



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

November 16, 2009

Aaron Gantt, Chief
Bureau of Radiological Health
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Dear Mr. Gantt:

A periodic meeting with your Office was held on August 4, 2009. The purpose of the meeting was to review and discuss the status of the South Carolina Department of Health and Environmental Control's Agreement State program. The NRC was represented by Monica Orendi and me.

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 discussion, or have any additional remarks about the meeting in general, please contact me at (610) 337-5371, or email to Donna.Janda@nrc.gov to discuss your comments.

Sincerely,

/RA/

Donna M. Janda
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
BUREAU OF RADIOLOGICAL HEALTH (BRH)

DATE OF MEETING: August 4, 2009

NRC Attendees	South Carolina Bureau of Radiological Health Attendees
Donna Janda, Region I RSAO	Aaron Gantt, Chief
Monica Orendi, FSME	James Peterson, Director, Division of Radioactive Materials
	Melinda Bradshaw, Section Manager, Radioactive Materials

DISCUSSION:

In July 2007, the Integrated Materials Performance Evaluation Program (IMPEP) review team found the South Carolina BRH Agreement State Program's (the Program) performance to be satisfactory for all common and non-common performance indicators. Additionally, no recommendations were made by the review team regarding the Program. On October 15, 2007, the Management Review Board (MRB) met to consider the IMPEP review team's proposed findings regarding the Program. The MRB found the Program adequate to protect public health and safety and compatible with the NRC's program. Based on the results of the IMPEP review, the review team recommended, and the MRB agreed, that the next full IMPEP review take place in approximately four years. The MRB also determined that a periodic meeting should take place in the summer of 2009. This summary describes this periodic meeting.

During the previous IMPEP review, which was conducted in 2003, no recommendations were made to the State; however, two recommendations were made to the NRC. These recommendations remained open after the 2007 IMPEP review. The current status of the recommendations for the NRC is as follows:

1. The review team recommends that NRC adopt and disseminate final guidance on field inspections for industrial radiography operations in the interest of establishing an identifiable national materials program standard. (Section 3.3 of the 2003 report)

Current status: A review of NRC Inspection Procedure 87121, "Industrial Radiography Programs," which was reissued on August 22, 2005, does not indicate a change to the guidance on field inspections. In addition, NRC Inspection Manual Chapter 2800, "Materials Inspection Program," which was reissued on September 28, 2005, does not indicate a change to the guidance relevant to this issue.

This recommendation remains open and should be evaluated at the next IMPEP review.

2. The review team recommends that NRC clarify which supervisory levels require an inspection accompaniment, the frequency of those accompaniments and what level of documentation is appropriate. (Section 3.3 of the 2003 report)

Current status: Interim guidance on inspection accompaniment of supervisors was provided in a question and answer in the most recent revision to FSME Procedure SA-102, "Reviewing the Common Performance Indicator, Technical Quality of Inspections," which

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was issued on July 23, 2007. A review of NRC guidance documents does not indicate that final guidance has not been developed and issued on this matter.

This recommendation remains open and should be evaluated at the next IMPEP review.

TOPICS COVERED DURING THE MEETING INCLUDED:

Program Strengths

A well-trained, stable, and experienced staff is a major strength of the Program. The Program has also been very successful with training junior technical staff. An additional strength was meeting all of the Program goals in licensing and inspection activities during periods of increased security requirements such as Increased Controls inspections, fingerprinting, and implementation of the National Source Tracking System (NSTS).

Program Weaknesses

The BRH staff did not identify any current weaknesses in the radioactive materials program, but the staff did note that continued budget cuts may result in Program weaknesses in the future. Due to State budget issues, the Program staff were subject to five furlough days (i.e., days off without pay) from the months of January to May 2009. The staff did not encounter any programmatic or health and safety issues as a result of the furlough days.

Feedback on the NRC's Program

The Program discussed past communication issues associated with receipt of NRC letters and electronic mail. This item was addressed during previous contacts between BRH management, FSME, and the Region I RSAOs. BRH management stated that there has been significant improvement in this area. The Program commented that the overall relationship with the NRC is good. In particular, the Program noted that the NRC funding of training is greatly appreciated.

The Program noted that it has been difficult to match information in the NSTS with licensee's addresses and sources at these addresses. Five of the six staff members have been trained on the NSTS and have card reader access.

Agreement State Program Staffing and Training

The Program has been fully staffed for the past three years and consists of 6 technical staff and the BRH Chief. The Program noted that the need to increase staffing levels will be addressed if any new Program requirements are enacted.

Support for staff training exists in the Program. BRH welcomed the NRC's revised policy on funding training for Agreement States. Program staff have attended NRC and other training courses, including the NRC's Security Systems and Principles Course. BRH noted that other activities that are not specifically training, such as attendance at meetings, also provide valuable opportunities for knowledge sharing.

Organization

The Program is administered by the Division of Radioactive Materials which is in the Bureau of Radiological Health (Bureau). The Bureau is part of the Department of Health and Environmental Control. In addition to the Program, the Bureau is responsible for radiation producing machines, radiological emergency response and environmental radiation. There have been no changes to the Program's organization since the 2007 IMPEP review.

