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SOUTH CAROLINA STATE REGISTER

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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.

2010 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	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

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.

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In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>

DOC. NO.	RAT. FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
4043		Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007	1/13/10	Workers' Compensation Commission
4054		Registration of Immigration Assistance Services	2/22/10	LLR
4055		Illegal Aliens and Private Employment	2/22/10	LLR
4058		Insurance Holding Company Systems	3/08/10	Department of Insurance
4059		South Carolina Reinsurance Facility Recoupment	3/08/10	Department of Insurance
4060		Life Insurance Disclosure	3/08/10	Department of Insurance
4061		Valuation of Investments	3/08/10	Department of Insurance
4068		Funeral Service Practice Act	3/30/10	Board of Funeral Service
4066		Long Term Care Insurance	4/21/10	Department of Insurance
4067		Law Enforcement Officer and E-911 Officer Training & Certification	4/28/10	S.C. Criminal Justice Academy
4072		Central Fill Pharmacies	5/04/10	Board of Pharmacy
4063		Workers' Compensation Insurance and Use of Leased Vehicles	5/12/10	Public Service Commission
4075		Requirements of Licensure in the Field of Cosmetology	5/12/10	Board of Cosmetology
4070		Air Pollution Control Regulations and Standards	5/12/10	Department of Health and Envir Control
4083		Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities	5/12/10	Department of Insurance
4088		Annuity and Deposit Fund Disclosure	5/12/10	Department of Insurance
4080		Hazardous Waste Management	5/12/10	Department of Health and Envir Control
4081		Athletic Trainers	5/12/10	Department of Health and Envir Control
4069		Species or Subspecies of Non-game Wildlife	5/12/10	Department of Natural Resources
Committee Requested Withdrawal				
4022		Riverbanks Parks Commission	Tolled	Riverbanks Parks Commission
Resolution Introduced to Disapprove				
4014		Environmental Protection Fees	Tolled	Department of Health and Envir Control
4015		Environmental Protection Fees	Tolled	Department of Health and Envir Control

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4043	Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007	Labor, Commerce and Industry	Judiciary
4054	Registration of Immigration Assistance Services	Labor, Commerce and Industry	Labor, Commerce and Industry
4055	Illegal Aliens and Private Employment	Judiciary	Labor, Commerce and Industry
4058	Insurance Holding Company Systems	Labor, Commerce and Industry	Banking and Insurance
4059	South Carolina Reinsurance Facility Recoupment	Labor, Commerce and Industry	Banking and Insurance
4060	Life Insurance Disclosure	Labor, Commerce and Industry	Banking and Insurance
4061	Valuation of Investments	Labor, Commerce and Industry	Banking and Insurance
4068	Funeral Service Practice Act	Labor, Commerce and Industry	Judiciary
4066	Long Term Care Insurance	Labor, Commerce and Industry	
4067	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	
4072	Central Fill Pharmacies	Medical, Military, Pub & Mun Affairs	
4063	Workers' Compensation Insurance and Use of Leased Vehicles		
4075	Requirements of Licensure in the Field of Cosmetology		
4070	Air Pollution Control Regulations and Standards		
4083	Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities		
4088	Annuity and Deposit Fund Disclosure		
4080	Hazardous Waste Management		
4081	Athletic Trainers		
4069	Species or Subspecies of Non-game Wildlife		
Committee Requested Withdrawal			
4022	Riverbanks Parks Commission	Agriculture and Natural Resources	Fish, Game and Forestry
Resolution Introduced to Disapprove			
4014	Environmental Protection Fees	Agriculture and Natural Resources	Medical Affairs
4015	Environmental Protection Fees	Agriculture and Natural Resources	Medical Affairs

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

The DHEC Office of Ocean and Coastal Resource Management (DHEC OCRM) is mandated by the Coastal Tidelands and Wetlands Act (S.C. Code Ann, Section 48-39-10 et seq.) to review the position of the beachfront baseline and 40-year setback line, the state's beachfront jurisdictional lines, and erosion rates every 8 to 10 years. DHEC OCRM has reviewed the position of the baseline and the 40-year setback line for the areas listed below, made notice of proposed revisions and held public hearings to acquire public comment. The beachfront baseline and 40-year setback lines for the following areas have been finalized:

Charleston area:

Kiawah Island
Morris Island
Botany Bay Island
Pockoy Island
Edingsville Beach
Edisto Beach.

Beaufort area:

Harbor Island
Hunting Island
Fripp Island
Pritchards Island
Little Capers Island
St. Phillips Island
Bay Point Island
Daufuskie Island.

Maps showing the new lines are available as PDF files that can be downloaded from the DHEC website at <http://www.dhec.sc.gov/environment/ocrm/permit/beachfront.htm>. For further information please contact DHEC OCRM project manager Bill Eiser at (843) 953-0237 or eiserwc@dhec.sc.gov.

S. C. Code Section 48-39-280(E) of the Coastal Tidelands and Wetlands Act and Section F of Regulation 30-14 identify procedures for appealing baselines and erosion rates. Any landowner claiming ownership of affected property who feels that the final or revised setback line, baseline, or erosion rate as adopted is in error, upon submittal of substantiating evidence, within one year of the revision date, must be granted a review of the setback line, baseline, or erosion rate, or a review of all three. This notice, published in the State Register on December 25, 2009, establishes the final revision date for the above listed areas and the date for the commencement of public review of this information. The Department shall hear all requests for review. The process for this review can be found in Section F of Regulation 30-14 http://www.dhec.sc.gov/environment/ocrm/regs/docs/CAR_0408.pdf [48-39-280(E)].

4 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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 25, 2009, 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 Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Calhoun and Orangeburg Counties

Expansion and renovation of the medical oncology area of the Mabry Cancer Center to include the addition of a second (2nd) linear accelerator
The Regional Medical Center of Orangeburg and Calhoun Counties
Orangeburg, South Carolina
Project Cost: \$9,083,315

Affecting Florence County

Replacement of a single-slice Computed Tomography (CT) scanner with a sixteen (16) slice Computed Tomography (CT) scanner located in the Radiation Oncology Department on the first floor of the McLeod Tower
McLeod Regional Medical Center
Florence, South Carolina
Project Cost: \$769,300

Affecting: Lexington County

Development of a comprehensive cardiac program to include open heart surgery services and therapeutic cardiac catheterization services through an arrangement with Providence Hospital to include the relocation of one (1) open heart surgery suite from Providence Hospital to Lexington Medical Center
Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$3,272,940

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 25, 2009. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Charleston County

Purchase and installation of a second (2nd) da Vinci Surgical system with High Definition Vision
Trident Medical Center
Charleston, South Carolina
Project Cost \$2,107,226

Affecting Lancaster County

Addition of fourteen (14) psychiatric beds and four (4) nursing home beds that will not participate in the Medicaid Title XIX Program, for a total of 199 general acute care beds, fourteen (14) psychiatric beds and eighteen (18) nursing home beds; the facility will surrender the current license for eighteen (18) Substance Abuse beds at the time of proposed project licensure

Springs Memorial Hospital

Lancaster, South Carolina

Project Cost: \$582,053

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Development of Registration Permits:

The South Carolina Department of Health and Environmental Control (Department) proposes to develop a registration permit for Crematory Operations. Registration Permits, as provided under S.C. Regulation 61-62.1, Section II(I), are applicable to similar sources. Any registration permit developed by the Department will specify compliance with all requirements applicable to the construction and operation of that specific category of stationary sources and will identify criteria by which sources qualify for the registration permit. Because the registration permit contains the same emission limits and monitoring requirements as a construction and operating permit may contain, a source that qualifies may elect to apply to the Department for coverage under a registration permit in lieu of a construction and operating permit as provided in Regulation 61-62.1, Section II (A) and (F). Interested persons are invited to present their views in writing to Tracey Stewart, Manager, General Permit and Support Section; Engineering Services Division; Bureau of Air Quality; at 2600 Bull Street; Columbia, SC 29201, or via electronic mail at stewart@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on Monday, January 25, 2010, the close of the comment period.

Specific Category:

Crematory Operations

Synopsis:

The Department is considering the development and implementation of a registration permit for Crematory Operations with uncontrolled potential to emit less than the threshold for major source groups, and where equipment similarities and simplicity remove the need for in-depth, site-specific review. Crematory Operations are limited to the following sources at the facility: crematory incinerator(s) for human or animal remains that consist of a primary chamber (burner) and a secondary chamber (afterburner), a processing station, and/or sources specific to the cremation process. Example Crematory Operations include funeral homes and animal shelters.

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Public Notice #09-536-GP-N
December 25, 2009

The SCDHEC, Bureau of Air Quality (BAQ), does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-03) "Hot Mix Asphalt Plants." This general permit was previously opened for a 30 day public comment period on September 1, 2006, with issuance on February 1, 2007. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a 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 "Air Pollution Control Regulations and Standards," these sources are hereby granted permission to discharge air contaminants into the ambient air. The BAQ authorizes the operation of these sources in accordance with the plans, specifications and other information submitted by each facility in the General Conditional Major Permit application. Facilities operating under this permit seek to limit their potential to emit to 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 general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SCDHEC, BAQ, 2600 Bull Street, Columbia, South Carolina, 29201.

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: Elizabeth Basil, Director, Engineering Services Division, BAQ, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

CHESTERFIELD COUNTY

Blythe Construction (9900-0533)
65818 Hwy 151
Jefferson, South Carolina

Boggs Paving Inc (9900-0539)
Hwy 601
Pageland, South Carolina

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

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 25, 2010 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

Groundwater Management Associates, Inc.
Contact: John J. Wise, PE
2205 A. Candun Drive
Apex, NC 27523

Groundwater Management Associates, Inc.
Contact: John J. Wise, PE
4300 Sapphire Court, Ste 100
Greenville, SC 27834

8 DRAFTING NOTICES

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 and 38-75-485

Notice of Drafting:

The South Carolina Department of Insurance proposes to promulgate a regulation that will set forth standards to facilitate the operation of the SC Safe Home program. Interested persons may submit comments in writing to: Rachel Harper, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina 29201 or P.O. Box 100105, Columbia, South Carolina 29202. To be considered, comments must be received no later than 5:00 p.m. on January 25, 2010, the close of the drafting comment period.

