

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Published December 22, 2006

Volume 30 Issue No. 12

This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

South Carolina State Register

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2006 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run

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 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: www.scstatehouse.net

DOC No.	RAT FINAL No. ISSUE	SUBJECT	EXP. DATE	AGENCY
3002		Shellfish	1/12/07	Department of Health and Envir Control
3047		Milk Producers Tax Credit	1/15/07	Department of Agriculture
2927		The Practice of Selling and Fitting Hearing Aids	1/31/07	Department of Health and Envir Control
3057		Retail Licenses And Partnerships	2/01/07	Department of Revenue
3056		End-of-Course Tests	2/01/07	Department of Education
3059		Highway Advertising Control	3/06/07	Department of Transportation
3042		Practice and Procedures	3/20/07	Public Service Commission
3061		Termination of the SCAAIP Joint Underwriting Association	3/21/07	Department of Insurance
3052		Telecommunications Utilities	4/09/07	Public Service Commission
3055		Public Swimming Pools	5/09/07	Department of Health and Envir Control
3069		Air Pollution Control	5/09/07	Department of Health and Envir Control

Committee Requested Withdrawal:

3021	Penalties Noncompliance Regulated Child Care Settings	Department of Social Services
3022	Licensing of Residential Group Care Organ for Children	Department of Social Services

Permanently Withdrawn: None

Resolution Introduced to Disapprove

2 EXECUTIVE ORDERS

EXECUTIVE ORDER NUMBER 2006-13

WHEREAS, a vacancy exists in the office of the Sixth Judicial Circuit Solicitor, as a result of the death of John R. Justice; and

WHEREAS, Judge Brooks P. Goldsmith, residing in the Sixth Judicial Circuit, has certified the vacancy to the undersigned; and

WHEREAS, the undersigned is authorized to appoint a Solicitor in the event of a vacancy pursuant to Sections 1-3-220(1) and 1-7-390 of the South Carolina Code of Laws, as amended; and

WHEREAS, Douglas Arnold Barfield, Jr., a resident of Lancaster County, South Carolina, is a fit and proper person to serve as Solicitor of the Sixth Judicial Circuit.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Douglas Arnold Barfield, Jr., as Solicitor of the Sixth Judicial Circuit.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12TH DAY OF OCTOBER 2006.**

**MARK SANFORD
Governor**

EXECUTIVE ORDER NUMBER 2006-14

WHEREAS, Eric Bedingfield resigned as a member of the Greenville County Council, District 28, effective November 6, 2006; and

WHEREAS, the undersigned is authorized to appoint county officers in the event of a vacancy pursuant to Sections 1-3-220(2) and 4-11-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, G. Frederick Payne, a resident of Simpsonville, South Carolina, is a fit and proper person to serve as a member of the Greenville County Council.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint G. Frederick Payne as a member of the Greenville County Council, District 28, effective immediately, and shall remain effective until Eric Bedingfield's successor qualifies and takes office.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8th DAY OF NOVEMBER, 2006.**

**MARK SANFORD
Governor**

EXECUTIVE ORDER NO. 2006-15

WHEREAS, the State Grand Jury of South Carolina indicted Alen Lenneau Berry, Mayor of the Town of Latta, on November 14, 2006, for willfully, dishonestly, and with bad-faith and corrupt intent, engaging in acts and omissions of misconduct in office, the misuse of Town of Latta property, funds and resources and the obstruction of justice in his role as Mayor of the Town of Latta; and

WHEREAS, the above-referenced indictment is for crimes that involve moral turpitude and the appropriation of public funds to private use by an officer of the State or its political subdivision; and

WHEREAS, Article VI, Section 8 of the South Carolina Constitution provides that upon indictment by a grand jury for the appropriation of public funds to private use by an officer of the State or its political subdivision, “[t]he Governor shall suspend such officer”; and

WHEREAS, Article VI, Section 8 of the South Carolina Constitution further provides that “[a]ny officer of the State or its political subdivisions . . . , who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted.”; and

WHEREAS, Alen Lenneau Berry, is an officer of the State or its political subdivisions; and

WHEREAS, a certified true copy of the indictment against Alen Lenneau Berry has been provided to me.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend Alen Lenneau Berry from the office of Mayor of the Town of Latta. This suspension shall remain in effect until such time as he shall be formally acquitted or convicted.

This action in no manner addresses the question of the guilt or innocence of Mr. Berry and should not be construed as an expression of any opinion one way or another on such question.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS ____ DAY OF NOVEMBER, 2006.**

**MARK SANFORD
Governor**

EXECUTIVE ORDER NUMBER 2006-16

WHEREAS, a vacancy exists in the office of the Sixteenth Judicial Circuit Solicitor, as a result of the resignation of Thomas E. Pope, effective November 16, 2006; and

WHEREAS, Judge John C. Hayes, III, residing in the Sixteenth Judicial Circuit, has certified the vacancy to the undersigned; and

4 EXECUTIVE ORDERS

WHEREAS, the undersigned is authorized to appoint a Solicitor in the event of a vacancy pursuant to Sections 1-3-220(1) and 1-7-390 of the South Carolina Code of Laws, as amended; and

WHEREAS, Kevin Scott Brackett a resident of York County, South Carolina, is a fit and proper person to serve as Acting Solicitor of the Sixteenth Judicial Circuit.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Kevin Scott Brackett as Acting Solicitor of the Sixteenth Judicial Circuit.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 10th DAY OF NOVEMBER 2006.**

**MARK SANFORD
Governor**

EXECUTIVE ORDER NUMBER 2006-17

WHEREAS, Section 53-5-20 of the South Carolina Code of Laws allows the Governor to declare Christmas Eve of each year a holiday for state government employees; and

WHEREAS, I encourage all state government employees to celebrate the holiday season by spending time with family members and loved ones and to reflect on the blessings of the past year and look forward to the advent of the New Year.

