

40 CFR Part 63 Subpart FFFFF			
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Revision	Vol. 85	July 13, 2020	[85 FR 42074]
Revision	Vol. 85	July 24, 2020	[85 FR 44960]
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Revision	Vol. 90	July 3, 2025	[90 FR 29485]

Statement of Rationale:

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2024 and 2025 included revised NSPS rules and emission guidelines, revised NESHAP rules, and revised NESHAP for Source Categories. The Department is adopting these federal amendments to maintain compliance with federal law, as the EPA has delegated South Carolina authority for implementation and enforcement of these federal regulations. The Department is amending Regulation 61-62.60 to add Subpart OOOOc, Performance Standards and Compliance Times for Greenhouse Gas Emissions From Existing Crude Oil and Natural Gas Facilities, to indicate the applicability and scope of EPA emission guidelines provisions (found at 40 CFR Part 60, Subpart OOOOc) incorporated by the Department to ensure compliance with federal law.

Document No. 5454

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-40, 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-63. Radioactive Materials (Title A).

Synopsis:

Pursuant to S.C. Code Ann. Sections 13-7-40 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026, the South Carolina Department of Environmental Services (Department) has the authority to regulate radiation sources and to formulate, adopt, promulgate, and repeal rules and regulations relating to the control of ionizing radiation.

The United States Nuclear Regulatory Commission (NRC) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. The Department is amending R.61-63, Radioactive Materials (Title A), to incorporate several federal amendments, ensuring compliance with federal requirements found in 10 CFR Parts 30, 32, 35, and 71, as well as Section 274 of the Atomic Energy Act of 1954.

Federal amendments include revisions to 10 CFR Part 71, Packaging and Transportation of Radioactive Materials (RATS ID 2015-3). These federal amendments made conforming changes to the NRC's regulations, based on the International Atomic Energy Agency's standards for the international transportation of radioactive material, and maintain consistency with the United States Department of Transportation's (DOT) regulations. The Department is amending R.61-63, Radioactive Materials (Title A), as necessary to maintain compliance with these federal rules.

Additionally, the Department is amending R.61-63, Radioactive Materials (Title A), to incorporate an omitted table federal rule published on December 29, 1993, 58 FR 68730. This federal amendment outlines the requirement for establishing financial assurance for the decommissioning of licensed facilities.

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The Department is also amending R.61-63, Radioactive Materials (Title A), to incorporate non-substantive amendments published in the Federal Register on August 9, 2021, 86 FR 43397 (RATS ID 2021-1) and August 24, 2023, 88 FR 57873 (RATS ID 2023-1). These federal amendments include corrections for consistency, clarity, references, spelling, punctuation, formatting, and overall improvement of the text.

The Administrative Procedures Act, S.C. Code Ann. Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department makes them for compliance with federal law.

The Department had a Notice of Drafting published in the October 24, 2025, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-63, PART I: General Provisions		
RHA 1.12.2	Revision	Correction of a reference.
RHA 1.15.3.1	Revision	Amend to reference RHA 1.19[Appendix C].
RHA 1.15.3.2	Revision	Amend to reference RHA 1.19[Appendix C].
RHA 1.15.3.4	Revision	Amend to reference RHA 1.19[Appendix C].
RHA 1.15.10	Revision	Amend to reference RHA 1.19[Appendix C].
RHA 1.19[Appendix C]	Addition	Add previously omitted table used for determining financial assurance and decommissioning funding plan threshold limits.
R.61-63, PART II: Licensing of Radioactive Material		
RHA 2.7.5.1.2.1	Revision	Amend for compatibility with federal regulations correcting a reference (RATS-ID 2023-1).
RHA 2.22.1	Revision	Amend for compatibility with 10 CFR Part 71 by excepting certain requirements to eliminate duplication, gaps or incorporating terms reserved to the US NRC. Adds clarifying language regarding references to the NRC in 10 CFR Part 71. Corrects a typographical error.
RHA 2.22.1.2.2	Revision	Amend to clarify that only physicians licensed by the NRC, the Department, or another Agreement State are exempt from certain transportation requirements.
RHA 2.22.5	Addition	Add to correct a gap created by excepting 10 CFR 71.17 in RHA 2.22.1 and previously deleting the equivalent state requirement RHA 2.22.5.