Synopsis:

The South Carolina Department of Insurance proposes to promulgate a regulation that will set forth policies and procedures to facilitate the implementation of the SC Safe Home Program. The procedures and guidelines will allow the program to operate in an effective and equitable manner in implementing the standards and measures set forth in the Omnibus Coastal Property Insurance Reform Act of 2007.

The proposed regulation will require legislative review.

Document No. 4122
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 *et seq.*

61-62.96. Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program

Preamble:

On March 10, 2005, the EPA finalized the “Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule),” (also referred to as the CAIR).

The CAIR was published in the *Federal Register* on May 12, 2005 [70 FR 25161]. This rule affects 28 states and the District of Columbia. In the CAIR, the EPA found that South Carolina is one of the 28 states that contribute significantly to nonattainment of the National Ambient Air Quality Standards (NAAQS) for fine particles (PM_{2.5}) and/or 8-hour ozone in downwind States. The EPA required these states to revise their SIPs to reduce emissions of SO₂ and/or NO_x. Sulfur dioxide is a precursor to PM_{2.5} formation, and NO_x is a precursor to both PM_{2.5} and ozone formation. The EPA has determined that electric generating units (EGUs) in South Carolina contribute to nonattainment of PM_{2.5} and 8-hour ozone in downwind states.

On June 22, 2007, the Department promulgated revisions to R. 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program, in State Register Document 3083.

On August 14, 2007, the Department submitted to the EPA its revision to the SIP and R. 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program.

Based upon EPA recommendation, the Department requested on September 19, 2007, that EPA act only on a portion of the August 14, 2007, submittal. This request for abbreviated SIP approval included a list of additional changes that the Department would make to R. 61-62.96 and the SIP in order to address EPA comments.

On October 9, 2007, the EPA published a direct final rule [72 FR 57209] approving the abbreviated CAIR SIP for South Carolina, effective December 10, 2007.

Via a letter dated February 20, 2008, the EPA required certain additional changes to R. 61-62.96 to receive full SIP approval. The Department revised R.61-62.96 and the SIP, in *State Register* Document 3224, effective October 24, 2008, in order to address the comments contained in the September 19, 2007, letter.

On July 11, 2008, the U.S. Court of Appeals for the D.C. Circuit (Court of Appeals) vacated the CAIR. Following petitions filed by parties in the litigation the Court of Appeals issued a subsequent opinion on December 23, 2008, wherein it remanded the CAIR to the EPA without vacatur. The CAIR is now in effect while the EPA develops a replacement rule.

On October 8, 2009, the Department submitted a letter to the EPA committing the Department to make the remaining changes to the CAIR SIP. The EPA required this letter from the Department to obtain direct final approval of the CAIR SIP.

On October 16, 2009, the EPA published a direct final rule [74 FR 53167] approving the CAIR SIP for South Carolina effective November 30, 2009. The EPA published this direct final rule based on the October 8, 2009, letter from the Department agreeing to make the remaining changes to the CAIR SIP.

10 PROPOSED REGULATIONS

Pursuant to the Clean Air Act, U.S.C. § 7401(k)(5) *et seq.*, and the aforementioned *Federal Register* Notices, the changes are Federally mandated, therefore pursuant to S.C. Code Ann. § 1-23-120(H)(1), General Assembly review is not required.

The Department now proposes to amend R. 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program and the SIP to address the outstanding requests made by EPA in order to obtain full SIP approval. These proposed revisions will address the requirements of the CAIR NO_x Annual Allowance Allocations, the requirements of recordation of the CAIR NO_x Annual Allowance Allocations, the definition of “fossil-fuel-fired,” the definition of “Non-EGU Applicability,” the timing requirements of the CAIR NO_x Ozone Season Allocations, the requirements of the CAIR NO_x Ozone Seasons Allowance Allocations, and the requirements of recordation of the CAIR NO_x Ozone Season Allowances.

The Department also proposes to make typographical corrections and clarifications to R.61-62.96, as necessary.

A Notice of Drafting was published in the *State Register* and on the Bureau of Air Quality Regulatory Development website on September 25, 2009. Notice of the Department’s intent to draft these regulations was also published on the DHEC Regulatory Internet site in its *DHEC Regulation Development Update*. No comments were received. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Proposed Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

ENTIRE R.61-62.96

Regulation, 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program:
Entire regulation is revised for consistent use of the section symbol (“§”).

GENERAL PROVISIONS

Regulation, 61-62.96, General Provisions:

This section is revised to move “General Provisions” down one line for clarity. It is not part of the title of R.61-62.96.

SUBPART EE - “CAIR NO_x ALLOWANCE ALLOCATIONS”

Regulation, 61-62. Section 96.142 CAIR NO_x Allowance Allocations:

Paragraph (a)(1)(ii) is revised to add “first year of the” between “the” and “control.”

Regulation, 61-62. Section 96.142 CAIR NO_x Allowance Allocations:

Paragraph (a)(2) is revised to capitalize the “p” in “part” in three places.

Regulation 61-62. Sections 96.143 Compliance Supplement Pool:

Paragraphs (b)(1) and (2) are revised to capitalize the “p” in “part” in three places.

SUBPART FF - “CAIR NO_x ALLOWANCE TRACKING SYSTEM”

Regulation, 61-62.96, Section 96.153 Recordation of CAIR NO_x Allowance Allocations:

This subsection is revised to add the process by which EPA records CAIR NO_x allowances.

SUBPART AAAA - "CAIR NO_x OZONE SEASON TRADING PROGRAM"

Regulation, 61-62.96 Section 96.302 Definitions:

Definitions: "Commence commercial operation" is revised to clarify that a unit's date of commencement of operation shall also be its date of commencement of commercial operation.

Regulation, 61-62.96 Section 96.302 Definitions:

The definition of "non-Electric Generating Unit" is revised to capitalize the "n" in "non."

Regulation, 61-62.96 Section 96.302 Definitions:

The definition of "Commence operation" is revised to uncapitalize the "S" in "Section."

Regulation, 61-62.96 Section 96.302 Definitions:

Subsection is revised to remove the stipulation that units begin operation on or after January 1, 1996, for the definition of "fossil-fuel-fired" to apply.

Regulation, 61-61.96 Section 96.302 Definitions:

The definition of "Unit" is revised to include the word "section" before "96.304" in two places.

Regulation, 61-62.96 Section 96.304 Applicability, at 304(a)(1)(ii):

Subsection is revised to clarify the applicability of Non-EGUs to the CAIR and remove the applicability of units with a maximum heat input greater than 250 mmBtu/hr that have not served a generator that produced electricity for sale or if that generator has a nameplate capacity of 25 MWe or less and has the potential to use no more than 50 percent of the potential electrical output of the unit.

SUBPART EEEE - "CAIR NO_x OZONE SEASON ALLOWANCE ALLOCATIONS

Regulation, 61-62.96 Section 96.341 Timing requirements for CAIR NO_x Ozone Season Allowance Allocations:

Paragraph (b)(2) is revised to correct a typographical error by changing "2008" to "2009."

Regulation, 61.96 Section 96.342 CAIR NO_x Ozone Season Allowance Allocations:

Paragraph (a)(1)(i) is revised to add an "s" to "period."

Regulation, 61-62.96 Section 96.342 CAIR NO_x Ozone Season Allowance Allocations:

Paragraph (a)(2) is revised to capitalize the "p" in "part" in four places.

Regulation, 61-62.96 Section 96.342 CAIR NO_x Ozone Season Allowance Allocations:

Paragraph (b)(3) is revised to remove a regulation citation and add explanation.

Regulation, 61-62.96 Section 96.342 CAIR NO_x Ozone Season Allowance Allocations:

Paragraph (e)(3) is revised to capitalize the "p" in "part" in three places.

Regulation, 61-62.96 Section 96.342 CAIR NO_x Ozone Season Allowance Allocations:

Paragraph (g)(2) is revised to add "commercial" between "commences" and "operation."

SUBPART FFFF - "NO_x OZONE SEASON ALLOWANCE TRACKING SYSTEM"

Regulation, 61-62.96 Section 96.353 Recordation of NO_x Ozone Season Allowance Allocations:

The subsection is revised to add the process by which the EPA records CAIR NO_x Ozone Season Allowance Allocations, with 3 new paragraphs, a, b, and d. Paragraph c is moved to between b and d.

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Notice of Staff Informational Forum and Public Comment Period:

Staff of the South Carolina Department of Health and Environmental Control invites interested members of the public to attend a staff-conducted informational forum to be held on January 25, 2010, at 10:00 a.m. in the Wallace Room (3141) at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to Regulation 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program. Please use the Bull Street entrance.

Interested persons are also provided an opportunity to submit written comments to Alan Hancock by mail at the Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4117; or by e-mail at hancocam@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on January 25, 2010, the close of the comment period. Comments received at the forum or during the write-in public comment period by the deadline requested above shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Alan Hancock at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-4139; or by emailing hancocam@dhec.sc.gov. A copy may also be obtained on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/administration/regs/> in its *DHEC Regulation Development Update*. To access this document, click on the Air category, then scan down for this proposed amendment.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on the proposed amendments to Regulation 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program, at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on March 11, 2010. The public hearing is to be held in room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation to the Clerk of the Board for inclusion for the record.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION:

Purpose: The proposed amendment will amend Regulation 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program and the SIP to address the remaining requests made by the EPA in order to obtain full SIP approval. These proposed revisions will address the requirements of the CAIR NO_x Annual Allowance Allocations, the requirements of recordation of the CAIR NO_x Annual Allowance Allocations, the definition of "fossil-fuel-fired," the definition of "Non-EGU Applicability," the timing requirements of the CAIR NO_x Ozone Season Allocations, the requirements of the CAIR NO_x Ozone Seasons Allowance Allocations, and the requirements of recordation of the CAIR NO_x Ozone Season Allowances.