NOW, THEREFORE, pursuant to Section 53-5-20 of the South Carolina Code of Laws, I hereby declare Friday, December 22, 2006, as the Christmas Eve holiday for state government employees.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 21st DAY OF NOVEMBER, 2006.**

**MARK SANFORD
Governor**

EXECUTIVE ORDER NO. 2006-18

WHEREAS, Barbara T. Wasson has resigned as Laurens County Clerk of Court, effective December 4, 2006; and

WHEREAS, the undersigned is authorized to appoint a County Clerk of Court in the event of a vacancy pursuant to Sections 1-3-220(2), 4-11-20(1) and 14-17-30 of the South Carolina Code of Laws, as amended; and

WHEREAS, Lynn W. Lancaster, residing at 30 Hillbrook Road, Laurens, South Carolina, 29360, is a fit and proper person to serve as the Laurens County Clerk of Court.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Lynn W. Lancaster as Clerk of Court of Laurens County until the next general election for this office and until her successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 4th DAY OF DECEMBER 2006.**

**MARK SANFORD
Governor**

EXECUTIVE ORDER NO. 2006-19

WHEREAS, a vacancy exists in the office of Dorchester County Treasurer as a result of the resignation of Patsy G. Knight on December 2, 2006; and

WHEREAS, the undersigned is authorized to appoint a County Treasurer in the event of a vacancy pursuant to Sections 1-3-220(2), 4-11-20(1) and 12-45-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, Mary L. Pearson of 142 Botany Bay Boulevard, North Charleston, South Carolina 29418-3004, is a fit and proper person to serve as the Treasurer of Dorchester County.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Mary L. Pearson as Treasurer of Dorchester County until the next general election and until her successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 5th DAY OF DECEMBER, 2006.**

**MARK SANFORD
Governor**

6 NOTICES

STATE DEPARTMENT OF EDUCATION NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina Public School Facilities Committee, authorized by S.C. Code Ann. § 59 -23-210 (Supp. 2005), approved the *2007 South Carolina School Facilities Planning and Construction Guide (2007 Guide)* on October 12, 2006. The document can be found on the Web site of the Office of School Facilities (OSF), State Department of Education, at the following address: www.ed.sc.gov/office/sf/2007GuideBook.pdf

The following codes and standards, in addition to the *2007 Guide*, shall establish minimum standards for South Carolina public schools. They will be effective March 15, 2007.

1. The codes established in the 2003 International Building Code, the 2003 International Existing Building Code, the 2003 International Plumbing Code, the 2003 International Mechanical Code, the 2003 International Fuel Gas Code, the 2003 International Fire Code, and the 2003 International Energy Conservation Code as published by the International Codes Council. These International Codes are adopted with the inclusion of Chapter 1 (see item 9 below) and with the South Carolina Board of Building Codes Council modifications.
2. The 2002 National Electrical Code as published by the National Fire Protection Association (NFPA). As of July 1, 2007, the 2005 National Electric Code will be effective.
3. The 2007 National Fire Alarm Code (NFPA 72).
4. The South Carolina State Fire Marshal's Regulations.
5. The South Carolina Elevator Code and Regulations.
6. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1 (2004).
7. ASHRAE 62.1 (2004).
8. The American Society of Civil Engineers (ASCE) 7 (2005).
9. Where the above basic governing codes do not adequately provide for every contingency, conformance with NFPA Standards, American National Standards Institute, or other nationally recognized and accepted standards in effect at the time of the submittal to OSF shall be evidence of compliance with the intent of the *2007 Guide*. The provision of such standards shall be followed unless deviation is approved by OSF.
10. However, the provisions of the codes referenced herein that concern the qualifications, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, and assistants do not apply unless deemed applicable by OSF.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #06-530-GP-N
December 22, 2006

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-04) "Concrete Batch Plants." This general permit was previously open for a thirty (30) day public comment period on June 9, 2006, with final issuance on July 10, 2006. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), DHEC may now grant coverage to any qualified source seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62.1 "Air Pollution Control Regulations and Standards," the following sources are hereby granted permission to discharge air contaminants into the

ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications, and other information submitted by each facility in its General Conditional Major Permit application. Any facility operating under this permit seeks to limit its potential to emit below the thresholds which define a major source by complying with the federally enforceable conditions contained in this permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to: Ms. Rhonda B. Thompson, P.E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

Berkeley County

Burgess Brogdon Building Supply, Inc. (Cross)
Highway 708 Angels Landing Road
Cross, South Carolina
(Permit No. GCM04-9900-0436)

Charleston County

Wando Concrete
2025 Cherry Hill Lane
North Charleston, South Carolina
(Permit No. GCM04-9900-0385)

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #06-529-GP-N
December 22, 2006

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following source(s) who have requested coverage under General Conditional Major Operating Permit (GCMP-02) "Fuel Combustion Operations." This general permit was previously open for a thirty (30) day public comment period on December 20, 2005, with final issuance on April 1, 2006. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), DHEC may now grant coverage to any qualified source seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62.1 "Air Pollution Control Regulations and Standards," the following source is hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications, and other information submitted by each facility in its General Conditional Major Permit application. Any facility operating under this permit seeks to limit its potential to emit below the thresholds

8 NOTICES

which define a major source by complying with the federally enforceable conditions contained in the permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to: Ms. Rhonda B. Thompson, P.E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

Hampton County

Federal Correctional Institute (Estill)
100 Prison Road
Estill, South Carolina
(Permit No. GCM02-1280-0025)

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication December 22, 2006, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Construction of a Long Term Acute Care Hospital (LTACH) consisting of thirty-four (34) general acute care beds and six (6) nursing homes beds that do not participate in the Medicaid (Title XIX) Program.
Savannah River Specialty Hospital, Inc.
Aiken, South Carolina
Project Cost: \$16,605,213

Affecting Charleston County

Addition of fifteen (15) comprehensive rehabilitation beds to be located in the 2 Center Main Hospital.
Medical University of South Carolina Medical Center
Charleston, South Carolina
Project Cost: \$1,575,700

Affecting Greenville County

Conversion of ten (10) existing hospital based nursing home beds at Allen Bennett Memorial Hospital (ABMH) to general acute care beds for a total of sixty-eight (68) acute care beds at ABMH; these ten (10) acute care beds will subsequently be relocated to Greer Memorial Hospital (GMH) upon the opening of GMH and the closure of ABMH for a total of eighty-two (82) acute care beds at GMH.
Greenville Hospital System
Greer, South Carolina

Project Cost: \$0

Affecting Greenwood County

Upfit of shelled space for the addition of a third cardiac catheterization lab.

