



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

August 29, 2005

Pearce O'Kelley, Chief
Bureau of Radiological Health
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

SUBJECT: PERIODIC MANAGEMENT MEETING SUMMARY

Dear Mr. O'Kelley:

A periodic meeting with the South Carolina Bureau of Radiological Health 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 Bureau's turnover in staff and the current status of compatibility requirements adopted as reflected in the Bureau's State Regulation Status Data Sheet.

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
H. Porter, South Carolina

P. O'Kelley
South Carolina Bureau of Radiological Health

2

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
SOUTH CAROLINA BUREAU OF RADIOLOGICAL HEALTH

DATE OF MEETING: August 2, 2005

ATTENDEES:

Duncan White, RSAO
William Rautzen, ASPO
Pearce O'Kelley, Branch Chief
James Peterson, Division Director
Melinda Bradshaw, 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.

The Bureau's Division of Radioactive Materials, Licensing and Compliance has six positions for Agreement State activities. There are currently four fully qualified license reviewers and inspectors (staff does both licensing and inspecting), one newly hired individual (started in July 2005) and one vacant position. Prior to this year, there had been no turnover in staff for six years. Interviews for the vacant position will start the week of August 8. The Bureau Chief indicated that the successful candidate for the position will likely start in September or October 2005. One of the individuals who left the program was a Section Manager. The remaining Section Manager indicated that instead of maintaining the two Radioactive Materials Sections, the two Sections will be combined into one. This will provide staff with the opportunity to remain current with all the inspection and licensing requirements for all uses of radioactive material licensed by the State.

The Division Director stated that it takes about a year for an individual to be productive (limited qualification for licensing and inspection) and fully qualified in two to three years. The Director indicated that most individuals hired by the Bureau have limited experience with radioactive materials.

The Bureau Chief retired in December 2004 but will continue in the position for up to five more years under the State's employee retention program.

Despite the loss of two experienced individuals, the Division Director stated that there have been no overdue inspections and licensing continues to be completed in a timely manner. Although the Division anticipates that routine activities will continue to be done in a timely manner, the Bureau Chief expressed concern that the Division would be challenged to maintain current activities if the NRC requires Agreement States to rapidly implement security measures through health and safety. The Bureau Chief indicated that realistic time frames are needed to train staff, issue the measures, promogate regulations and conduct inspections. The Bureau Chief also indicated that the Bureau was working to address some equipment issues through existing resources.

The Division Director noted that regulations are typically done as a single package once a year. Regulations related to waste and transportation are coordinated with the Division of Waste Management. The Bureau currently has no overdue regulations. NRC staff noted on the State Regulation Status (SRS) Data Sheet for South Carolina that 10 NRC amendments were only reviewed at the proposed stage. After review of correspondence with the Section Manager, it was determined that a number of the NRC amendments were reviewed in their final form by the NRC. The discrepancy was due to the mislabeling by STP of a final regulation package as a proposed regulation package. A copy of the revised SRS Data Sheet is attached.

The budget for the Bureau of Radiological Health (the Bureau) has been shrinking for the previous four years; however, this year's budget level has stabilized. The fees for the Radioactive Materials Division cover approximately 50% of the costs with the balance from general state funds. The Bureau increased its fees by 25% in 2003.

There was one allegation referred to the State since the last IMPEP review. The NRC staff determined that the State took appropriate action to resolve the matter.

Since the last IMPEP review, the State reported 14 events to the NRC. One of the events was significant in that it involved an extremity overexposure. NRC staff noted that the Division has done a commendable job in providing followup and closure information for the events to the Nuclear Materials Events Database.

There have been no amendment requests involving the four Sealed Source and Device (SS&D) registration sheets issued by the State. The Division Director indicated that there is only one active manufacturer in the State (Mahlo America) with two SS&D sheets. This licensee's current activities are limited to the servicing of distributed gauges. The other two sheets were issued to manufacturers no longer in the State. With the departure of a Section Manager earlier this year, the Division currently has only one qualified SS&D reviewer. The Division Director indicated that a second individual will be trained for SS&D reviews.

The Bureau currently has an initiative to minimize the amount of paper generated and is moving toward the wide spread use of electronic storage of information. To that end, the Bureau has initiated the use of tablet personal computers for use by x-ray inspectors. The electronically recorded information in the field can then be downloaded back at the main office. In the near future, all Bureau inspectors will have the technology available.

The Division has licenses with three panoramic irradiator facilities. No changes in licensed activities were reported for these facilities since the last IMPEP review except for the issuance of security orders by the NRC. The Bureau has not signed a 274i agreement with the NRC.

The Division has been involved with two significant decommissioning activities since the last review. In September 2003, the Division completed licensing and inspection activities and released a facility once used for reactor component decontamination. The Division is currently working on the decommissioning of a nuclear laundry facility.

The Division does not have any formal mechanism to evaluate performance. Since all licensing and inspection information is tracked on databases and spreadsheets, the Division Director periodically reviews the status of Division activities. There are no periodic reports to upper management except for an annual accountability report for the State Legislature. The Division Director reported that inspector accompaniments are being conducted annually.

NRC staff described the current status of NRC's security initiatives involving material licensees, status of the one Commission vacancy, management changes at the Region and Headquarters, legislative changes for the NRC as a result of the 2005 Energy Bill, and the status of activities involving the general licensing and two-man rules.

The Bureau Chief and Division Director provided feedback on the NRC program for a number of issues.

1. Although the Bureau was pleased to see that the Commission agreed to implement security measures through health and safety, there was concerned that an ambitious schedule to implement requirements (training, inspection requirements, adoption of regulations, etc.) for the States may have adverse effects on the programs.
2. The Bureau suggested that new NRC procedures are needed to handle State input on compatibility issues. It's the Bureau's experience that addressing this matter through Management Directive 5.3 working groups is not an effective method for the States.
3. The Bureau has experienced instances where the NRC has requested short turnaround times for information on a specific issue or request and the State heard from multiple NRC offices asking the same questions on the same issue.
4. Recognizing that the Commission has already made a decision on the matter, the Bureau would like to see the NRC reinstate support for the five-week health physics course.
5. NMED inquiries and interactions between the NRC, its contractor and the Bureau have improved significantly. The Bureau appreciates the effort.

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