Legal Authority: The legal authority for R. 61-62, Air Pollution Control Regulations and Standards, is S.C. Code Section 48-1-10 et seq.

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the regulation, and sending an email to the affected facilities.

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

On March 10, 2005, the EPA finalized the “Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule),” (also referred to as the CAIR). The CAIR was published in the *Federal Register* on May 12, 2005 [70 FR 25161]. The EPA required states that contribute significantly to nonattainment of the National Ambient Air Quality Standards (NAAQS) for fine particles (PM_{2.5}) and/or 8-hour ozone in downwind states, to revise their SIPs to reduce emissions of SO₂ and/or NO_x.

On June 22, 2007, the Department promulgated revisions to R. 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program, in State Register Document 3083.

On August 14, 2007, the Department submitted to the EPA its revision to the SIP and R. 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program. Based upon the EPA recommendation, the Department requested abbreviated SIP approval and committed to additional changes that the Department would make to R. 61-62.96 and the SIP in order to address the EPA comments.

On October 9, 2007, the EPA published a direct final rule [72 FR 57209] approving the abbreviated CAIR SIP for South Carolina, effective December 10, 2007.

Via a letter dated February 20, 2008, the EPA required certain additional changes to R. 61-62.96 to receive full SIP approval. The Department revised R. 61-62.96 and the SIP, in *State Register* Document 3224, effective October 24, 2008, in order to address the comments contained in the September 19, 2007, letter.

On July 11, 2008, the U.S. Court of Appeals for the D.C. Circuit (Court of Appeals) vacated the CAIR. Following petitions filed by parties in the litigation the Court of Appeals issued a subsequent opinion on December 23, 2008, wherein it remanded the CAIR to the EPA without vacatur. The CAIR is now in effect while the EPA develops a replacement rule.

On October 8, 2009, the Department submitted a letter to the EPA committing the Department to make the remaining changes to the CAIR SIP. The EPA required this letter from the Department to obtain direct final approval of the CAIR SIP.

On October 16, 2009, the EPA published a direct final rule [74 FR 53167] approving the CAIR SIP for South Carolina effective November 30, 2009. The EPA published this direct final rule based on the October 8, 2009, letter from the Department agreeing to make the remaining changes to the CAIR SIP.

Pursuant to the Clean Air Act, U.S.C. § 7401(k)(5) *et seq.*, and the aforementioned *Federal Register* Notices, the changes are Federally mandated, therefore, pursuant to S.C. Code Ann. § 1-23-120(H)(1), General Assembly review is not required.

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The Department now proposes to amend R. 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program and the SIP to address the outstanding requests made by the EPA in order to obtain full SIP approval. These proposed revisions will address the requirements of the CAIR NO_x Annual Allowance Allocations, the requirements of recordation of the CAIR NO_x Annual Allowance Allocations, the definition of "fossil-fuel-fired," the definition of "Non-EGU Applicability," the timing requirements of the CAIR NO_x Ozone Season Allocations, the requirements of the CAIR NO_x Ozone Seasons Allowance Allocations, and the requirements of recordation of the CAIR NO_x Ozone Season Allowances. The Department also proposes to make typographical corrections and clarifications to R.61-62.96, as necessary.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this proposed revision. This action will enable full EPA approval of South Carolina's CAIR SIP.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

By implementing this rule, the Department will be able to obtain full EPA approval of South Carolina's CAIR SIP.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

Without the proposed revision, Department would not able to obtain full EPA approval of South Carolina's CAIR SIP.

Statement of Rationale:

These revisions are being promulgated in order to fully comply with a Federal mandate requiring states to lower emissions of nitrous oxides, sulfur dioxide, and mercury. Scientific studies have shown that nitrous oxides are a precursor to ozone and particulate matter, and that these pollutants have serious negative health consequences to the public. These include lung damage, aggravated asthma, and premature death.

Text:

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

Document No. 4123
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 13-7-10 *et seq.*

61-63. Radioactive Materials (Title A)

Preamble:

The Nuclear Regulatory Commission (USNRC) promulgates amendments to 10 CFR 30, 40, 70 and 71 throughout each calendar year. Recent amendments include requirements for the National Source Tracking System (RATS-ID 2006-2 & 2006-3), published in the *Federal Register* on November 8, 2006 at 71 FR 65585, the Expanded Definition of Byproduct Material (RATS-ID 2007-3), published on October 1, 2007 at 72 FR 55864, and Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent (RATS-ID 2008-1), published on December 4, 2007 at 72 FR 68043.

The State is required to adopt certain federal amendments within three years of the effective date of changes in NRC regulations to maintain authorization by the USNRC for the State Radioactive Waste Management Program.

The Department intends to amend R.61-63, Radioactive Materials (Title A) to maintain conformity with federal requirements and ensure compliance with federal standards as required by Section 274 of the Atomic Energy Act of 1954. In addition, minor corrections and clarifications may be made to achieve conformity with prior federal regulations. These amendments will not be more stringent than the federal equivalent, and legislative review will not be required, nor is a preliminary assessment report or fiscal impact statement required.

A Notice of Drafting for the proposed amendments was published in the *State Register* on May 22, 2009. Notice was also published on the Department's Regulatory Information Internet site in its monthly Regulation Development Update, as well as on the DHEC Land and Waste Management Internet site. No comments were received.

Discussion of Proposed Revisions

- 1.2.6 - Revise definition for "byproduct material".
- 1.2.10 - Insert definition for "discrete source" and renumber balance of RHA 1.2.
- 1.2.20 - Insert definition for "particle accelerator" and renumber balance of RHA 1.2.
- 1.15.3.1 - Correct 105 to 10⁵ in both occurrences.
- 1.15.3.2 - Correct 1012 to 10¹² in both occurrences.
- 1.15.3.4 - Correct 105 to 10⁵ in both occurrences.
- 2.1.1 - Revise the list of prohibitions not allowed except as authorized.
- 2.4.2.2.1 - 2.4.2.2.3 - Add three new paragraphs on specific licenses issued regarding certain detecting, measuring, gauging, or controlling devices and/or an ionizing atmosphere.
- 2.4.2.3.11.1 - Revise paragraph to add detailed listing of radium-226 after Cobalt-60.

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2.4.8 - 2.4.8.4 - Add new section on a general license for certain items and self-luminous products containing Radium-226.

2.5.7.1 - 2.5.7.2 - Revise requirements for an application for a specific license to use radioactive material in the form of a sealed source.

2.5.7.3 and subparts .1 & .2 - Add new paragraphs on sources containing naturally occurring or accelerator produced radioactive material.

2.5.8 and subparts .1 - .4 - Add paragraphs concerning application to produce Positron Emission Tomography (PET) radioactive drugs.

2.7.4.2.6 - Add details on Cobalt-57 after the word “microcuries”.

2.7.4.3.1 - Modify paragraph to add details to identifying radioactive contents.

2.7.5.1.2.1 - Modify paragraph to clarify scope of drug establishments on application evidence.

2.7.5.1.2.3 - 2.7.5.1.2.4 - Modify these two paragraphs on application evidence to accommodate adding paragraph 2.7.1.2.5.

2.7.5.1.2.5 - Add paragraph on application evidence for Positron Emission Tomography.

2.7.5.2.2.2 - Modify to correct cross reference.

2.7.5.2.4 - 2.7.5.2.4.1-2 - Modify 2.7.5.2.4 as shown and add subparagraphs 2.7.5.2.4.1 and .2 on requirements for the designation of a nuclear pharmacist.

2.7.5.2.5 and subparagraphs 2.7.5.2.5.1 - .6 - Revise paragraphs on requirements for designation of a nuclear pharmacist and how to provide certification.

2.7.8 - Add new Section designating Requirements for specific license.

2.10.8 - Add paragraph on terms and conditions of licenses.

2.10.9.1 – 2.10.9.4 - Add paragraphs on terms and conditions of licenses.

2.11.11.4 - Revise cross reference to reflect changes in regulation.

2.20.2.2.1.8 - Revise paragraph on Radium-226 timepieces.

2.20.2.3 - Revise paragraph on gas and aerosol detectors containing byproduct material to add criteria for determining who is regulated.

2.20.2.5.2 - Revise paragraph on exempt quantities of byproduct material possessed before September 25, 1971.

2.24 Table of Exempt Quantities - Change column headings by replacing the words “Radioactive Material” with “Byproduct Material” and add the heading “Micro Curies” in Column two and four. Add in alphanumeric order: Germanium-68 (Ge-68) (Microcuries: 10); change microcuries for Cesium-129 (Cs-129) from 10 to 100; and add in alphanumeric order: Yttrium-88 (Y-88) (Microcuries: 10).

2.31, Schedule E, QUANTITIES OF RADIOACTIVE MATERIALS REQUIRING CONSIDERATION OF THE NEED FOR AN EMERGENCY PLAN FOR RESPONDING TO A RELEASE. - Add Radium-226 to table in alphanumeric order.

3.2.63 - Add definition for “Nationally tracked source” and renumber balance of 3.2.

3.2.91 - Modify definition for “Total Effective Dose Equivalent” (TEDE), replacing the words “deep dose” with the words “effective dose”.

3.5.3 - Modify paragraph on assigned deep-dose equivalent.

3.31 - Retitle Section, “DISPOSAL OF SPECIFIC WASTES AND CERTAIN BYPRODUCT MATERIAL”.

3.31.3 - 3.31.4 - Revise paragraph 3.31.3 on the disposal of specific wastes and byproduct material and add new paragraph 3.31.4. The deleted material from old paragraph 3.31.3 becomes a new paragraph, 3.31.5.

3.32.5 - Add paragraph on shipping manifest for byproduct material for disposal.

3.34.7 - Modify paragraph on requirements of record management prior to license termination to correct changed reference in regulation.