Self Regional Healthcare
Greenwood, South Carolina
Project Cost: \$3,100,000

Affecting Spartanburg County

Construction of a third (3rd) and fourth (4th) Operating Room for Ambulatory Surgery.

Spartanburg Urology Surgicenter, LP
Spartanburg, South Carolina
Project Cost: \$ 8,411,553

Upfit of shelled space for the addition of one (1) operating room (OR)

Mary Black Memorial Hospital
Spartanburg, South Carolina
Project Cost: \$892,775

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning December 22, 2006. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Charleston County

Renovation for the addition of thirteen (13) comprehensive rehabilitation beds for a total of fifty-two (52) comprehensive rehabilitation beds resulting in a total licensed capacity of three-hundred sixteen (316) general acute care beds and fifty-two (52) comprehensive rehabilitation beds.

Roper Hospital, Inc.
Charleston, South Carolina
Project Cost: \$3,119,503

Affecting Horry County

Establishment of a 24-bed Inpatient Hospice Facility by conversion of part of the facility formerly known as Jordan Care Center.

Agape Hospice House of Horry County
Conway, South Carolina
Project Cost: \$992,510

Establishment of a nursing home by conversion of part of the facility formerly known as Jordan Care Center with seventy-two (72) nursing home beds that will not participate in the Medicaid (Title XIX) Program.

Agape Rehabilitation of Conway, Inc.
Conway, South Carolina
Project Cost: \$2,635,530

Construction of a new bed tower to consolidate and enlarge the cardiovascular services areas, addition of 50 bed general hospital beds for a total of 269 general hospital beds, expansion of the emergency department, and addition of a 64-slice CT scanner.

10 NOTICES

Grand Strand Regional Medical Center
Myrtle Beach, South Carolina
Project Cost: \$ 57,147,715

Affecting Sumter County

Replacement of the existing 0.35T Magnetic Resonance Imaging (MRI) unit with a 1.0T MRI unit.
Tuomey Healthcare System – Outpatient Imaging Center
Sumter, South Carolina
Project Cost: \$2,559,733

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1. the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than **January 22, 2007** to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following companies and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Class II

Brown Remediation, Inc.
Attn: Tom Brown
227 Sandy Springs Place, Ste D-122
Atlanta, GA 30328-5918

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
PERPETUAL CARE CEMETERY BOARD**

NOTICE

In accordance with Section 1-23-40 of the 1976 Code of Laws of South Carolina, as amended, notice is hereby given that the State Perpetual Care Cemetery Board of South Carolina has adopted the following statement as guidance for perpetual care cemeteries under the South Carolina Perpetual Care Cemetery Act. For purposes of discipline and licensure in matters before the Board, failure to practice in compliance with this statement may lead to discipline as a violation of the Perpetual Care Cemetery Act (40-8-10, et seq.).

S.C. Code Sections 40-8-100 and 40-8-110(G) require that the Care and Maintenance Trust Fund and Merchandise Account required of all perpetual care cemeteries be examined yearly by a licensed public accountant to ascertain that the balances in these funds and accounts reflect the amounts required by the statutes. In order to protect the public and provide for an orderly, efficient examination process while exposing the perpetual care cemeteries licensed by the Board to the least costs as possible, the Perpetual Care Cemetery Board has adopted the following interpretation of the minimum requirements necessary to meet the intent of an examination required under the law.

As of the effective date of the requirement for reporting and examination, January 1, 2003, arrangements should be made with a member of the two licensed public accountant groups permitted under the Accountancy law to issue opinions on the accuracy of financial information (Certified Public Accountants (CPA) and Public Accountants (PA)), in order to determine that the balances in the funds reported to the Board by the licensee are accurate and represent the amounts required by the Perpetual Care Cemetery Law. Discrepancies from the required amounts should be explained in the Accountants Report, which should be submitted to the Board.

The CPA or PA should follow the standards of his or her profession in performing this examination. However, to facilitate this initial examination, the Board has adopted Suggested Procedures for the Examination of the Care and Maintenance Trust Fund and Merchandise Account by a Licensed Certified Public Accountant or a Licensed Public Accountant and has published these procedures separately.

After this initial examination, an examination of the trust funds and merchandise accounts by a CPA or PA will be required every third year. Each year an official of the cemetery company must certify that the information reported on the annual financial reports required by the Board is true and correct.

Although a cemetery that conducts itself in accordance with this policy will avoid disciplinary action by the Perpetual Care Cemetery Board, a cemetery may still face civil liability under some circumstances, and should therefore consult private counsel where doubt exists as to what actions are appropriate.

12 DRAFTING

**CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27**

Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission is contemplating drafting regulations concerning the use of methyl bromide in the treatment of tree seedlings prior to shipping interstate and intrastate. Please address all comments to Christel Harden, Department of Plant Industry, 511 Westinghouse Road, Pendleton, S. C. 29670. To be considered comments must be received no later than 5:00 P.M., on January 30 2007, the close of the drafting comment period.

Synopsis:

Fumigation with Methyl Bromide is considered the best method to ensure that plant seedlings are free from pests and diseases, including but not limited to, cogongrass, *Imperata cylindrica* ; tropical soda apple, *Solanum viarum* ; and sudden oak death, *Phytophthora ramorum* . Methyl Bromide is a restricted use pesticide which may be used only in specified situations. The purpose of this regulation is to designate such a situation

Legislative review of this proposal will be required.

