories are as follows:

The room has the following sources outside the safes: Cf-252, 0.12 Tbq (0.3 Ci); Po-210, 0.36 TBq (10 Ci), and Pu-238, 0.3 Tbq (8 Ci). Application of the unity rule yields:  $(0.012, 0.2) + (0.36, 0.6) + (0.3, 0.6) = 0.06 + 0.6 + 0.5 = 1.2$ . Therefore, the sources would require increased controls. If the sources are distributed and shipped individually, PMs would not apply because they do not exceed the quantities in Table 1.

Shielded safe #1 has a 1.9 Tbq (51 Ci) Cs-137 source and a 0.75 Tbq (20 Ci) Ra-226 source. In this case, both sources would require increased controls, because they exceed the quantities in Table 1. The Ra-226 source, although not licensed by NRC, was co-located with an NRC licensed source and therefore would need to be similarly protected.

Shielded safe #2 has two Po-210 sources, each having an activity of 0.2 Tbq (5 Ci). In this case, neither source would require increased controls. (total activity = 0.4 Tbq (10 Ci). They do not exceed the threshold quantity 0.6 Tbq (20 Ci).

Because certain barriers may cease to exist during source handling operations (e.g., a storage location may be unlocked during periods of active source usage), licensees should, to the extent practicable, consider two modes of source usage C "operations" (active source usage) and "shutdown" (source storage mode). Whichever mode results in the greatest inventory (considering barrier status) would require increased controls for each location.

**Attachment 3**

**Amendment for Radioactive Material License**

*The tie down condition of the license will be modified to read:*

- A. Except as specifically provided otherwise by this license, the licensee shall possess and use the radioactive material authorized by this license in accordance with statements, representations, and procedures contained in the following:

application dated ...  
letters dated...

- B. The licensee shall comply with the requirements described in the DHEC letter dated [insert date ] and attached document entitled "Increased Controls for Licensees that Possess Sources Containing Radioactive Material Quantities of Concern." The licensee shall complete implementation of said requirements within 6 months from the issuance of the license amendment or the first day that radionuclides in quantities of concern are possessed at or above the limits specified in Table 1 of the attachment, whichever is later. Within 25 days after the implementation of the requirements of this condition, the licensee shall notify DHEC in writing that it has completed the requirements of this condition.

**Attachment 4**

**Notice of Appeal Procedure**

This decision may be appealed to the Administrative Law Court (ALC) by complying with the following requirements of the ALC:

1. File a request for a contested case hearing with the Clerk of the Administrative Law Court at the following address within 30 days after notice of this decision:

Clerk's Office  
South Carolina Administrative Law Court  
1205 Pendleton Street, Suite 224  
P. O. Box 11667  
Columbia, SC 29211-1667  
803-734-0550

The ALC has a Notice of Request for Contested Case Hearing form that may be used, but is not required. The form and the Rules of the ALC can be found at the ALC's website: <http://www.scalc.net>.

A request for a contested case hearing must contain the following information pursuant to ALC Rule 11:

1. The name of the party requesting the hearing and the issue(s) for which the hearing is requested;
  2. The caption or other information sufficient to identify the decision, order, letter, determination, action, or inaction which is subject to the hearing;
  3. A copy of the written agency decision, order, letter or determination, if any, which gave rise to the request;
  4. The relief requested.
2. Submit a filing fee to the Administrative Law Court in the amount of \$250. The filing fee is required by ALC Rule 71.
  3. Serve a copy of the request for a contested case hearing on DHEC and any other parties at the same time the request is filed with the ALC. A copy of the request for a contested case hearing must be delivered or mailed to DHEC at the following address:

Clerk of the Board  
SC DHEC  
2600 Bull Street  
Columbia, SC 29201

**The above information is provided as a courtesy; parties before the Administrative Law Court are responsible for complying with all applicable requirements of the Court.**

**From:** "Jim Peterson" <PETERSJK@dhec.sc.gov>  
**To:** <anm@nrc.gov>  
**Date:** 10/11/05 2:51PM  
**Subject:** Andrew,

Andrew,

The information provided from Henry Porter can be used for both South Carolina programs. The only change we made was a reference to one regulation and different contact information, both in the cover letter. All of the other attachments (not included in this e-mail) are the same as provided by Henry. Thanks.