3.48 REPORTS TO INDIVIDUALS OF EXCEEDING DOSE LIMITS - Revise introductory paragraph following 3.48 heading on reports required to be given to individuals and the Department of any exposure exceeding occupational dose limits.

3.53 Appendix B, List of Elements - Add Nitrogen and Oxygen, alphabetically.

3.53 [Appendix B] Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposures; Effluent Concentrations; Concentrations for Release to Sewerage - Add Nitrogen and Oxygen by Atomic Number.

Part III, Appendix G RHA 3.58 - Add appendix for **NATIONALLY TRACKED SOURCES – SERIALIZATION AND REPORTS OF TRANSACTIONS.**

4.2.10 - Insert definition for “consortium” and renumber balance of Section RHA 4.2.

4.2.26 - Insert definition for “Positron Emission Tomography (PET) radionuclide production facility” and renumber balance of Section RHA 4.2.

4.6.1 - Modify paragraph on medical use license by removing the word “radioactive” before “material” and replace it with the word “byproduct”.

4.27 - Modify the title by removing the word “radioactive” before “material” and replace it with the word “byproduct”.

4.27.2.2.1 - .3 - Revise section to add 4.27.2.2.3 to list of requirements.

4.27.3.3 and subparts 4.27.3.3.1 - .2 - Revise paragraph for determination of doses.

4.35 - Revise title replacing the word “Radioactive” with the word “Byproduct”.

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4.35.1 - Revise introductory paragraph and 4.35.1 and add subparagraphs 4.35.1.1 – 4.35.1.2 to list requirements under 4.35.1 on unsealed radioactive material for uptake.

4.35.2 - Revise paragraph unsealed radioactive material for uptake.

4.37 - Revise title to Section, removing the term “Radioactive” and adding “Byproduct”.

4.37.1 - Revise introductory paragraph and section 4.37.1 and add subparts 4.37.1.1 - .2 defining unsealed radioactive material for imaging.

4.37.2 - Revise paragraph on unsealed radioactive material for imaging.

4.38.1 - Revise paragraph on permissible Molybdenum 99 concentration and add subparagraphs 4.38.1.1 - 4.38.1.2 to add details of requirement.

Part 4 Subpart E, RHA 4.40 - Revise title to Section, Section 4.40 and introductory paragraph by removing “Radioactive” and adding “Byproduct” before the word “Material”.

4.40.1 and subparagraphs 4.40.1.1 - .2 and 4.40.2 - Revise paragraph on written directives and add subparagraphs to list requirements under 4.40.1.

4.40.2 - Revise paragraph to list specifics in who is authorized in the production of PET radionuclides.

6.5.2 and subparagraphs 6.5.2.1 - 6.5.2.2 - Revise paragraph and add paragraphs on dose information to workers.

6.5.4 - Revise paragraph on reporting to the Department.

7.2.22 - Revise definition for “Waste”.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend a staff conducted informational forum to be held on Tuesday, January 26, 2010, at 10:00 a.m. in Room 1041 at the Stern Building at 8911 Farrow Road Suite 106. The purpose of the forum is to answer questions and to receive public comments from interested persons on the proposed amendment of R.61-63.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation at the forum or during a public comment period by writing to Richard Haynes, Director, Division of Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on January 26, 2010, the close of the public comment period. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing before the Board as noticed below.

Information or copies of the proposed text for public notice and comment may be obtained at the Department’s *Regulation Development Update* under the Land and Waste Category at <http://www.scdhec.gov/regulatory.htm>, or at the Land and Waste website at: <http://www.scdhec.gov/lwm/html/public.html> or by calling Carolyn McLaughlin at (803) 896-4254.

Relevant public comments received at the Forum and during the public comment period above-noticed shall be submitted to the Board of Health and Environmental Control in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment of R.61-63 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on March 11, 2010. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Board's agenda will be published by the Department in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness complies with SC Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Proposed amendment of R.61-63, Radioactive Materials (Title A).

Purpose: The Department intends to amend R.61-63, Radioactive Materials (Title A) to maintain conformity with federal requirements and ensure compliance with federal standards as required by Section 274 of the Atomic Energy Act of 1954. In addition, minor corrections and clarifications may be made to achieve conformity with prior federal regulations. These amendments will not be more stringent than the federal equivalent, and legislative review will not be required, nor is a preliminary assessment report or fiscal impact statement required.

Legal Authority: S.C. Ann. Code Sections 13-7-10 *et seq.* and required by Section 274 of the Atomic Energy Act of 1954.

Plan for Implementation: Upon final approval by the Board of Health and Environmental Control and publication in the *State Register* as a final regulation, amended regulations will be provided to the regulated community at cost through the Department's Freedom of Information Office.

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

Adoption of the proposed amendments of R.61-63 will enable compliance with recent federal amendments. See purpose above.

The Department intends to amend R.61-63, Radioactive Materials (Title A) to maintain conformity with federal requirements and ensure compliance with federal standards as required by Section 274 of the Atomic Energy Act of 1954. In addition, minor corrections and clarifications may be made to achieve conformity with prior federal regulations.

The regulation will be amended to implement a National Source Tracking System for certain sealed sources. The amendments will require licensees to report certain transactions involving these sealed sources to the National Source Tracking System. These transactions include manufacture, transfer, receipt, disassembly, or disposal of nationally tracked sources. The amendments will also require each licensee to provide its initial inventory of nationally tracked sources to the National Source Tracking System and annually reconcile the information in the system with the licensee's actual inventory. The manufacturers will be required to assign a unique serial number to each nationally tracked source.

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The regulation is being amended to establish an expanded definition of Byproduct Material to include jurisdiction over discrete sources of radium-226, accelerator-produced radioactive materials and discrete sources of naturally occurring radioactive material, as required by the Energy Policy Act of 2005 (EPAct).

The regulation is amended with respect to the Occupational Dose Records, Labeling Containers and the Total Effective Dose Equivalent. The changes limit the routine reporting of annual doses to those workers whose annual dose exceeds a specific dose threshold or who request a report. The changes modify the labeling requirements for certain containers holding licensed material within posted areas in nuclear power facilities. The rule removes the requirement that licensees attempt to obtain cumulative exposure records for workers unless these individuals are being authorized to receive a planned special exposure. The revisions reduce the administrative and information collection burdens on NRC and Agreement State licensees without affecting the level of protection for the health and safety of workers and the public or the environment.

DETERMINATION OF COSTS AND BENEFITS:

This regulatory amendment is exempt from the requirements of a Preliminary Fiscal Impact Statement or a Preliminary Assessment Report because the proposed changes are necessary to maintain compliance with federal regulations. There are no known additional costs to the state and its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no known uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This amendment will provide updates to the National Source Tracking System (NSTS), the expanded definition of byproduct material, and the requirements for occupational dose records, labeling containers, and total effective dose equivalent. The adoption of these regulations will ensure an effective regulatory program for radioactive material users under state jurisdiction and protection of the public and workers from unnecessary exposure to ionizing radiation.

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

The State's authority to implement federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

Text:

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

Document No. 4121
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-10 et seq., 38-2-10, 38-3-110(2), 38-39-60,
38-43-80, 38-43-130, 38-45-50, 38-47-40, 38-48-160, 38-49-20, 38-53-20, 38-70-50
and 38-78-110

69-23. Agents and Agency Licenses

Preamble:

The South Carolina Department of Insurance proposes to amend Regulation 69-23, Agents and Agency Licenses. The amendments to Regulation 69-23 will update terminology and clarify the requirements related to licenses issued by the Department. The amendments will also allow the Department to be uniform with the National Association of Insurance Commissioners (NAIC) standards. This will benefit South Carolina licensees to have their state of domicile in compliance with national standards which will speed up their licensing process in other states.

Notice of drafting for the proposed regulation was published in the *South Carolina State Register* on July 24, 2009.

Section-by-Section Discussion

The proposed regulation shall include the following sections:

SECTION CITATION:	SECTION TITLE	EXPLANATION
69-23, Section I	Purpose	This section sets forth the purpose of the regulation. The regulation is designed to clarify the requirements related to licenses issued by the Department.
69-23, Section II	Licenses required for each agency	This section provides the process for obtaining an agency license.
69-23, Section III	Citizenship requirements for Producers, Adjusters, Public Adjusters, Appraisers, Brokers, Bondsmen, and Runners	This section provides that applicants must be a citizen of the United States or provide documentation that the applicant is a properly registered alien residing in the United States.
69-23, Section IV	Appointments	This section provides the details for appointment of producers by insurers and the requirement that insurers retain records obtained regarding the producer's reputation for five (5) years.

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69-23, Section V	Successful Completion of Examination	This section provides that producers and adjusters must take and pass an examination. Exceptions are provided for adjusters holding CPCU or CLU designations for the kinds of insurance for which the applicant seeks authority and for nonresident applicants for an adjuster's license who are licensed in a state requiring a licensing examination.
69-23, Section VI	Absence of Criminal record	This section provides that insurers must investigate the character and record of a person the insurer wishes to appoint as its producer. It also provides the factors that the Director must consider in making the determination of good moral character for licensees.
69-23, Section VII	Special requirements for variable contracts licensing	This section provides additional qualifications that a person wishing to be licensed to sell variable life insurance or variable annuities must meet.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S. C. Code, as amended, such hearing will be held on February 25, 2010 at 10:00AM in the Administrative Law Court, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed regulation or any other information, and any requests for a public hearing, should be submitted to Rachel Harper, South Carolina Department of Insurance, P. O. Box 100105, Columbia, S.C. 29202-2105, on or before 5:00PM on January 25, 2010. Copies of the text of the proposed regulation for public notice and comment are available at www.doi.sc.gov.

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: Agents and Agency Licenses

Purpose: The proposed regulation will provide guidance to licensees of the Department of Insurance on the requirements for licensure.

Legal Authority: 1976 S.C. Code Ann. Sections 1-23-10 et seq., 38-2-10, 38-3-110(2), 38-39-60, 38-43-80, 38-43-130, 38-45-50, 38-47-40, 38-48-160, 38-49-20, 38-53-20, 38-70-50 and 38-78-110.