**DEPARTMENT OF INSURANCE
CHAPTER 69**

Statutory Authority: 1976 Code Sections 38-3-110, 38-9-180, 1-23-110 *et seq.*

69-57.2. Recognition of Preferred Mortality Tables for use in Determining Minimum Reserve Liabilities

Notice of Drafting:

The South Carolina Department of Insurance proposes to create Regulation 69-57.2 in order to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between Preferred and Standard lives in determining minimum reserve liabilities, in accordance with applicable provisions of South Carolina Code of Laws Section 38-9-180, the Standard Valuation Law, and Regulation 69-57, Valuation of Life Insurance Policies. To be considered, comments must be received no later than 5:00 p.m. on January 26, 2007, the close of the drafting comment period. Comments regarding this notice should be directed to:

Leslie M. Jones, A.S.A., M.A.A.A.
Executive Assistant to the Director & Consulting Actuary
South Carolina Department of Insurance
145 King Street, Suite 207
Charleston, South Carolina 29401
843-579-0527

Synopsis:

The 2001 CSO mortality table does not currently make allowances for preferred underwriting classes. The proposed regulation is based upon a recently approved NAIC model regulation. The regulation requires insurers electing to use the preferred class structure mortality table to report certain information, including mortality experience, unless exempted from this requirement by the Director.

Legislative review of this proposal will be required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

Chapter 71

Statutory Authority: 1976 Code Section 23-9-60

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal proposes to amend Regulations 71-8300 through 71-8301 as well as 71-8303 through 71-8312. Interested persons may submit comments to John Reich, Deputy Director of the Division of Fire and Life Safety, 141 Monticello Trail, Columbia, South Carolina 29203. The Office specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modification.

Synopsis:

The Office of State Fire Marshal proposes to update, and clarify existing regulations and to make the current regulations agree with current statutory language and format.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD**

CHAPTER 137

Statutory Authority: 1976 Code Sections 40-60-60 and 40-60-90

Notice of Drafting:

The Real Estate Appraisers Board is considering amendments to Regulations 137-100.01 through 137-900.09 regarding educational requirements of applicants and licensees. Written comments may be submitted to Jay Pitts, Board Administrator, at 110 Centerview Drive, Second Floor, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of the amendments to Regulation 137-100.01 through 137-900.09 is to establish procedures for applicants and licensees regarding educational requirements as well as to update and clarify current language.

14 PROPOSED REGULATIONS

Document No. 3104
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Section 6-9-40

Preamble:

The South Carolina Building Codes Council proposes to modify the National Electrical Code, 2005 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, including proposed modifications. The modification provides an additional exception to allow the omission of arc-fault protectors on dedicated circuits in bedrooms serving smoke detectors only. These provisions will be established in regulations designated under Article 5—National Electrical Code.

Section by Section Discussion

Add new Article 5—National Electrical Code.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Court at 1:00 p.m. on Wednesday, February 7, 2007. Written comments may be directed to Gary F. Wiggins, Administrator, Building Codes Council, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Wednesday, January 24, 2007.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

The Building Codes Council has determined that the modification of the National Electrical Code is in accordance with the statutory amendments to acts governing the Building Codes Council.

DESCRIPTION OF REGULATION:

Purpose: To add the modification to the National Electrical Code to current regulations.

Legal Authority: Statutory Authority: 1976 Code Section 6-9-40.

Plan for Implementation: Administratively, the Council will see that this provision is implemented by informing code enforcement officials and persons in the building industry and related professions through written and oral communications.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

This regulation needs to be added in conformance with current statutory provision.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

This regulation will have no detrimental effect on the environment and public health of this State if it is not implemented.

Statement of Rationale:

This National Electrical Code is based upon the scientific and technical expertise of the National Fire Protection Association (NFPA). For a discussion of the scientific and technical basis for this updated edition of the National Electrical Code, see www.NFPA.com. The modification above is based upon the technical expertise of the study committee established by the Building Codes Council pursuant to Section 6-9-40.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 3105

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71**

Statutory Authority: 1976 Code Section 41-15-220

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health proposes to amend Regulation 71, Article I, Subarticle 3 to reflect changes since its promulgation.

Section-by-Section Discussion:

Regulation 71, Article 1, Subarticle 3, SCRR 71-339

Updates the telephone number to be used to report fatalities and multiple hospitalization incidents to the Director of the South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Regulation 71, Article 1, Subarticle 3 of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on Wednesday, February 7, 2006. Written comments may be directed to Gwendolyn Thomas, South Carolina Occupational Safety and Health Administration Standards Office, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00p.m., Wednesday, January 24, 2007.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: Revise guidelines for reporting fatalities and multiple hospitalization incidents.

Legal Authority: 1976 Code, Section 41-15-220; 29 USC 667(C)(7)

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Department will post the revised regulation on the agency's Web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health operates an Occupational Safety and Health plan approved by the United States Department of Labor. As a requirement of that approval, the Department is required to have recordkeeping regulations that produce records and statistical data that are identical to those promulgated by the United States Department of Labor. The proposed regulation will define requirements for contacting the South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health in the event of a fatality or a multiple hospitalization incident giving specific telephone numbers for that purpose.

DETERMINATION OF COSTS AND BENEFITS:

No additional costs will result from these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the Board's function of protecting public health in the state of South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

STATEMENT OF RATIONALE:

There were no scientific or technical basis relied upon in developing the regulation.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 3103
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN OPTOMETRY
CHAPTER 95

Statutory Authority: 1976 Code Section 40-37-10, et seq.

Preamble:

The Department of Labor, Licensing and Regulation, Board of Examiners in Optometry, proposes to repeal existing Regulations 95-1 through 95-20 and add new Regulations 95-1 through 95-6 in conformance with 2005 Act 135.

