

December 23, 2010

C. Earl Hunter, Commissioner
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Dear Commissioner Hunter:

I am writing to bring to your attention the need to ensure long-term programmatic stability for the South Carolina Agreement State Program (the Program), which includes the Bureau of Radiological Health's Radioactive Materials Program.

On September 11, 1969, former Governor Robert E. McNair entered the State of South Carolina into an Agreement with the U.S. Nuclear Regulatory Commission (NRC), pursuant to Section 274b. of the Atomic Energy Act. Under this Agreement, the State of South Carolina committed to establish a radiation control program that adequately protects the health and safety of South Carolina's citizens from the potential hazards associated with the use of radioactive materials. Agreement States must provide supporting legislative authority, implement an organizational structure and procedures, and apply financial and human resources to effectively administer a radiation control program that ensures adequate protection.

Through our Integrated Materials Performance Evaluation Program, NRC maintains oversight of all Agreement States and our own materials programs. We conduct periodic reviews of Agreement States to ensure adequate protection of public health and safety and compatibility of state and NRC programs. During the 2007 review, we found South Carolina's Program adequate to protect public health and safety. During a 2009 periodic meeting, we discussed concerns with representatives of the South Carolina Program about the effect of a tightening budget on the Program's ability to be found adequate and compatible. Budget cuts, combined with increased regulatory responsibilities, including radioactive material source security, could adversely affect South Carolina's ability to continue to adequately protect public health and safety.

We understand that current fiscal constraints are especially challenging at all levels of government. The NRC remains committed to support Agreement State programs as we work together to protect the citizens of our Nation. We commend the State of South Carolina for its leadership in radiation protection over the years. It is our understanding that the Program has proposed a fee increase to 50 percent of the NRC's fees to ensure its obligations as an Agreement State Program. Adequate funding is a critical part of a balanced and stable Agreement State Program. Other Agreement State Programs have faced similar issues and have successfully arranged sufficient funding to maintain an adequate Agreement State Program.

C. Hunter

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Your support in helping to ensure that the South Carolina Agreement State Program has the necessary resources and support to manage an effective program is crucial. I want to assure you that the NRC supports the objectives of the South Carolina Agreement State Program, including the Bureau of Radiological Health's Radioactive Materials Program, and will continue to work closely with your Program to accomplish our mutual objectives of protecting the public. We appreciate your commitment to this effort.

If the NRC can provide additional assistance or you have any questions, please contact me at (301) 415-1705, or have your staff contact Ms. Donna Janda, your NRC Regional State Agreements Officer, at (610) 337-5371.

Sincerely,

/RA/

Michael F. Weber
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

cc: Paul C. Aughtry, Chairman
South Carolina Department of Health
and Environmental Control Board

Aaron Gantt, Chief
South Carolina Bureau of Radiological
Health

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