Plan for Implementation: The proposed regulation will be implemented by the S.C. Department of Insurance.

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

The proposed regulation is needed to provide direction to licensees of the Department regarding the requirements for licensure.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. The proposed regulation will benefit our state by ensuring that the Department complies with uniformity standards of the National Association of Insurance Commissioners (NAIC) and will clarify license application requirements.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no impact on the environment or public health. The anticipated public benefits of this proposed regulation include clarification of licensing requirements.

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

Promulgation of this regulation is necessary to provide guidance and clarification to licensees of the Department and to update the regulation to conform to current South Carolina law.

Statement of Rationale:

The Agents and Agency Licenses regulation is being updated to provide guidance to licensees of the Department and to reflect the statutory amendments enacted since the regulation was last amended in 1988. The amendments to the regulation are needed to clarify and update the requirements for licensees of the Department.

Text:

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

24 EMERGENCY REGULATIONS

Filed: November 25, 2009 10:04am

Document No. 4119
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10 and 50-11-2200

123-40. Dove Seasons and Dove Management Area Regulations

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends until January 15 it is necessary to re-file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2009-10

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. Please consider the other hunters as well as the landowners whose cooperation makes these fields possible. Signs will be placed along roads directing hunters to the fields. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on ALL hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! Migratory Bird Permit Required.

Season Dates:

September 5 - October 10 (Sept. 5 - 7 Afternoons only): November 21 - November 28: December 21 - January 15

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 5 – October 10).

ABBEVILLE

U.S. Forest Service, Parson Mountain WMA

5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 60 acres. Special Youth Hunt on Sept. 5 (see Youth Hunt List for details).

1st season – Saturdays only beginning Sept. 19, Afternoons only. 2nd and 3rd season – Open Mon. – Sat., Afternoons only.

AIKEN

US Dept of Energy, Crackerneck WMA

From SC 125/CR62 (Silverton Rd) in Jackson, take Silverton 0.4 mi. to Main St., left on Main for 0.4 mi., then right on Brown Rd. for 2.1 mi. Turn left on gravel road, at end of pavement go 0.2 mi. to check station, 40 acres. 1st season – Sept. 9 & 23; Afternoons only

2nd & 3rd season – Fridays, Saturdays & Thanksgiving Day only.

ANDERSON

Evans Property - US 178 at Lebanon, 25 acres

Saturdays only, Afternoons only, Dove Hunting only. Opening day participants selected by drawing. Apply by Aug. 14 at Clemson DNR office.

1st season, Saturdays – Afternoons only, Beginning Sept. 12. Open 2nd & 3rd seasons – Saturday Afternoons only.

Clemson University - Fant's Grove WMA

From US 76/ SC 28 south of Clemson Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres. 1st season, Saturdays – Afternoons only.

FIELD CLOSED OCT. 3rd, Open 2nd & 3rd seasons – Saturday Afternoons only.

***BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) From St. Stephen Take SC 45 west for 1.5 miles or continue to County Rd 35. Go Left about .3 miles, 60 acres. Sept. 5, 19; Oct. 3; Nov. 21; Afternoons only. Dove & Pigeon Hunting only.

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on Paved Road, 40 acres. Sept. 5, 19; Oct. 3; Nov. 21; Afternoons only. Dove & Pigeon Hunting only.

CHARLESTON

Botany Bay Plantation WMA

Located on Edisto Island south of Charleston. To reach WMA take Hwy 174 from US17 towards Edisto Beach. Turn left onto Botany Bay Rd, 8.5 mi. south of the McKinley Washington Bridge (just beyond the Edisto Serpentarium). Proceed down Botany Bay Rd. approx. 2 mi. until just before it ends, the entrance to the WMA is on the left. The dove fields are located approx. 2 mi. from the entrance. – Sept. 9 & 16; Nov. 21, Dec. 30; Jan. 13. Afternoons only.

CHEROKEE

Gaffney Board of Public Works

From the intersection of I-85 (Exit 95) & Pleasant School Rd (Sec Hwy 82) go 1.2 mi. north on Pleasant School Rd around Lake Whelchel and field is on left (west) side of road, 20 acres. Saturdays only, Afternoons only. Dove Hunting only.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest

Wilkes Chapel Field. From Sand Hills State Forest Headquarters on US 1, Go south on Flory Pond Rd for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres. 1st season –Saturdays only, Afternoons only - 2nd & 3rd seasons - Open Mon. – Sat., Afternoons only.

SC Forestry Commission – Sand Hills State Forest

Davis Field, From the intersection of US 1 and SC 102 in Patrick: Go southeast on SC 102 approx. 1 mi. Bear left on SR 80 and proceed approx. 1.5 mi. Left on Campbell Lake Rd. Continue 0.2 mi. then left on Griggs Loop Rd. Field entrance 0.1 mi. on the right. 30 acres.

1st season – Sept. 5 and Wednesdays only, Afternoons only beginning Sept. 16. 2nd & 3rd seasons – Open Mon. – Sat., Afternoons only.

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*CLARENDON

Santee Cooper – Santee Dam WMA

From the south end of SC 260 follow gravel road at Base of dam for approx. 5 mi., 137 acres. Sept. 5, 19; Oct. 3; Nov. 28, Jan. 2. Afternoons only. Dove Hunting only.

SC Forestry Commission Oak Lea WMA. From Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx 5 mi. Field on right. 135 acres.

Sept. 5, 19, Oct. 3; Jan. 2, 9. Afternoons only. Dove Hunting only.

*COLLETON

DNR - Bear Island WMA

From US 17 E of Green Pond, go SE on Rd 26 13 mi., turn left at sign marking entrance, 100 acres Sept. 9, 16 & 30; Nov. 28. Afternoons only.

DNR - Donnelley WMA

From US 17 E of Green Pond, Go southeast on Sec Rd 26 4 miles, Turn Right at Donnelley WMA Sign, Field 2 miles on Right, 100 acres.

Sept. 9, 16 & 30; Nov. 28; Dec. 30; Jan.13. Afternoons only. (843) 844-8957 On site lottery for 120 hunters on Sept. 9.

DARLINGTON

DeWitt Property From I-20 (Exit 137) go South on SC 340 (towards Timmonsville) 2.1 miles to Meander Rd. Right on Meander. Go 1.7 miles to Lake Swamp Rd. Right on Lake Swamp Rd. Go 0.5 miles to Oak Stump Rd. Bear left on Oak Stump. Field 1 mile on left. 50 acres. Wed. Afternoons only, Dove Hunting only.

EDGEFIELD/ MCCORMICK

U.S. Forest Service - Forks WMA-Seymour Fields

From Clarks Hill: Hwy 28 (Fury's Ferry Rd) south 5.5 mi. to S-33-112; travel east for 1.5 mi. Entrance is on right (south) side of road immediately after crossing into Edgefield County. 9 acres. 1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons - Open Mon. - Sat., Afternoons.

GEORGETOWN

DNR Samworth WMA

15 mi. North of Georgetown off US Hwy 701 North. Cross the Black River. Turn right at Cooter's Store. Travel approx. 6 mi. to Samworth Loop Rd. Turn right onto gravel road and follow signs to Samworth WMA, 60 acres - Saturdays, Afternoons only, Dove Hunting only.

*HAMPTON

DNR - Webb Wildlife Center

2.5 miles west of Garnett on Augusta Stage Coach Rd., 35 acres - Sept. 9, 23; Oct. 3; Nov. 25, Dec. 23 Afternoons only.

LAURENS

DNR - Gray Court Tract

From the intersection of SC Hwy 101 and SC Hwy 14 in Gray Court, go 0.9 mi. south on SC Hwy 14 then left on Dove Rd for 0.3 mi., field is on right (south) side of road, 12 acres. 1st season – Saturdays only, Afternoons only - 2nd & 3rd seasons - Open Mon. – Sat., Afternoons only.

LEE

Atkinson Property

From 1-20, Go 2.7 miles southeast on SC 341 to Wisacky, Go 0.9 miles west on Cooper's Mill Rd. To Mt. Zion AME Church. Go 3.7 miles south on Dog Island Rd. Field on both sides of road. From US 401, Go 1.1 miles northwest on Dog Island Rd., 70 acres. Wednesdays only, Afternoons only. Dove Hunting only.

LEXINGTON

Hallman Field

From I-20 take 178 East for 2.4 mi. to Truex Rd. Turn left on Truex and go 1.2 mi. to Rish Rd. Turn right on Rish and go 0.1 mi. to parking area on left Saturdays only, Afternoons only – Dove Hunting only.

MARLBORO

DNR - Lake Wallace WMA

northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., from Hwy 9 (west of Bennettsville) turn left on Beauty Spot Rd, go 1.9 mi. Field on right. 50 acres. Saturdays, Afternoons only. Dove Hunting only.

MCCORMICK

U.S. Army Corps of Engineers - Clarks Hill WMA

Bordeaux Work Center Field – From intersection of Hwys 28 & 378 in McCormick: Hwy 378 west 5.5 mi. to Hwy 7. Right onto Hwy 7; go 3 mi. to S-33-135 (Willington Academy Dr) Left onto S-33-135; go 1.5 mi. to S-33-110 (McIntosh Rd) Left onto S-33-110; go 1.5 mi. to field entrance on the left. 40 acres. Sept. 5 & 16; Nov. 25, Jan. 6 only, Afternoons only. Dove Hunting only.

U.S. Army Corps of Engineers – Key Bridge WMA

Parksville Field – ¼ mi. north of Parksville on Hwy 28. 22 acres. 1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons – Open Mon. - Sat., Afternoons only.

U.S. Forest Service - Key Bridge WMA

Cunningham Fields – From intersection of Hwys 28 & 283 in Plum Branch; Hwy 283 E for 5 mi. to F688. Right onto F688; travel south for ¾ mi. until road forks. From the fork, one field is 0.3 mi. further down F688 and another is 0.6 mi. down F688B. 40 acres. 1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons - Open Mon. - Sat., Afternoons only.