**CC:** "Pearce O'Kelley" <OKELLETP@dhec.sc.gov>

**Mail Envelope Properties (434C099C.546 : 5 : 13638)**

**Subject:** Andrew,  
**Creation Date:** 10/11/05 2:50PM  
**From:** "Jim Peterson" <PETERSJK@dhec.sc.gov>  
  
**Created By:** PETERSJK@dhec.sc.gov

**Recipients**

nrc.gov  
owf1\_po.OWFN\_DO  
ANM (Andrew Mauer)

dhec.sc.gov  
OKELLETP CC (Pearce O'Kelley)

<b>Post Office</b>	<b>Route</b>
owf1_po.OWFN_DO	nrc.gov dhec.sc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	324	10/11/05 02:50PM
NRCSecurityletterbrh.doc	24064	
Mime.822	34751	

**Options**

<b>Expiration Date:</b>	None
<b>Priority:</b>	Standard
<b>Reply Requested:</b>	No
<b>Return Notification:</b>	None
<b>Concealed Subject:</b>	No
<b>Security:</b>	Standard

***Cover Letter for License Amendment***

Date

Licensee

Dear:

The U.S. Nuclear Regulatory Commission (NRC) and its Agreement States are in the process of implementing increased controls for licensees that possess certain radioactive materials in quantities of concern. The NRC has determined that additional requirements need to be implemented to supplement existing regulatory requirements in 10 CFR " 20.1801-1802 (rules similar to South Carolina Regulation 61-63, RHA 3.20). The increased controls are a matter of compatibility with the NRC and must be implemented in a time frame established by the NRC and with essentially identical content to those being used by NRC for its licensees.

Your radioactive material license has been identified as authorizing possession of certain radioactive material in one of the affected categories. Therefore, in accordance with South Carolina Regulation 61-63, RHA ~~2.9.2~~your license has been amended to require that you to comply with the increased controls detailed in attachment 1. The table of radionuclides of concern (Table 1) is provided as attachment 2. Your newly amended license is provided at attachment 3. Within twenty-five (25) days from the date of this letter:

**Deleted: 3.51.**

1. You shall notify this office (1) if you are unable to comply with any of the requirements in attachment 1, (2) if compliance with any of the requirements is unnecessary because of your specific circumstances, or (3) if implementation of any of the requirements would cause you to be in violation of the provisions of any regulation or your license. The notification shall provide your justification for seeking relief from or variation of any specific requirement.

2. If you consider that implementation of any of the requirements detailed in attachment 1 would adversely impact safe operation of your facility, you must notify this office, in writing, of the adverse safety impact, the basis for its determination that the requirement would have an adverse safety impact, and either a proposal for achieving the same objectives specified in the attachment 1-requirement in question, or a schedule for modifying the facility to address the adverse safety condition. If neither approach is appropriate, you must supplement your response to paragraph 1 above to identify the condition as a requirement with which you cannot comply, with attendant justifications as required in paragraph 1 above.

Page 2 of 2

3. You shall submit to this office a schedule for completion of each requirement detailed in attachment1. You must be in full compliance with the additional requirements no later than 6 months from the date of this letter.

Responses to paragraphs 1-3, above, shall be submitted to the South Carolina Department of Health and Environmental Control/Bureau of Land & Waste Management at 2600 Bull Street in Columbia, SC 29201. In addition, your response shall be marked as "Withhold from Public Disclosure under 10CFR 2.390 and the South Carolina Freedom of Information Act.

| Note – contact information and signature will be different.

As provided by the Administrative Appeals Act, you have an opportunity to request a hearing to contest this action. The procedure for this is described in Attachment 4.

Should you require assistance in addressing this letter, please call (803)-896-4240.

Sincerely,

Henry J. Porter, Asst. Director  
Division of Waste Management  
Bureau of Land & Waste Management

**4 Attachments**

1. Increased Controls
2. Table 1
3. License Amendment
4. Notice of Appeals Procedure