

DATED: JUNE 21, 1999

SIGNED BY: PAUL H. LOHAUS

Mr. Virgil R. Autry, Director
Division of Radioactive Waste Management
Bureau of Land & Waste Management
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Dear Mr. Autry:

As requested, we have reviewed the proposed revisions dated May 13, 1999, to the South Carolina Sections R.61-63, Radioactive Material (Title A), Part III, Standards for Protection Against Radiation; and Part VI, Notices, Instructions and Reports to Workers: Inspection. The proposed regulations were sent in a letter dated April 29, 1999. The proposed revisions are in response to the two amendments identified in the enclosed Regulation Assessment Tracking System (RATS) Data Sheet. In addition, Sections R.61-63.6.2 through 61-63.6.8 were revised to add the definition of worker and to clarify the South Carolina Department of Health organizational structure. The proposed regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 19 and 20. We discussed our review of the regulations with you on May 28, 1999.

As a result of our review, we have identified five comments and one suggested editorial change (see Enclosure 1). Please note that we limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that a State regulation meets the compatibility criteria of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted incorporating the enclosed comments and without other significant changes, they would meet the compatibility criteria contained in the OSP Procedure SA-200 (formerly B.7).

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in OSP Procedure SA-201, Review of State Regulations (November 10, 1998), please highlight the final changes and send one copy in a computer readable format, if possible.

We have also summarized on the RATS Data Sheet our knowledge of the status of other South Carolina regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Cardelia H. Maupin of my staff at (301) 415-2312 or you may e-mail Ms. Maupin at CHM@NRC.GOV.

Sincerely,

Paul H. Lohaus, Deputy Director
Office of State Programs

Enclosures:
As stated

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

<u>Category</u>	<u>State Regulation</u>	<u>NRC Regulation</u>	<u>Subject and Comments</u>
	Part VI	Part 19	Notices, Instructions and Reports to Workers: Inspection and Investigation
Editorial Suggestion	RHA 6.3.1	19.11	Posting of Notices to Workers The term "license" was omitted in paragraph (2) before the word phrase "license conditions." This definition is designated a Compatibility Category C and the essential objectives should be adopted by an Agreement State.
	Part III Part 20		Standards for Protection Against Radiation
A	N/A	20.1003	Definition of Background Radiation The definition of "background radiation" was not included in the proposed revisions. This definition is designated a Compatibility Category A and should be adopted by an Agreement State in an essentially identical manner to that of the NRC in 10 CFR § 20.1003.
B	N/A	20.1003	Definition of Critical Group The definition of a "critical group" was not included in the proposed revisions. This definition is designated a Compatibility Category B and should be adopted by an Agreement State in an essentially identical manner to that of the NRC in 10 CFR § 20.1003.
C	N/A	20.1003	Definition of Decommission The definition of "decommission" was not included in the proposed revisions. This definition is designated a Compatibility Category C and the essential objectives should be adopted by an Agreement State. The essential objective of this definition is to establish that "decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use or release of the property under restricted conditions and termination of the license.

B	N/A	20.1003	<p data-bbox="665 191 1523 231">Definition of Distinguishable from Background</p> <p data-bbox="665 231 1523 441">The definition of “distinguishable from background” was not included in the proposed revisions. This definition is designated a Compatibility Category B and should be adopted by an Agreement State in an essentially identical manner to that of the NRC in 10 CFR § 20.1003.</p>
B	N/A	20.1003	<p data-bbox="665 441 1523 483">Definition of Residual Radioactivity</p> <p data-bbox="665 483 1523 718">The definition of “residual radioactivity” was not included in the proposed revisions. This definition is designated a Compatibility Category B and should be adopted by an Agreement State in an essentially identical manner to that of the NRC in 10 CFR § 20.1003.</p>

REGULATION ASSESSMENT TRACKING SYSTEM
RATS DATA SHEET

State: South Carolina

[2 proposed amendments (May 13, 1999) identified by i]