MCCORMICK

US Army Corp of Engineers, Key Bridge WMA

Plum Branch Saddle Club Fields – 2 mi. west of Plum Branch on S-33-57. 30 acres. 1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons – Open Mon. - Sat., Afternoons only.

U.S Forest Service, Clarks Hill WMA, McCombs Tract

11 mi. south of Abbeville or 10 mi. north of McCormick on SC-28, 1.5 mi. west on SR-19. One field on SR-19 and one field on F579. 60 acres.

1st season – Saturdays only, Afternoons only. 2nd and 3rd season – Open Mon. - Sat., Afternoons only.

US Forest Service – Forks WMA – Seymour Fields

From Clarks Hill: Hwy 28 (Fury's Ferry Rd) south 5.5 mi. to S-33-112 (Hopeland Church Rd) Left onto S-33-112; travel east for ¾ mi. to F660E. Right only F660E; travel south for 0.2 mi. Field entrance is on left (east) side of F660E. 18 acres. 1st season – Saturdays only, Afternoons only

2nd and 3rd season – Open Mon. - Sat., Afternoons only.

28 EMERGENCY REGULATIONS

NEWBERRY

SCDOT McCullough Field

From I-26 North on Hwy 121 towards Whitmire 9.2 mi. Right on McCullough Rd., 0.7 mi. Field on right. Saturdays only Beginning Sept. 12, Afternoons only, Dove Hunting only.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center

From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres. Saturdays only, Afternoons only. Dove hunting only. 3rd season – Closed.

U.S. Forest Service – Long Creek Tract

In order to hunt, adults must have 1 or 2 youth age 17 or younger. Disability hunters must contact the U.S. Forest Service Andrew Pickens office for permit requirements and access. From Westminster take Hwy 76 to Long Creek, take a left on Orchard Rd, proceed $\frac{3}{4}$ mi. to field on right. 20 acres. 1st season – Saturdays only beginning Sept. 26, afternoons only. 2nd season – Open November 21 only – Afternoons only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field

About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres.

1st Season, Saturdays - Afternoons only, Open 1st, 2nd & 3rd seasons – Saturday Afternoons only.

***ORANGEBURG**

Santee Cooper - Santee Cooper WMA

From Santee, Take Highway 6 east approximately 12 miles to Eutaw Springs. Left on FredCon Rd. for 0.3 miles. Left on Ferguson Landing Road for 0.3 miles Left at Santee Cooper WMA sign. Field is 0.3 miles from entrance. 50 acres. Entire WMA under Dove Area Regulations.

Sept. 19; Oct. 3; Nov. 25; Jan. 2. Afternoons only. Dove Hunting only.

PICKENS

DNR Property

South of Pickens off Sec Rd 304 near SC Highway Dept. Bldg., 40 acres. Open 1st, 2nd & 3rd seasons. Saturdays only, Afternoons only. Dove Hunting only.

Clemson University - Gravely WMA - Causey Tract

From SC 11 Go south on Sec Rd 112 at Cendy's Store, Turn east on Sec Rd 114 & Go 0.5 miles; 25 acres. Open 1st, 2nd & 3rd seasons. Saturdays only, Afternoons only.

Porter Field

183 from Pickens, Go 5 miles to Mtn. View Church Rd. Right 1/10 miles, Field on Right. Saturdays - Afternoons only, Beginning Sept. 12

3rd Season – Closed. Dove Hunting only.

SPARTANBURG

Santee Cooper

From intersection of US 176 & West Main St. (Sec. Hwy 227) approx. 2.5 miles W. of Pacolet, go 0.1 mile east on West Main St. and turn left on Goldmine Rd. (Sec. Hwy 108) for 4.3 mi. then turn right on Hatchet Dr. Field at end of road. 15 acres. 1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons – Open Mon. – Sat., Afternoons only.

Spartanburg Co Parks & Rec. Dept. – Inman Tract

From the intersection of SC Hwy 292 and New Cut Rd (Sec Hwy 52) near Inman take New Cut Rd to the

northwest for 4.8 mi. and field is on the left (southwest) side of the road. 20 acres. Saturdays only, Afternoons only, Dove Hunting only.

SUMTER

S.C. Forestry Commission - Manchester State Forest

Directions from Wedgefield

Bland Field 1 – Take Hwy 261 North 0.7 mi. to Bland entrance sign, turn right and follow dirt road to field. 50 acres. Sept. 5 is Youth Hunt only – Pre-registration required.

Bland Field 2 – Take SC 763 (Wedgefield Rd) 1.8 mi. then left on Knott Rd & follow dirt road 0.4 mi. to field. 50 acres.

Bird Haven Field – Takes SC 763 (Wedgefield Rd) 4 mi. to stop sign. Left on St. Paul Ch. Rd., go 1 mi. to field on right. 25 acres.

Tuomey Field – Take SC 763 (Wedgefield Rd) 4 mi. to stop sign. Right on St. Paul Ch. Rd., go 3 mi. to field on right. 50 acres.

1st season – Sat. Afternoons only (Designated Fields). 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

UNION

DNR Thurmond Tract

From the intersection of SC Hwy 9 and SC Hwy 49 at Lockhart go 4.3 mi. north on SC Hwy 9 and the field is on the left (south) side of road. 15 acres. 1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons open Mon. – Sat., Afternoons only.

Sedalia (U.S. Forest Service)

From the intersection of SC 49 and Old Buncombe Rd (Sec Hwy 18) near Cross Keys, go 3.6 mi. east on Old Buncombe Rd and turn left on Sedalia Fire Tower Rd (Sec. Hwy 80) for 0.2 mi. and field is on left (northwest) side of road. 15 acres. 1st season – Saturdays – Afternoons only, Beginning Sept. 12. 2nd & 3rd seasons - Open Mon. - Sat., Afternoons only.

YORK

DNR - Draper Tract

3.5 miles E of McConnell on SC 322, Turn Right on Sec Rd 165 (Brattonville Rd), Go .5 miles, Turn Right, Two 30 acres Fields.

1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons Open Mon. - Sat., Afternoons only. Opening day participants selected by drawing. Apply in writing by Aug 14 to DNR, 124 Wildlife Dr, Union, SC 29379. Limited space available.

York County – Worth Mountain WMA

From Hickory Grove at the intersection of SC Hwy 97 and SC Hwy 211, take Hwy 211 South approx. 4 miles and turn left on Scenic View Rd, go .75 miles and field is on right. 40 acres planted. 1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons Open Mon. - Sat., Afternoons only.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 17 years of age and younger. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults must remain in the field and closely supervise participating youth at all times. (3) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate and in no instance may an individual hunter harvest more than 15 birds.

30 EMERGENCY REGULATIONS

ABBEVILLE YOUTH HUNT

U.S. Forest Service – Parson Mountain WMA

September 5 - Participants selected by drawing. Apply in writing or call by August 14 to SCDNR, 2751 Hwy 72 East, Abbeville, SC 29620. Limited space available.

CHARLESTON YOUTH HUNT

Botany Bay Plantation WMA

September 5 – No preregistration required.

NEWBERRY YOUTH HUNT

SCDOT – McCullough Field

September 5 - Limited Space Available. Participants selected by drawing. Apply in writing or call by Aug. 14 to DNR, PO Box 167, Columbia, SC 29202.

OCONEE YOUTH HUNTS

U.S. Forest Service – Long Creek Tract

September 5 - Participants selected by drawing. Apply by Aug. 14 to DNR, 311 Natural Resources Dr, Clemson, SC 29631 - Limited Space Available.

ORANGEBURG YOUTH HUNT

Santee Cooper – Santee Cooper WMA

September 5 - Limited Space Available. Participants selected by drawing. Apply in writing or call by Aug. 14 to DNR, PO Box 167, Columbia, SC 29202.

PICKENS YOUTH HUNT

Porter Field -- September 5 - Participants selected by drawing. Apply by Aug. 14 to DNR, 311 Natural Resources Dr. Clemson, SC 29631. Limited Space Available.

SUMTER YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract – Field 1.

September 5 - Limited Space Available. Participants selected by drawing. Apply in writing or call by Aug. 14 to DNR, PO Box 167, Columbia, SC 29202.

UNION YOUTH HUNT

U.S. Forest Service near Sedalia

September 5 - Limited space available. Participants selected by drawing. Apply in writing or call by Aug. 14 to DNR, 124 Wildlife Dr, Union, SC 29379.

YORK YOUTH HUNT

DNR Draper WMA

September 5 - Participants selected by drawing. Apply in writing or call by Aug 14 to DNR, 124 Wildlife Dr, Union, SC 29379. Limited Space Available.

Statement of Need and Reasonableness:

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 new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts extend until January 15 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 which 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.

Filed: November 25, 2009 10:03am

Document No. 4120
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 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

- 123-40. Wildlife Management Area Regulations
- 123-52. Either-sex Days for Private Lands in Game Zones 1-6

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40 and 123-52. 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 extends until January 1 it is necessary to re-file these regulations as emergency.

Text:

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources Regulations 123-40 and 123-52.

1.2. The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands 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, Carlisle, Broad River, Dutchman, Wateree and Worth Mountain WMA’s.