RHA 2.22.6	Addition	Add to correct a gap created by excepting 10 CFR 71.21 in RHA 2.22.1 and previously deleting the equivalent state requirement RHA 2.22.6.
R.61-63, PART IV: Uses of Radionuclides in the Health Professions		
RHA 4.23.2.2	Revision	Amend to correct a phrase referencing broad scope licenses (RATS-ID 2021-1).

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

61-63. Radioactive Materials (Title A).

Statutory Authority: 1976 Code Sections 13-7-40, 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

Regulation RHA 1.12.2 shall be revised as follows:

1.12.2 The Department is authorized to hold public hearings, compel attendance of witnesses, make findings of fact and determinations, and to assess fines and civil penalties relating to violations of the provisions of the Act or any regulation, license or license condition, temporary or permanent order, or final determination of the Department. Any person violating any provision of the Act or any regulation, license or license condition, temporary or permanent order, or final determination of the Department is subject to the schedule of fines and civil penalties in RHA 1.16, Schedule A of this Part, provided that the maximum penalty for any violation shall not exceed twenty-five thousand dollars. Each day of noncompliance shall constitute a separate violation.

Regulation RHA 1.15.3.1 shall be revised as follows:

1.15.3.1 Authorizing the possession and use of unsealed byproduct material of half-life greater than 120 days and in quantities exceeding 10^5 times the applicable quantities set forth in Appendix C, RHA 1.19 or when a combination of isotopes is involved if R divided by 10^5 is greater than 1 (unity rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in Appendix C, RHA 1.19.

Regulation RHA 1.15.3.2 shall be revised as follows:

1.15.3.2 Authorizing the possession and use of sealed sources or plated foils of half-life greater than 120 days and in quantities exceeding 10^{12} times the applicable quantities set forth in Appendix C, RHA 1.19 (or when a combination of isotopes is involved if R, as defined in RHA 1.15.3.1, divided by 10^{12} is greater than 1).

Regulation RHA 1.15.3.4 shall be revised as follows:

1.15.3.4 Authorizing the possession of unsealed special nuclear material in quantities exceeding 10^5 times the applicable quantities set forth in Appendix C, RHA 1.19 or when a combination of isotopes is involved if R divided by 10^5 is greater than 1 (unity rule), where R is the sum of the ratios of the quantity of each isotope to the applicable value in Appendix C, RHA 1.19.

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Regulation RHA 1.15.10 shall be revised as follows:

1.15.10 Required Amounts of Financial Assurance for Decommissioning by Quantity of Material. Licensees required to submit the \$1,125,000 must do so by June 30, 2007. Licensees required to submit \$113,000 or \$225,000 amount must do so by June 30, 2007. Licensees having possession limits exceeding the upper bounds of this table must base financial assurance on a decommissioning funding plan.

TABLE I

(i) greater than 10^4 but less than or equal to 10^5 times the applicable quantities of Appendix C, RHA 1.19 in unsealed form. (For a combination of isotopes, if R, as defined in RHA 1.15.3.1, divided by 10^4 is greater than 1 but R divided by 10^5 is less than or equal to 1)	\$1,125,000
(ii) greater than 10^3 but less than or equal to 10^4 times the applicable quantities of Appendix C, RHA 1.19 in unsealed form. (For a combination of isotopes, if R, as defined in RHA 1.15.3.1, divided by 10^3 is greater than 1 but R divided by 10^4 is less than or equal to 1.)	\$225,000
(iii) greater than 10^{10} times the applicable quantities of Appendix C, RHA 1.19 in sealed sources or plated foils. (For a combination of isotopes, if R, as defined in RHA 1.15.3.1, divided by 10^{10} is greater than 1, but R divided by 10^{12} is less than or equal to 1.)	\$113,000

Regulation RHA 1.19 shall be added as follows:

RHA 1.19 [Appendix C] Quantities of Licensed Material Used for Establishing Financial Assurance for Decommissioning