Program Budget/Funding

The Bureau Chief stated that the radioactive materials program is adequately funded at this time. The last fee update for the Bureau occurred in 2003. The Bureau Chief may propose a fee increase for Fiscal Year 2010, which begins next July. Senior management has committed to funding the Agreement State program (i.e., will do what is necessary to keep the Program funded.)

Inspection/Licensing Programs

BRH has approximately 400 radioactive materials licenses. The Program's inspection frequencies are at least as frequent as NRC's. No inspections were overdue with respect to NRC inspection priorities. The Program maintains a database to monitor inspection scheduling and tracking. Management is aware of the importance of inspection program schedules. The Program has completed the first round of Increased Controls (IC) inspections and continues to conduct IC inspections.

The Program had no licensing actions that were overdue. The Program is aware of the requirement for "pre-licensing" visits. The Program hand delivers all new licenses and will not issue a license if the information gathered during the pre-licensing visit does not match the information provided in the license application.

Regulations

The Program has no overdue regulations. Responsibility for drafting regulations is now being split between BRH and the Division of Waste Management in the Bureau of Land and Waste Management, which is responsible for the oversight of the Barnwell radioactive waste disposal site and approximately 21 other licenses for waste-related operations. The State has the authority to issue legally binding requirements (e.g., license conditions) until compatible regulations become effective.

Event Reporting

The Program has reported 17 events to the NRC since the 2007 IMPEP review. The majority of the events reported are related to damaged tritium exit signs. Follow up and closure information are included in the State's NMED entries.

Response to Incidents and Allegations

BRH continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for the potential effect on public health and safety. Staff is dispatched to perform on-

site investigations when necessary. One allegation was referred from NRC to the program since the 2007 IMPEP review.

Significant Events and Generic Implications

BRH reported that no significant events have occurred since the 2007 IMPEP review. No generic implications have been identified.

Current State Initiatives

BRH has started to electronically scan all documents/files related to the x-ray program and will begin scanning all documents related to the radioactive materials program in the near future.

Emerging Technologies

None noted.

Large, Complicated, or Unusual Authorizations for Use of Radioactive Material

BRH has received a license amendment request for a new Perfexion gamma knife and has its first new radiography license which had to incorporate Increased Controls requirements prior to license issuance. The Program has not received any unusual requests for use of radioactive materials.

State's Mechanisms to Evaluate Performance

The Division does not have a formal mechanism to evaluate program performance. Since all licensing and inspection information is tracked on databases and spreadsheets, the Division Director periodically reviews the status of Program activities. The Division holds monthly staff meetings and monthly updates on the status of licensing actions.

Current NRC Initiatives

NRC staff discussed ongoing initiatives with the BRH staff. These included pre-licensing guidance, fingerprinting orders, national source tracking, web-based licensing, generally-licensed devices, and enhancements to the FSME website.

Summary

The South Carolina radioactive materials program continues to be a strong, stable Agreement State program. The Program staff is experienced and well trained. The Program has stable funding; however, budget issues continue to be a concern. With the increased focus on the safety and security of radioactive material, adequate program resources have become much more critical and the State is closely watching for the need to increase staffing when necessary.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2011 (tentatively July 2011).



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

November 13, 2009

Richard A. Haynes
Director
Division of Waste Management
Bureau of Land and Waste Management
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Dear Mr. Haynes:

A periodic meeting with your Office was held on August 5, 2009. The purpose of the meeting was to review and discuss the status of the South Carolina Department of Health and Environmental Control, Division of Waste Management's Agreement State program. The NRC was represented by Monica Orendi and me.

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 discussion, or have any additional remarks about the meeting in general, please contact me at (610) 337-5371, or email to Donna.Janda@nrc.gov to discuss your comments.

Sincerely,

/RA/

Donna M. Janda
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
DIVISION OF WASTE MANAGEMENT

DATE OF MEETING: August 5, 2009

NRC Attendees	South Carolina Division of Waste Management Attendees
Donna Janda, Region I RSAO	Richard Haynes, Director
Monica Orendi, FSME	Susan Jenkins, Manager, Infectious and Radioactive Waste Management Section

DISCUSSION:

The South Carolina Agreement State Program is located in the Department of Health and Environmental Control (DHEC). Within the DHEC, the Infectious and Radioactive Waste Management Section of the Division of Waste Management (DWM) in the Bureau of Land and Waste Management (Bureau), is responsible for the oversight of the Barnwell Low-Level Radioactive Waste (LLRW) Disposal Site and approximately 21 other licenses for waste-related operations.

In July 2007, the Integrated Materials Performance Evaluation Program (IMPEP) review team found the South Carolina DHEC Agreement State Program's (the Program) performance to be satisfactory for all common and non-common performance indicators. Additionally, no recommendations were made by the review team regarding the Program. On October 15, 2007, the Management Review Board (MRB) met to consider the IMPEP review team's proposed findings regarding the Program. The MRB found the Program adequate to protect public health and safety and compatible with the NRC's program. Based on the results of the IMPEP review, the review team recommended, and the MRB agreed, that the next full IMPEP review take place in approximately four years. The MRB also determined that a periodic meeting should take place in the summer of 2009. This summary describes this periodic meeting.