Primitive Weapons Hunts (No dogs)	Oct. 1 - Oct. 10	2 Deer, buck only for muzzleloaders except either-sex on days specified in Reg. 4.2. Archery, either-sex.
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32 EMERGENCY REGULATIONS

Keowee WMA

Archery Hunts For Deer (No dogs)	Oct. 15 - Dec. 22	Total 3 deer, 2 per day, either-sex, not to include more than 1 buck.
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Fants Grove WMA

Archery Only (No dogs)	Oct. 15 - Dec. 7	Total of 3 deer, 2 per day, either-sex, not to include more than 1 buck.
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(C) Crackerneck WMA and Ecological Reserve

Deer

Still Gun Hunts (No buckshot)	3 rd Fri. in Oct. - Jan. 1 Fri., Sat. and Thanksgiving Day only except closed Dec. 25	5 deer total, 2 per day, buck only except on either-sex days Fri. and Sat. only from the 1 st Fri. of gun hunts before Thanksgiving and the 1 st Fri. and Sat. after Thanksgiving weekend. Total not to include more than 3 bucks.
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Raccoon & Opossum	3 rd Sat. night in Oct. - Jan. 1, Sat. nights only, except closed Dec. 25; 1 st Fri. night in Jan. to to last Fri. or Sat. night in Feb., Fri. and Sat. nights only.	3 raccoons per party per night. No limit on Opossums.
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Hog Hunts with dogs. (Pistols only)	1 st Fri. after Jan. 1 - last Fri. in Feb. Fridays only.	No limit.
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Small Game (except no open season on bobcats, foxes, otters and fox squirrels).	3 rd Fri. in Oct. – last Fri. or Sat. in Feb. Fri., Sat. and Thanksgiving Day only except closed Dec. 25.	Game Zone 3 bag limits.
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(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts. During deer hunts when dogs are used buckshot only is permitted. On either-sex deer hunts with dogs, all deer must be checked in by one hour after legal sunset. On all still gun and muzzleloader either-sex hunts for all units, all does must be tagged with an individual antlerless deer tag except when harvested on county-wide either-sex days. Individual antlerless deer tags are valid on days not designated as either-sex after Sept. 15 for still hunting only. Tibwin Special Use Area (in Wambaw) is closed to hunting except for Special hunts. On youth deer hunts, only youths 17 and younger may carry a gun and must be accompanied by an adult 21 years old or older.

Total of 8 deer for all gun and muzzleloader hunts on the Francis Marion.

Hellhole WMA

Deer

Archery	Aug. 15 through Sept. 30.	2 deer per day, either-sex. Sept. 15 – 30. Hogs - no limit.
Still Gun Hunts	Oct. 1 – Jan. 1 except during Scheduled dog drive hunts.	2 deer per day, either-sex. Hogs no limit.
Dog Hunts (Shotguns only, no still gun hunting)	1 st Sat. in Dec. 2 nd Fri. in Dec.	2 deer per day, buck only. 2 deer per day, either-sex. Hogs no limit.
Youth only deer hunt with dogs	Sat. following the two-day Wambaw buck only hunt in Nov.	2 deer per day, either-sex. Hogs no limit.

Requirements for youth same as statewide youth deer hunt day.

On the either-sex deer hunt with dogs (except youth only hunts) all deer must be checked in a Hellhole Check Station.

Waterhorn WMA

Deer

Archery	Sept. 24 – Oct. 15.	2 deer per day, either-sex. Hogs no limit.
Muzzleloader	Open last full week in Oct. and lasting for 14 days.	2 deer per day, either-sex. Hogs no limit.
Still Gun Hunts	3 rd Fri. & Sat. in Aug. 1 st & 2 nd Fri. & Sat. in Sept. 2 nd Fri. & Sat. in Nov.	2 deer per day, buck only. Hogs no limit.
	1 st full week in Dec. Dec. 26 – Jan. 1.	2 deer per day, either-sex. Hogs no limit.
Hog Hunts with dogs	Every other Sat. in Feb. beginning with the 1 st Sat. & including the 2 nd Sat. in Mar.	No limit.

Wambaw WMA

Deer

Still Gun Hunts	Aug. 15 - Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, except either-sex Sept. 15 – Jan. 1. Hogs no limit.
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34 EMERGENCY REGULATIONS

Dog Hunts (Shotguns only)	Fri. in Sept. before the last Sat. Northampton dog hunt & Wed. Thurs. before the 3 rd Sat. in Nov. & 2 nd Sat. in Dec. & 2 hunting days After Dec. 25.	2 deer per day, buck only. Hogs no limit.
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	1 st Sat. in Nov.	2 deer per day, either-sex. Hogs no limit.
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Youth only deer hunt with dogs	4 th Sat. in Oct.	2 deer per day, either-sex. Hogs no limit.
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Requirements for youth same as statewide youth deer hunt day.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at Awendaw check station on Hwy 17 or Honey Hill Lookout Tower.

Still gun hunts only East of Hwy 17. Rifles allowed.

Northampton WMA

Deer

Still Gun Hunts	Aug. 15 through Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, except either-sex Sept. 15 – Jan. 1. Hogs no limit.
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Dog Hunts (Shotguns only)	Last Sat. in Sept. & Wed. & Thur. before the 2 nd Sat. in Oct. & Fri. before the 4 th Sat. in Nov. & 3 rd hunting day after Dec. 25.	2 deer per day, buck only. Hogs no limit.
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	3 rd Sat. Oct.	2 deer per day, either-sex. Hogs no limit.
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Youth only deer hunt with dogs	Sat. of statewide youth deer hunt day in Jan.	2 deer per day, either-sex. Hogs no limit.
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Requirements for youth same as statewide youth deer hunt day.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at P&C Grocery or Anglers in Jamestown.

Santee WMA

Deer

Still Gun Hunts	Aug. 15 - Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, except either-sex Sept. 15 – Jan. 1. Hogs no limit.
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Dog Drive Hunts (Shotguns only)	Last Fri. & Sat. in Aug. & Wed. & Thur. before the 4 th Sat. in Oct. & 1 st Fri. in Dec.	2 deer per day, buck only. Hogs no limit.
	Sat. prior to Northampton buck only Hunt in Sept.	2 deer per day, either-sex. Hogs no limit.
Youth only deer hunt with dogs	1 st Sat. in Oct.	2 deer per day, either-sex. Hogs no limit.

Requirements for youth same as statewide youth deer hunt day.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at Bonneau Ferry Entrance or M & B Alvin Community Mart.

(H) Moultrie

Deer Total of 8 deer per season.

There shall be no hunting or shooting within fifty (50) feet of the center of any road during gun hunts for deer except for SCDNR draw youth hunts.

(I) Santee Cooper WMA

Data cards required for hunter access. Completed data cards must be returned daily upon leaving Santee Cooper WMA.

Deer Total 8 deer per season for all hunts combined, no more than 2 bucks.

Quality Deer Management Area – Only antlerless deer, spike bucks (2 points) and bucks with a minimum 4 points on one side or a 12-inch minimum antler spread. A point must be at least one inch long measured from the nearest edge of main beam to the top of the point. Campground is open during scheduled deer hunts only.

Archery First full week in Oct.
(Mon. – Sat.) 2 deer per day, either-sex,
no more than 1 buck per day.

Archery and Muzzle Loader Second full week in Oct.(Mon. -
Sat.), First full week in Nov.(Mon.
- Sat.), Second full week in Dec.
(Mon. – Sat.) 2 deer per day, either-sex,
no more than 1 buck per day.

Small Game 1st Mon. after the closing
of the last deer hunt through
Mar. 1, except raccoon hunting
each Fri. and Sat. Game Zone 6 Bag limits,
except Quail- 8 per day.

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(J) Webb WMA

Deer Hunts (No dogs)	No open season except hunters selected by computer drawing.	2 deer, either-sex, but only 1 buck with a minimum 4 points on one side or a 12-inch minimum antler spread except 1 st firearms draw hunt of each season is designated as an antlerless only hunt and no antlered bucks may be harvested.
Quail Hunts Quail hunters must pick-up and return data cards at kiosk.	2 nd and 4 th Wed. in Jan. 2 nd and 4 th Sat. in Jan. 1 st and 3 rd Sat. in Feb. 1 st and 3 rd Wed. in Feb.	8 quail per day.
Still Hog Hunts (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	3 rd Thurs. – Sat. in March 2 nd Thurs. – Sat. in May 1 st Thurs. – Sat. in Sept.	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 the Webb WMA. No hogs may be taken alive from Webb WMA. Hog hunters are permitted to camp at Bluff Lake on Webb WMA on nights prior to scheduled hog hunts only.

(L) Santee Delta WMA

Deer and hog hunters must sign in and out and complete a data card on harvested animals at the check Station on the East Side of the Delta.

Special hog hunt Shotgun with slug or muzzleloader, no buckshot, hunting from elevated stands only.	3 rd Wed., Thurs., Fri. in March. (impoundments only)	Hogs only, no limit, no live to be removed from WMA.
Special hog hunt with dogs	3 rd and 4 th Sat. in March . (impoundments only)	Hogs only, no limit, handguns only, limit 4 bay or catch dogs per party. No live hogs removed from WMA.

(O) Lewis Ocean Bay WMA

Deer	Total of 5 deer for all hunts combined.
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Still hunting only, no deer dogs, no buckshot, no hunting or shooting from or on any roads open to vehicular traffic. Hunting from horseback is prohibited. All deer hunters must sign in and sign out daily and record harvest at the kiosk.

(P) Pee Dee Station Site WMA

All visitors to Pee Dee Station Site WMA are required to sign in upon entry to the WMA and sign out upon exit from the WMA and provide any additional information requested. Sign in sheets are located at the informational kiosk. Hogs may be taken only during deer hunts or scheduled hog hunts. No ATVs allowed.

Deer Total of 3 for all hunt periods combined.

Still hunting only, no deer dogs, no buckshot, no hunting or shooting from or on any roads open to vehicular traffic. The scouting seasons are 2-day periods on Saturday and Sunday immediately preceding hunt periods.

Archery	1 st Mon. - Sat. in Oct.	1 deer per day, either sex.
Archery and Muzzleloader	3rd. Mon. - Sat. in Oct. 1st. - Mon. - Sat. in Nov.	1 deer per day, either sex.
Special Hog Still Hunt (no dogs) Archery, crossbows and muzzleloading rifles only.	Mar. 1 - 3 rd Sat. in Mar.	Hogs only, no limit, no bay or catch dogs.
Raccoon	Sept. 15 – Mar. 1 (nights only).	3 per party per night.