Section by Section Discussion

- 95-1 Prescribing Contact Lenses as Practice of Optometry.
Describes the prescribing of contact lenses.
- 95-2 Advertisements
Clarifies representation requirements by optometrists.
- 95-3 Licensure Requirements.
Clarifies licensure educational requirements for optometrists.
- 95-4. Continuing Education.
Clarifies continuing education for optometrists.
- 95-5 Licensure By Endorsement.
Clarifies licensure by endorsement requirements for optometrists.
- 95-6. Professional Standards For Patient Records.
Clarifies records management and compliance with the S.C. Physicians' Patient Records Act.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at 10:00 a.m. on Thursday, February 8, 2007. Written comments may be directed to Angie Combs, Administrator, Board of Examiners in Optometry, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Thursday, January 25, 2007.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The Department is updating the regulations by removing outdated language, in conformance with 2005 Act 135.

Legal Authority: 1976 Code, Section 40-37-10, et seq.

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Plan for Implementation: These regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the regulations and post the regulations on the agency's web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The regulations will establish enhanced communication between licensees and the public.

DETERMINATION OF COSTS AND BENEFITS:

The standardized format of the regulations will assist other regulatory entities with locating requirements within the regulations. There will be no cost increases to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effects on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Implementation of these regulations will allow improvement in communication to the public.

Statement of Rationale:

The purpose of Regulations 95-1 through 95-6 is to update regulations in conformance with 2005 Act 135.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 3102
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN PSYCHOLOGY
CHAPTER 100
Statutory Authority: 1976 Code Section 40-55-40

Preamble:

The Department of Labor, Licensing and Regulation, Board of Examiners in Psychology, proposes to revise existing regulations by repealing Regulation 100-5 and amending Regulations 100-1, 100-3, 100-4, 100-8 and 100-10 which includes all provisions governing specialty designations and amending other regulations accordingly.

Section by Section Discussion

- 100-1. Application for License to Practice Psychology.
100-1(A)(5); 100-1(D); 100-1(E) Deletes references to specialty designations.
- 100-3. Renewal of Licenses.
Delete reference to specialty designation
- 100-4. Code of Ethics.
100-4(C)(1); 100-4(C)(2) Deletes references to specialty designations.
- 100-5. Specialty Guidelines.

Repealed in its entirety.

100-8. Guidelines for the Employment and Supervision of Unlicensed Persons Providing Psychological Services.

100-8(A) Deletes references to specialty designations.

100-10. Continuing Education Credits.

100-10(B)(1); 100-10(B)(1)(A) Deletes references to specialty designations.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at 2:00 p.m. on Thursday, February 8, 2007. Written comments may be directed to Patricia F. Glenn, Administrator, Board of Examiners in Psychology, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January, 25, 2007.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The Department is updating the regulation by removing outdated language.

Legal Authority: 1976 Code, Section 40-55-40.

Plan for Implementation: These regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the regulations and post the regulations on the agency's Web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The regulations will establish enhanced communication between licensees and the public.

DETERMINATION OF COSTS AND BENEFITS:

The standardized format of the regulations will assist other regulatory entities with locating requirements within the regulations. There will be no cost increases to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effects on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Implementation of these regulations will allow improvement in communication to the public.

Statement of Rationale:

The purpose of the repeal of Regulation 100-5 is to recognize that the practice of psychology has evolved. Existing specialty descriptions do not identify the services provided by individual licensees in current terms and are no longer useful to the public. Allowing licensees to describe their practices in accurate terms, without regulation limitations, will improve communication to the public. The Board did not rely on scientific nor technical studies in the development of this regulation.

20 PROPOSED REGULATIONS

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 3100
DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

R.117-335. Manufactured Homes and Modular Homes

Preamble:

The South Carolina Department of Revenue is considering amending SC Regulation 117-335 concerning the sales and use tax and manufactured and modular homes to add subsection 117-335.5 to address the application of the sales and use tax to heat pumps, air conditioning systems, skirting, steps, decks, septic tanks, wells, and driveways built or installed after the home is delivered to the construction site. This proposal is consistent with present Department of Revenue policy.

Discussion

The South Carolina Department of Revenue is considering amending SC Regulation 117-335 concerning the sales and use tax and manufactured and modular homes to add subsection 117-335.5 to address the application of the sales and use tax to heat pumps, air conditioning systems, skirting, steps, decks, septic tanks, wells, and driveways built or installed after the home is delivered to the construction site. This proposal is consistent with present Department of Revenue policy.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building on the Capitol Complex (1205 Pendleton Street, Suite 224) in Columbia, South Carolina for Thursday, February 15, 2007 at 1:00 pm if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to amend SC Regulation 117-335 concerning the sales and use tax and manufactured and modular homes to add subsection 117-335.5 to address the application of the sales and use tax to heat pumps, air conditioning systems, skirting, steps, decks, septic tanks, wells, and driveways built or installed after the home is delivered to the construction site. This proposal is consistent with present Department of Revenue policy.

The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111 (2000), to issue a report that the proposal to amend the regulation is needed and reasonable.

All comments concerning this proposal should be mailed to the following address by January 23, 2007:

S.C. Department of Revenue
Legislative Services - Mr. Meredith Cleland
P.O. Box 125
Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Statement of Rationale:

The purpose of this proposal is to amend SC Regulation 117-335 concerning the sales and use tax and manufactured and modular homes to add subsection 117-335.5 to address the application of the sales and use tax to heat pumps, air conditioning systems, skirting, steps, decks, septic tanks, wells, and driveways built or installed after the home is delivered to the construction site. This proposal is consistent with present Department of Revenue policy.

The proposal to amend SC Regulation 117-335 is needed to specifically set forth the Department’s longstanding position concerning the application of the sales and use tax to heat pumps, air conditioning systems, skirting, steps, decks, septic tanks, wells, and driveways built or installed after the home is delivered to the construction site. The proposal to amend this regulation is also reasonable in that it is the department’s responsibility to maintain regulations that are up-to date, consistent with the law and provide taxpayers with complete information as to the application of the tax to manufactured and modular homes.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 3101
DEPARTMENT OF REVENUE
 CHAPTER 7

Statutory Authority: 1976 Code Section 12-4-320 and 61-2-60

R.7-201. Requirements for Protesting Beer and Wine Permits or Alcoholic Liquor Licenses

Preamble:

The South Carolina Department of Revenue is considering amending SC Regulation 7-201 concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest.