TOPICS COVERED DURING THE MEETING INCLUDED:

Program Strengths

A well-trained, stable, and experienced staff is a major strength of the Program. Additional strengths of the Program include involvement with Department of Homeland Security initiatives; maintaining an active role in the Conference of Radiation Control Program Directors; knowledge of Department of Transportation regulations which contributes to enhancement of the inspection program; participation in the Sealed Source and Device Working Group; and knowledge of depleted uranium issues.

Enclosure

Program Weaknesses

The DWM staff noted that a potential weakness of the Program is that several staff members are close to retirement age. The staff is addressing plans for knowledge management transfer in anticipation of the potential effects of staff retirements.

Feedback on the NRC's Program

The Program discussed past communication issues associated with receipt of NRC letters and electronic mail. This item was addressed during previous contacts between DWM management, FSME, and the Region I RSAOs. DWM management stated that there has been significant improvement in this area. The Program commented that the overall relationship with the NRC is good.

Agreement State Program Staffing and Training

The Program has been fully staffed for several years and consists of five technical staff, two administrative staff, and two supervisors, including the DWM Director. The Program noted that because the workload has decreased since the closure of the Barnwell radioactive waste disposal site to non-Compact licensees in June 2008, Program resources have been shifted from the radioactive waste program to Department of Energy activities. The Program expects to decrease staff by one full-time equivalent during the summer of 2010.

Organization

The Bureau has reorganized since the 2007 IMPEP review. There have been no changes to the Program's organization since the 2007 IMPEP.

Program Budget/Funding

The DWM Director stated that the radioactive waste program is fee-based and is adequately funded at this time. Licensee fees were increased by 50% since the last IMPEP (except for Barnwell fees which increased greater than 100%). The Program may reduce the fees for Barnwell in 2010. Fees generated from transportation permits have decreased significantly recently. The Program requires transporters to obtain permits to transport radioactive waste into or within the State.

Inspection/Licensing Programs

DWM has 22 specific licenses involving radioactive waste disposal, waste processing, waste research and development, and sites in the process of decommissioning. Six of these licenses are NORM licenses for water treatment systems. The Program's inspection frequencies are at least as frequent as NRC's. No inspections were overdue with respect to NRC inspection priorities. The Program maintains a database to monitor inspection scheduling and tracking. Management is aware of the importance of inspection program schedules.

The Program had no licensing actions that were overdue. The Program is aware of the requirement for "pre-licensing" visits. The Program hand delivers all new licenses and will not issue a license if the information gathered during the pre-licensing visit does not match the

information provided in the license application. The Barnwell disposal site license renewal is still under appeal.

Regulations

The Program has no overdue regulations. Responsibility for drafting regulations is now being split between DWM and BRH. The State has the authority to issue legally binding requirements (e.g., license conditions) until compatible regulations become effective.

Event Reporting

The Program has had no reportable events since the 2007 IMPEP review.

Response to Incidents and Allegations

DWM continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for the potential effect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. DWM has lead responsibility for responding to radiation alarms at metal recycling facilities and solid waste facilities. The Program staff is cognizant of NMED reporting requirements. There were no allegations referred from NRC to the program since the 2007 IMPEP review.

Significant Events and Generic Implications

DWM reported that no significant events have occurred since the 2007 IMPEP review. No generic implications have been identified.

Status of Low-Level Radioactive Waste Disposal Program

DWM staff members perform semi-annual inspections at the Barnwell Low-Level Radioactive Waste Disposal Site. DWM staff perform weekly inspections of disposal site status and operations. An onsite DWM inspector performs a separate weekly inspection of Phase I closure activities at the Barnwell site and inspects every shipment arriving at Barnwell. Recent activities at Barnwell include Phase I closure and capping of trenches and demolition of five onsite buildings. Extent of contamination studies of groundwater and surface water continue to be performed.

Current State Initiatives

The DWM staff has been actively involved in engaging public participation in groundwater studies at the Barnwell disposal site.

Emerging Technologies

None noted.

Large, Complicated, or Unusual Authorizations for Use of Radioactive Material

The Program received one licensing action in January 2009 for a new mixed waste facility which will require a radioactive waste license and a RCRA permit. This action is currently under review. The Program has not received any unusual requests for use of radioactive materials.

State's Mechanisms to Evaluate Performance

The Program evaluates program performance through tracking all licensing and inspection information on databases and spreadsheets. The Division Director periodically reviews the status of Program activities. Staff performance is tracked through annual Employee Performance and Development Plans.

Current NRC Initiatives

NRC staff discussed ongoing initiatives with the DWM staff. These included upcoming rulemaking, pre-licensing guidance, fingerprinting orders, national source tracking system, web-based licensing, generally-licensed devices, website for complex decommissioning sites, and enhancements to the FSME website.

Summary

The South Carolina radioactive waste program continues to be a strong, stable Agreement State program. The Program staff is experienced and well trained. The Program staff is addressing plans for knowledge management transfer in anticipation of the potential effects of staff retirements.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2011 (tentatively July 2011).