Tracking Ticket Number: 9-86

Date: June 21, 1999

NRC Chronology Identification	FR Notice	RATS ID	NRC Review Date	Due Date	State Status (Effective Date)
Standards for Protection Against Radiation <i>The incorporation of the comments were never verified.</i>	56 FR 23360 plus others	1991-3	12/15/97 3/11/98	1/1/94	Final 1/1/94
Safety Requirements for Radiographic Equipment	55 FR 843	1991-1	6/14/95 Review	1/10/94	Final
ASNT Certification of Radiographers	56 FR 11504	1991-2		none	Not required
Notification of Incidents	56 FR 64980	1991-4	6/14/95 Review	10/15/94	Final
Quality Management Program and Misadministrations	56 FR 34104	1992-1	6/14/95 Review	1/27/95	Final
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions	57 FR 45566	1992-2		none	Not required
Licensing and Radiation Safety Requirements for Irradiators	58 FR 7715	1993-2		7/1/96	
Definition of Land Disposal and Waste Site QA Program	58 FR 33886	1993-3		7/22/96	
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]	58 FR 39628	1993-1	4/3/96	10/25/96	Proposed 1/17/96
Self-Guarantee as an Additional Financial Mechanism	58 FR 68726 59 FR 1618	1994-1	4/3/96	1/28/97	Proposed 1/17/96
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards	59 FR 28220	1994-2		7/1/97	
Timeliness in Decommissioning Material Facilities	59 FR 36026	1994-3	4/3/96	8/15/97	Proposed 1/17/96
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use	59 FR 61767 59 FR 65243 60 FR 322	1995-1		1/1/98	
Frequency of Medical Examinations for Use of Respiratory Protection Equipment	60 FR 7900	1995-2		3/13/98	
Low-Level Waste Shipment Manifest Information and Reporting	60 FR 15649 60 FR 25983	1995-3	4/3/96	3/1/98	Proposed 1/17/96

NRC Chronology Identification	FR Notice	RATS ID	NRC Review Date	Due Date	State Status (Effective Date)
Performance Requirements for Radiography Equipment	60 FR 28323	1995-4		6/30/98	
Radiation Protection Requirements: Amended Definitions and Criteria	60 FR 36038	1995-5		8/14/98	
Clarification of Decommissioning Funding Requirements	60 FR 38235	1995-6		11/24/98	
Medical Administration of Radiation and Radioactive Materials	60 FR 48623	1995-7		10/20/98	
10 CFR Part 71: Compatibility with the International Atomic Energy Agency	60 FR 50248 61 FR 28724	1996-1		4/1/99	
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses	61 FR 1109	1996-2		none	Not required
Termination or Transfer of Licensed Activities: Recordkeeping Requirements	61 FR 24669	1996-3		6/17/99	
i Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act	61 FR 65119	1997-1	6/21/99	1/9/00	Proposed 5/13/99
Fissile Material Shipments and Exemptions	62 FR 5907	1997-4		none	Not required
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State	62 FR 1662	1997-2		2/27/00	
Criteria for the Release of Individuals Administered Radioactive Material	62 FR 4120	1997-3		5/29/00	
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations	62 FR 28948	1997-5		6/27/00	
i Radiological Criteria for License Termination	62 FR 39057	1997-6	6/21/99	8/20/00	Proposed 5/13/99
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea	62 FR 63634	1997-7		1/2/01	
Deliberate Misconduct by Unlicensed Persons	63 FR 1890 63 FR 13773	1998-1		2/12/01	
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees	63 FR 29535	1998-2		none	Not required
License Term for Medical Use Licenses	63 FR 31604	1998-3		none	Not required

NRC Chronology Identification	FR Notice	RATS ID	NRC Review Date	Due Date	State Status (Effective Date)
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations	63 FR 37059	1998-4		7/9/01	
Minor Corrections, Clarifying Changes, and a Minor Policy Change	63 FR 39347 63 FR 45393	1998-5		10/26/01	
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment	63 FR 50127	1998-6		11/20/01	