Discussion

The South Carolina Department of Revenue is considering amending SC Regulation 7-201 concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest. The proposed changes would eliminate the sample protest form and state that this form (Form ABL-20) is available at the offices of the Department and at the Department’s website. This will allow more flexibility in making changes to the form when needed. The Department is also proposing to change references to the Administrative Law Judge Division to the Administrative Law Court and to change the reference to the minibottle license to the liquor by the drink license.

22 PROPOSED REGULATIONS

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Suite 224) on the Capitol Complex (1205 Pendleton Street) in Columbia, South Carolina for Thursday, February 15, 2007 at 10:00 am if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the Department to amend SC Regulation 7-201 concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest. The proposed changes would eliminate the sample protest form and state that this form (Form ABL-20) is available at the offices of the Department and at the Department's website. This will allow more flexibility in making changes to the form when needed. The Department is also proposing to change references to the Administrative Law Judge Division to the Administrative Law Court and to change the reference to the minibottle license to the liquor by the drink license.

The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111 (2005), to issue a report that the proposal to amend the regulation is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by January 23, 2007:

S.C. Department of Revenue
Legislative Services - Mr. Meredith Cleland
P.O. Box 125
Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Statement of Need and Reasonableness:

The proposal to amend this regulation is needed to ensure the protest form is up-to-date and to reduce any taxpayer confusion as to references to the Administrative Law Judge Division and not to the Administrative Law Court. The proposal to amend this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are clear and understandable and up-to-date.

Statement of Rationale:

The purpose of this proposal is to amend SC Regulation 7-201 concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest. The proposal would eliminate the sample protest form and state that this form (Form ABL-20) is available at the offices of the Department and at

the Department's website. This will allow more flexibility in making changes to the form when needed. The Department is also proposing to change references to the Administrative Law Judge Division to the Administrative Law Court and to change the reference to the minibottle license to the liquor by the drink license.

The proposal to amend this regulation is needed to ensure the protest form is up-to-date and to reduce any taxpayer confusion as to references to the Administrative Law Judge Division and not to the Administrative Law Court. The proposal to amend this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are clear and understandable and up-to-date.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

24 EMERGENCY REGULATIONS

Filed: November 29, 2006

Document No. 3099
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas extend to March 1 it is necessary to re-file these regulations as emergency.

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40.

1.2. The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas are as follows:

(B) Game Zone 2

John C. Calhoun, Cokesbury, Clarks Hill, Parsons Mountain, Key Bridge, Forks, Ninety-six, Goldmine, Murray, Enoree, Fairforest, Keowee, Fant's Grove and Carlisle WMA's.

Fants Grove WMA

Quality Deer Management Area - bucks must have at least 4 points on one side or a minimum 12-inch antler spread. A point must be at least one inch long. During the Fant's Grove draw hunts for deer, all hunters must sign in at the Fant's Grove DNR checkpoint. Fant's Grove DNR check point will open 2 hours before official sunrise for deer hunts. During draw hunts all hunters are required to wear a hat, coat or vest of international orange while hunting deer.

(T) Woodbury WMA

Quality Deer Management Area – Antlered deer must have at least 4 points on 1 side or a minimum 12-inch antler spread. A point must be at least 1 inch long measured from the nearest edge of main beam to the top of the point. No more than 3 bucks total may be taken during all seasons combined regardless of method. No buckshot. Hogs may be taken only during deer hunts or scheduled hog hunts. No horseback riding allowed. No ATVs allowed.

Deer Hunts

Deer hunting or shooting will not be allowed from or on roads open to vehicle traffic.

Archery Only (No dogs)	Sept. 15 – 1 st Sat. in Oct.	1 deer per day, either-sex Hogs no limit.
Archery and Muzzleloader (No dogs)	Mon. following 1 st Sat. in Oct. – 3 rd Sat. in Oct.	1 deer per day, either-sex Hogs no limit.
Still Gun Hunts (No dogs)	Mon. following 3 rd Sat. in Oct.- Jan. 1.	1 deer per day, bucks only except on scheduled county-wide either-sex days. Hogs no limit.
Special Hog Still Hunt (No dogs)	Mar. 1 – 3 rd Sat. in Mar.	Hogs no limit.
Special Hog Hunt	1 st Mon. in Feb. – 2 nd Sat. In Feb.	Hogs only, no limit. Limit of 4 bay or catch dogs per party, all hogs taken must be killed where taken. Handguns only.
Raccoons	Wed. - Sat. nights beginning Sat. after Thanksgiving – last Wed. or Sat. in Feb.	3 per party per night
Gray Squirrels and Quail (No open season for fox squirrels)	Mon. following 2 nd Sat. in Dec. - Mar. 1	Game Zone bag limits.
Rabbits	Jan. 1 through March 1	Game Zone bag limits
Fox	Mon. and Tues. nights beginning Jan. 1 through March 1	Game Zone bag limits

(W) Marsh WMA

Deer

Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on roads open to vehicular traffic. No bay or catch dogs allowed for hog hunting. Wild hogs may only be taken during deer hunts and designated hog hunts. Buckshot and rimfire firearms not permitted. No horseback riding. No ATVs allowed.