Materials	Microcuries
Americium-241	.01
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	100
Arsenic-74	10
Arsenic-76	10
Arsenic-77	100
Barium-131	10
Barium-133	10
Barium-140	10
Bismuth-210	1
Bromine-82	10
Cadmium-109	10
Cadmium-115m	10
Cadmium-115	100
Calcium-45	10
Calcium-47	10
Carbon-14	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Cesium-131	1,000
Cesium-134m	100

Cesium-134	1
Cesium-135	10
Cesium-136	10
Cesium-137	10
Chlorine-36	10
Chlorine-38	10
Chromium-51	1,000
Cobalt-58m	10
Cobalt-58	10
Cobalt-60	1
Copper-64	100
Dysprosium-165	10
Dysprosium-166	100
Erbium-169	100
Erbium-171	100
Europium-152 9.2h	100
Europium-152 13 yr	1
Europium-154	1
Europium-155	10
Fluorine-18	1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-72	10
Germanium-71	100
Gold-198	100
Gold-199	100
Hafnium-181	10
Holmium-166	100
Hydrogen-3	1,000
Indium-113m	100
Indium-114m	10
Indium-115m	100
Indium-115	10
Iodine-125	1
Iodine-126	1
Iodine-129	0.1
Iodine-131	1
Iodine-132	10
Iodine-133	1
Iodine-134	10
Iodine-135	10
Iridium-192	10
Iridium-194	100
Iron-55	100
Iron-59	10
Krypton-85	100
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100
Manganese-52	10
Manganese-54	10

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Manganese-56	10
Mercury-197m	100
Mercury-197	100
Mercury-203	10
Molybdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	100
Nickel-63	10
Nickel-65	100
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	10
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	100
Palladium-109	100
Phosphorus-32	10
Platinum-191	100
Platinum-193m	100
Platinum-193	100
Platinum-197m	100
Platinum-197	100
Plutonium-239	.01
Polonium-210	0.1
Potassium-42	10
Praseodymium-142	100
Praseodymium-143	100
Promethium-147	10
Promethium-149	10
Radium-226	.01
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	100
Rubidium-86	10
Rubidium-87	10
Ruthenium-97	100
Ruthenium-103	10
Ruthenium-105	10
Ruthenium-106	1
Samarium-151	10
Samarium-153	100
Scandium-46	10
Scandium-47	100
Scandium-48	10
Seleium-75	10
Silicon-31	100
Silver-105	10

Silver-110m	1
Silver-111	100
Sodium-24	10
Strontium-85	10
Strontium-89	1
Strontium-90	0.10
Strontium-91	10
Strontium-92	10
Sulphur-35	100
Tantalum-182	10
Technetium-96	10
Technetium-97m	100
Technetium-97	100
Technetium-99m	100
Technetium-99	10
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	100
Tellurium-129m	10
Tellurium-129	100
Tellurium-131m	10
Tellurium-132	10
Terbium-160	10
Thallium-200	100
Thallium-201	100
Thallium-202	100
Thallium-204	10
Thorium (natural) ¹	100
Thulium-170	10
Thulium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Uranium (natural) ²	100
Uranium-233	.01
Uranium-234--Uranium-235	.01
Vandium-48	10
Xenon-131m	1,000
Xenon-133	100
Xenon-135	100
Ytterbium-175	100
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10

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Zirconium-95	10
Zirconium-97	10
Any alpha-emitting radionuclide not listed above or mixtures of alpha-emitters of unknown composition	.01
Any radionuclide other than alpha-emitting radionuclides, not listed above or mixtures of beta-emitters of unknown composition	.1

¹Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.

²Based on alpha disintegration rate of U-238, U-234, and U-235.

Note: For purposes of RHA 3.29.2, where there is involved a combination of isotopes in known amounts, the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity").

