

RADIOLOGICAL HEALTH – Amendment

R.61-63, Radioactive Materials (Title A)

State Register Document 4791

Summary:

The federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear materials. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. *Id.* To renew South Carolina’s ongoing agreement with the Commission, the Department of Health and Environmental Control (“DHEC”) amends Regulation 61-63 for compliance with the Commission’s federal regulatory updates. The amendments add clarification or corrections to Parts II, V, VII, and XII of the regulation. Additionally, for Part II, the amendments enable specific licensees to install and service generally licensed devices. For Part XII, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material, the amendments enable individuals receiving security-related information to protect it from public disclosure. These amendments comply with federal regulations 10 CFR Parts 19, 20, 30, 31, 32, 34, 37, 40, 61 and 71.

In accordance with S.C. Code Section 1-23-120(H), the amendments did not require legislative review as DHEC promulgates the amendments to comply with federal law indicated above.

Link to Notice of Final Regulation: <http://www.scstatehouse.gov/reg/4791.docx>

History and Status:

Notice of Drafting published:	April 28, 2017
Drafting comment period closed:	May 29, 2017
Board approval to publish Notice of Proposed Regulation:	October 12, 2017
Notice of Proposed Regulation published:	October 27, 2017
Proposed Regulation comment period closed:	November 27, 2017
Public Hearings:	February 8, 2018 December 7, 2017 (cancelled)
Notice of Final Regulation published; Amendment took legal effect:	February 23, 2018

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