Raccoon	Wed. - Sat. nights beginning Sat. after Thanksgiving – last Wed. or Sat. in Feb.	3 per party per night.
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26 EMERGENCY REGULATIONS

(X) Hamilton Ridge WMA

Quality Deer Management Area – Antlered deer must have at least 4 points on 1 side or a minimum 12-inch antler spread. A point must be at least 1 inch long measured from the nearest edge of main beam to the top of the point. No more than 3 bucks total may be taken during all seasons combined regardless of method. All hunters must sign-in and sign-out. Firearms must be unloaded and cased when not hunting. No hunting or shooting from, on, or across any roads open to vehicular traffic. Scouting and stand placement allowed 1 day prior to hunts. No buckshot. Hogs may be taken only during deer hunts or scheduled hog hunts. All hogs taken must be killed where taken. Horseback riding by permit only. No ATVs allowed.

Deer

Still Gun Hunts (No dogs)	No open season except hunters selected by computer drawing.	3 deer, either-sex but only 1 buck.
Archery Only (No dogs)	4 th Mon. – Sat. in Oct. 2 nd Mon. – Sat. in Nov. 2 nd Thur. – Sat. in Dec.	2 deer per hunt period, either-sex, only 1 buck. Hogs no limit.
Muzzleloader (No dogs)	1 st full week in Nov.	2 deer per hunt period, either-sex, only 1 buck. Hogs no limit.
Small Game No open season on fox squirrels or quail.	No hunting before Dec. 26 or after Mar. 1; otherwise Game Zone seasons apply. No hog hunting during small game hunts.	Game Zone bag limits.
Hog Still and Stalk Hunts Archery and Firearms (No dogs, no buckshot)	1 st 4 Fridays in May	No limit.
Hog Hunts with dogs (handguns only) Four dog limit per party.	1 st Thur. – Sat. in Mar. 4 th Thur. – Sat. in Mar.	No limit.

Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign register upon entering and leaving Hamilton Ridge WMA.

(VV) Bonneau Ferry WMA

Horse riding is prohibited. No camping is allowed. No person hunting or fishing on Bonneau Ferry WMA may possess, consume, or be under the influence of intoxicants including beer, wine, liquor or drugs. All terrain vehicles are prohibited. Hunting access by boat is prohibited. Adult/youth fishing only. For fishing youth must be accompanied by no more than two adults 18 years old or older. For hunting, Adult/youth Side A is open only to youth 8-17 years old who must be accompanied by only one adult 21 years of age or older. Youth hunters must carry a firearm and hunt. Adults with youth hunters may also carry a firearm and hunt. For deer and small game hunting Sides A and B will alternate each year. All hunters must sign in and sign out

upon entering or leaving Bonneau Ferry WMA. Bonneau Ferry WMA is closed to public access one hour after sunset until one hour before sunrise except, for special hunts regulated by DNR. All impoundments and adjacent posted buffers are closed to all public access Nov. 1 – Mar. 1 except for special draw deer hunts and waterfowl hunts regulated by DNR during the regular waterfowl season.

Deer

Side A (Adult/Youth Only)

Still Gun Hunts	Sept. 15 – Jan. 1, Wed., Fri., Sat., except week of Thanksgiving and 5 days before Christmas until Jan. 1.	Total 8 deer, 2 deer per day, either-sex except only 2 antlered bucks per season. Hogs no limit.
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Side B		Total 8 deer, 2 deer per day, Except only 2 antlered bucks per Season. Hogs no limit.
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Archery	1 st Mon. – Sat. in Sept.	Buck only.
	1 st Mon. – Sat. after Sept. 15	Either-sex.
	2 nd Mon. in Nov. until Nov. 30.	Either-sex.

Draw deer hunts are for two and one half days (afternoon on the first day and 2 full days). Hunt periods begin in September and continue until early December. Hunters are required to have permit in possession and must sign in and sign out (Name, permit # and deer killed each day). Area is closed to the general public access during scheduled deer hunts.

Bonneau Ferry Fishing Regulations

Open to fishing on Wed., Sat. and Sun. from March 2 to October 31 during daylight hours only. Adult/youth fishing only. Each youth (17 years and under) must be accompanied by no more than two adults 18 years of age or older. The youth must be actively fishing. Fishing is not allowed during scheduled deer and turkey hunts. Only electric motors may be used. Possession of beer, wine, liquor or drugs is prohibited. Creel limits per person per day are: largemouth bass – 2, panfish (bluegill, redear, crappie, pumpkinseed, redbreast) – 10, species not listed – no limit. Grass carp must be released alive immediately.

2.8 On State-owned, US Forest Service and other Federally-owned WMA lands any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older) who is validly licensed and holds applicable permits, licenses or stamps for the use of WMA lands. Sight and voice contact must be maintained.

This also applies to non-state or non-federally owned leased WMA land in Game Zones 1,2 and 4 for deer hunting.

2.9 Notwithstanding any other provision of these regulations, the Department may permit special seasons on any day during the regular hunting season.

3.6 On State-owned, US Forest Service and other Federally-owned WMA lands during still gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no open season for hunting on any designated recreational trail on U.S Forest Service or S.C. Public Service Authority property.

28 EMERGENCY REGULATIONS

4.1 On State-owned, US Forest Service and other Federally-owned WMA lands with designated check stations, all deer bagged must be checked at a check station. Deer bagged too late for reporting one day must be reported the following day. Unless otherwise specified by the department, only bucks (male deer) may be taken on all WMA lands. Male deer must have antlers visible two (2) inches above the hairline to be legally bagged on "bucks only" hunts. Male deer with visible antlers of less than two (2) inches above the hairline must be taken only on either-sex days or pursuant to permits issued by the department. A point is any projection at least one inch long and longer than wide at some location at least one inch from the tip of the projection. Antler spread is the greatest outside measurement (main beam or points) on a plane perpendicular to the skull. On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only, except that no man drives may be conducted on days designated by the department for taking deer of either sex. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons. On WMA lands, in Game Zones 1, 2 and 4, man drives will be permitted on the last four (4) scheduled either-sex days. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters.

6.2 On Department-owned WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor-driven land conveyances.

7.1 On State-owned, US Forest Service and other Federally-owned WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove, turkey and duck are exempt from this requirement while hunting for those species.