Regulation RHA 2.7.5.1.2.1 shall be revised as follows:

2.7.5.1.2.1 Registered with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.17(a);

Regulation RHA 2.22.1 shall be revised as follows:

2.22.1 The transportation of radioactive material shall be in accordance with the requirements in 10 CFR Part 71, which is incorporated by reference, with the exception of the following sections: 71.2, 71.4, 71.6, 71.8, 71.11, 71.12, 71.13, 71.14(b), 71.17, 71.19, 71.21, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.52, 71.53, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.91(c), 71.91(d), 71.99, 71.100, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(c)(2), 71.101(d), 71.101(e), 71.101(g), 71.103(a), 71.106, 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, 71.125, and 71.135. The provisions of this section apply to the transportation of radioactive material, or delivery of radioactive material to a carrier for transportation, regardless of whether or not the carrier is also subject to the rules and regulations of the Nuclear Regulatory Commission contained in Title 10 CFR Part 71 and other agencies of the United States having jurisdiction. With the exception of 10 CFR 71.10, a reference to "NRC" or "Commission" in 10 CFR Part 71, as incorporated, means the "South Carolina Department of Environmental Services."

Regulation RHA 2.22.1.2.2 shall be revised as follows:

2.22.1.2.2 Any physician licensed by a State to dispense drugs in the practice of medicine is exempt from RHA 2.22.1 with respect to transport by the physician of licensed material for use in the practice of medicine. However, any physician operating under this exemption must be licensed under 10 CFR 35, Part IV of these regulations or the equivalent Agreement State regulations.

Regulation RHA 2.22.5 shall be added as follows:

2.22.5 General license: NRC-approved package.

2.22.5.1 A general license is issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, Certificate of Compliance (CoC), or other approval has been issued by the Nuclear Regulatory Commission.

2.22.5.2 This general license applies only to a licensee who has a quality assurance program approved by the Nuclear Regulatory Commission as satisfying the provisions of 10 CFR 71 subpart H.

2.22.5.3 Each licensee issued a general license under 2.22.5.1 of this section shall:

2.22.5.3.1 Maintain a copy of the Certificate of Compliance, or other approval of the package, and the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken before shipment;

2.22.5.3.2 Comply with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of 10 CFR 71 subparts A, G, and H or equivalent State regulations; and

2.22.5.3.3 Submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in 10 CFR 71.1(a), the licensee's name and license number and the package identification number specified in the package approval.

2.22.5.4 This general license applies only when the package approval authorizes use of the package under this general license.

2.22.5.5 For a Type B or fissile material package, the design of which was approved by Nuclear Regulatory Commission before April 1, 1996, the general license is subject to the additional restrictions of 10 CFR 71.19.

Regulation RHA 2.22.6 shall be added as follows:

2.22.6 General license: Use of foreign-approved package.

2.22.6.1 A general license is issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package, the design of which has been approved in a foreign national competent authority certificate, that has been revalidated by the DOT as meeting the applicable requirements of 49 CFR 171.23.

2.22.6.2 Except as otherwise provided in this section, the general license applies only to a licensee having a quality assurance program approved by the Nuclear Regulatory Commission as satisfying the applicable provisions of 10 CFR 71 subpart H.

2.22.6.3 This general license applies only to shipments made to or from locations outside the United States.

2.22.6.4 Each licensee issued a general license under 2.22.6.1 of this section shall:

2.22.6.4.1 Maintain a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and

2.22.6.4.2 Comply with the terms and conditions of the certificate and revalidation, and with the applicable requirements of 10 CFR 71 Subparts A, G, and H.

Regulation RHA 4.23.2.2 shall be revised as follows:

4.23.2.2 Physicians, dentists, or podiatrists not identified as authorized users for the medical use of radioactive material on a license issued by the Nuclear Regulatory Commission or an Agreement State, a permit issued by a Nuclear Regulatory Commission master material licensee, a permit issued by a Nuclear Regulatory

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Commission or an Agreement State broad scope license, or a permit issued in accordance with a Commission master material broad scope license on or before October 24, 2005, need not comply with the training requirements of subparts D through H of this part for those materials and uses that these individuals performed on or before October 24, 2005, as follows:

Statement of Rationale:

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. To renew South Carolina's ongoing agreement with the Commission, the South Carolina Department of Environmental Services is amending Regulation 61-63 for compatibility with the Commission's federal regulatory updates.