10.3 On areas where blinds are not provided, only temporary blinds of native vegetation may be constructed and once vacated become available for others or portable blinds which are removed at the conclusion of the hunt may be used.

10.8 During the period 01 Nov.-01 Mar. except for special hunts designated by the Department, Sandy Beach Waterfowl Area is closed to hunting access and impoundments on Bonneau Ferry WMA are closed to public access.

10.11 Potato Creek Hatchery Waterfowl Area is closed to hunting access one week prior to opening of waterfowl season through January 31, except for scheduled waterfowl hunts. No fishing one week prior to opening of waterfowl season through January 31. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. Hunting hour are from 30 minutes before legal sunrise to legal sunset (including the special youth hunt). Hunters may not enter the area prior to 3:00 a.m. on hunt days. No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Potato Creek Hatchery, Samson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee and Woodbury Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Hickory Top Greentree	Sat. AM only during regular	Federal Limits

Reservoir	season. No open season on roads and dikes.	
Woodbury	Wed. and Sat. AM only during Federal waterfowl season.	Federal Limits

10.19 Hickory Top Greentree Reservoir is closed to hunting access November 1 until March 1, except for special hunts designated by SCDNR. All hunters must accurately complete a data card and deposit card in receptacle prior to leaving the area. Hunting hours are from 30 minutes before legal sunrise until 11:00 am. Hunters may not enter the area prior to 5:00 am on hunt days. No open season on roads and dikes. Hunters may only use electric motors on boats.

10.20 On all State-owned, US Forest Service and other Federally-owned Category I and II Waterfowl Management Areas, each hunter is limited to 25 non-toxic shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron or other Federally approved shot) per hunt for hunting waterfowl or snipe and no buckshot allowed.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts extend until March 1, it is necessary to re-file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

30 FINAL REGULATIONS

Document No. 3106
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210
Article I, Subarticles 6, 7, and 8
Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, hereby promulgates the following changes to South Carolina Regulations:

In Subarticle 6 (General Industry and Shipyard Employment):

Removal of 1910.441 from Subpart T and minimum standard for Powered Industrial Trucks and Logging Operations shall be 1910.178 and 1910.266, as amended in FEDERAL REGISTER, Volume 70, Number 63, pages 16669-16675, dated April 3, 2006.

Removal of outdated effective dates and/or startup dates shall be 1910.95, 1910.134, 1910.1000, 1910.1001, 1910.1017, 1910.1018, 1910.1025, 1910.1028, 1910.1029, 1910.1030, 1910.1043, 1910.1045, 1910.1047, 1910.1048, 1910.1050, 1910.1051, 1910.1052, 1910.1450, and 1915.1001, as amended in FEDERAL REGISTER, Volume 70, Number 63, pages 16669-16677, dated April 3, 2006.

For each of the following paragraphs in parts 1910 ("Occupational Safety and Health Standards"), SCOSHA is removing the reference to SCRR, Chapter 71, 1910.20 and replacing it with a reference to the new designation, SCRR, Chapter 71, 1910.1020: 1910.95, 1910.120, 1910.440, 1910.1001, 1910.1003, 1910.1017, 1910.1018, 1910.1025, 1910.1027, 1910.1029, 1910.1030, 1910.1043, 1910.1044, 1910.1045, 1910.1047, 1910.1048, 1910.1050, 1910.1051, and 1915.1001 as amended in FEDERAL REGISTER, Volume 70, Number 63, pages 16669-16677, dated April 3, 2006.

Minimum standard for Occupational Exposure to Hexavalent Chromium (Chromium (VI)) shall be 1910.1000, 1910.1026, 1915.1000 and 1915.1026 as amended in FEDERAL REGISTER, Volume 71, Number 121, pages 36008-36010, dated June 23, 2006.

Minimum standard for Respiratory Protection shall be 1910.134, 1910.1001, 1910.1017, 1910.1018, 1910.1025, 1910.1027, 1910.1028, 1910.1029, 1910.1043, 1910.1044, 1910.1045, 1910.1047, 1910.1048, 1910.1050, 1910.1052, and 1915.1001, as amended in FEDERAL REGISTER, Volume 71, Number 164, pages 50121-50192, dated August 24, 2006.

In Subarticle 7 (Construction)

Removal of outdated effective dates and/or startup dates shall be 1926.60, 1926.62, 1926.1101, and 1926.1127, along with removal of 1926.1092, as amended in FEDERAL REGISTER, Volume 70, Number 63, pages 16669-16677, dated April 3, 2006.

Removal of 1910.1092 of Subpart Y as amended in FEDERAL REGISTER, Volume 70, Number 63, pages 16669-16677, dated April 3, 2006.

For each of the following paragraphs in parts 1926 ("Occupational Safety and Health Standards"), SCOSHA is removing the reference to SCRR, Chapter 71, 1910.20 and replacing it with a reference to the new designation, SCRR, Chapter 71, 1926.33: 1926.60, 1926.62, 1926.800, and 1926.1101, as amended in FEDERAL REGISTER, Volume 70, Number 63, pages 16669-16677, dated April 3, 2006.

Minimum standard for Occupational Exposure to Hexavalent Chromium (Chromium (VI)) shall be 1926.1126 as amended in FEDERAL REGISTER, Volume 71, Number 121, pages 36008-36010, dated June 23, 2006.

Minimum standard for Respiratory Protection shall be 1926.60, 1926.62, 1926.1101, and 1926.1127 as amended in FEDERAL REGISTER, Volume 71, Number 164, pages 50121-50192, dated August 24, 2006.

Minimum standard for Protective Structures shall be 1926.1002 to include: in Appendix A to subpart W of 1926, remove existing Figures W-14 through W-28 and add in their place new Figures W-14 through W-28.

In Subarticle 8 (Agriculture Operations)

Minimum standard for Protective Structures shall be 1928.53 to include: in Appendix B to Subpart C remove existing Figures C-1 through C-16 and add in their place new Figures C-1 through C-16.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-7682.