(R) Santee Coastal Reserve WMA

Deer hunters must sign in and sign out and complete a data card on harvested animals.

(S) Other Small WMAs

Aiken, Lexington and Richland Counties

Deer

Still Gun Hunts and Archery (No dogs)	No hunting before Sept. 1 or after Jan. 1.	Game Zone 3 bag limits. Buck only, except on Game Zone 3 either-sex days as specified in Reg. 4.2. Individual antlerless deer tags are valid on other “unnamed” WMAs starting Sept. 15. Tags do not alter daily or season bag limits.
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Chesterfield, Kershaw, Dillon & Marlboro Counties

Deer

Still Gun Hunts and Archery (No Dogs)	Sept. 15 - Jan. 1.	Total 10 deer for all gun hunts, 2 per day, buck only, except on Game Zone 4 either-
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sex days as specified in Reg. 4.2. Individual antlerless deer tags are valid on other “unnamed” WMAs starting Sept. 15. Tags do not alter daily or season bag limits. Limit of 10 may not include more than 5 bucks. Male deer required 2 inches of visible antler above the hairline to be legal. Male fawns (button bucks) are considered antlerless deer, legal only during either-sex hunts; however, they apply toward the buck limit.

Darlington, Lee & Sumter Counties

Deer

Archery	Sept. 1 - Jan. 1.	Total 5 deer per season, buck only, except on Game Zone 5 either-sex days as specified in Reg. 4.2. Individual antlerless deer tags are valid on other “unnamed” WMAs starting Sept. 15. Tags do not alter daily or season bag limits.
Still Gun Hunts (No dogs) No buckshot.	Sept. 15 - Jan. 1.	Total 5 deer per season, buck only, except on Game Zone 5 either-sex days as specified in Reg. 4.2. Individual antlerless deer tags are valid on other “unnamed” WMAs starting Sept. 15. Tags do not alter daily or season bag limits.

(T) Woodbury WMA

All visitors to Woodbury WMA are required to sign in upon entry to the WMA and sign out upon exit from the WMA and provide any additional information requested. Sign in sheets are located at the informational kiosk. Hogs may be taken only during deer hunts or scheduled hog hunts. No ATVs allowed.

Special Hog Still Hunt (No dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	Mar. 1 – 3 rd Sat. in Mar. May 2 – last Sat. in Aug. (Thur. - Sat. only).	Hogs no limit.
Special Hog Hunt With dogs	2 nd Mon. in Jan. - 4 th Sat. in Jan.	Hogs only, no limit. Limit of 4 bay or catch dogs per party, all hogs taken must be killed where taken. Handguns only.

Raccoons	Sept. 15 – Mar. 1.	3 per party per night.
Fox	Fri. after Thanksgiving – Mar. 1 Night only.	Game Zone bag limits.

(W) Marsh WMA

All visitors to Marsh WMA are required to sign in upon entry to the WMA and sign out upon exit from the WMA and provide any additional information requested. Sign in sheets are located at the informational kiosk. Hogs may be taken only during deer hunts or scheduled hog hunts. No ATVs allowed.

Special Hunt Area for Youth and Mobility Impaired Hunters.	No open season except for hunters selected by drawing.	1 deer per day, either-sex. Small Game, Game Zone 4 limits.
Special Hog Still Hunt (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	Mar. 1st – 3rd Sat. in Mar. May 2 nd – last Sat. in Aug., Thurs. - Sat. only.	Hogs Only, no limit, no bay or catch dogs.
Special Hog Hunt With Dogs	2 nd Mon. in Jan. – 4 th Sat. in Jan.	Hogs only, no limit. Limit of 4 bay or catch dogs per party, no live hogs removed from WMA. Handguns only.
Raccoon	Sept. 15 – Mar. 1 nights only.	3 per party per night.
Small Game Seasons Open only for rabbit, squirrel, opossum, quail, and woodcock only No open season on fox squirrels.	Thanksgiving - Mar. 1 Wed. - Sat. only Woodcock – Wed. – Sat. only during Federal season.	Game Zone 4 bag limits. Woodcock – Fed. limits.

(X) Hamilton Ridge WMA

Deer

Muzzleloader and archery (No dogs)	1 st full week in Nov.	2 deer per hunt period, either-sex, only 1 buck. Hogs no limit.
Quail Hunts Quail hunters must pick-up and return data cards at kiosk.	2 nd and 4 th Wed. in Jan. 2 nd and 4 th Sat. in Jan. 1 st and 3 rd Sat. in Feb. 1 st and 3 rd Wed. in Feb.	8 quail per day.

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Special Hog Still Hunt (no dogs) Archery, crossbows, Centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	3 rd Thurs. – Sat. in March 2 nd Thurs. – Sat. in May 1 st Thurs. – Sat. in Sept.	No limit.
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(AA) Little Pee Dee River Complex WMA

Raccoon	Wed. – Sat. nights beginning Sat. after Thanksgiving – the last Wed. or Sat. in Feb.	3 per party per night.
Special Hog Still Hunt (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	March 6 - 3 rd Sat. in March	Hogs only, no limit, no bay or catch dogs.

(BB) Great Pee Dee River WMA

All visitors to Great Pee Dee River Heritage Preserve WMA are required to sign in upon entry to the WMA and sign out upon exit from the WMA and provide any additional information requested. Sign in sheets are located at the informational kiosk. Hogs may be taken only during deer hunts or scheduled hog hunts. No ATVs allowed.

Deer Hunts	Total 3 deer for all hunts.
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For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset. Still hunting only, no deer dogs, no buckshot, no hunting from motor vehicles or boats, no hog dogs. Hogs may be taken only during deer hunts or special hog hunts. Firearms must be unloaded and cased and not readily accessible when not in legal use.

Special Hog Still Hunt (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	1 st Mon. in Feb. – last Sat. in Feb.	Hogs only, no limit.
Gray Squirrels	Mon. following the last Sat. of Deer Season – last Sat. in Jan. No open season on fox squirrels.	Game Zone 5 bag limits.
Raccoon	Sept. 15 – Mar. 1, Nights only.	3 per party per night.

(CC) Hickory Top WMA

Data cards required for hunter access. Completed data cards must be returned daily upon leaving Hickory Top WMA.

(DD) Palachucola WMA

Deer Hunts

Deer hunting or shooting will not be allowed from or on roads open to vehicle traffic. All deer hunters are required to sign-in and sign-out daily.

Archery (No Dogs)	Sixteen hunting days beginning the last Wed. in Sept.	3 deer, either-sex, except only 1 buck with a minimum 4 points on one side or a minimum 12-inch antler spread.
Muzzleloader and Archery (No dogs)	3 rd Thurs. – Sat. in Dec.	3 deer, either-sex, except only 1 buck with a minimum 4 points on one side or a minimum 12-inch antler spread.
Quail Hunts Quail hunters must pick-up and return data cards at kiosk.	2 nd and 4 th Wed. in Jan. 2 nd and 4 th Sat. in Jan. 1 st and 3 rd Sat. in Feb. 1 st and 3 rd Wed. in Feb.	8 quail per day.

No small game hunting during scheduled deer hunts.

Still Hog Hunts (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	3 rd Thurs. – Sat. in March 2 nd Thurs. – Sat. in May 1 st Thurs. – Sat. in Sept.	No limit.
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(EE) St. Helena Sound Heritage Preserve WMA

Deer: Hunting by permit only obtained at McKenzie Field Station. Camping by special permit only and on Otter Island only.

Raccoon	Sat. during Jan. & Feb.	Game Zone 6 limits.
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(FF) Waccamaw River Heritage Preserve WMA

Deer		Total 2 deer per season. Hogs no limit.
Hog hunt with dogs	1 st & 2 nd Sat. in March	No limit, sidearms only, no more than 4 bay or catch dogs per party, no live hogs removed from WMA.

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(GG) McBee WMA

Other Small Game
No small game hunting during scheduled deer hunting periods. No open season for fox squirrels.

No hunting before Mon. following the 2nd Sat. in Jan. or after Mar. 1; otherwise Game Zone 4 seasons.

Game Zone 4 limits.

(HH) Canal WMA

Hunters must pick up and return data cards at access points. Shotguns must be plugged so as not to hold more than 3 shells.

Quail

1st Wed. after opening day of quail season and every other Wed. and Sat. thereafter until Mar. 1.

Total 8 per day.

(JJ) Longleaf Pine WMA

Deer

Total 2 deer for all hunts combined.

Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on any roads open to vehicular traffic. Individual antlerless deer tags valid on days not designated as either-sex after Sept. 15.

Archery

Sept. 1 – 14.

2 deer per day, buck only.

Archery and Gun Hunts

Sept. 15 – the day before Thanksgiving Day.

2 deer per day, either-sex.

(OO) Santee Dam WMA

Small Game

No open season on fox squirrels.

Jan. 2 through Mar. 1.

Game Zone 5 bag limits.

(UU) Wee Tee WMA

Hogs may be taken only during deer hunts or scheduled hog hunts.

Deer

Total 8 deer per season.

Archery

Sept. 15 through 1st Sat. in Oct.

1 deer per day, either-sex.
Hogs no limit.

Archery and Muzzle Loader

Mon. following 1st Sat. in Oct. - 3rd Sat. in Oct.

1 deer per day, either-sex.
Hogs no limit.

Still Gun Hunts No dogs. No buckshot.	Mon. following 3 rd Sat. in Oct. - Jan. 1.	1 deer per day, bucks only, except either-sex on county- wide either-sex days. Hogs no limit.
Still Hog Hunts (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	Mar. 1 – 3 rd Sat. in Mar.(Mon.-Sat.) May 2 – last Sat. in Aug. Thurs. – Sat. only.	No limit.
Hog Hunts with Dogs (Handguns only)	2nd Mon. in Jan. – 4 th Sat. in Jan.	No limit. Limit of 4 bay or catch dogs per party, all hogs taken must must be killed where taken.
Raccoon	Sept. 15 – March 1 (nights only).	3 per party per night.
Small Game No open season for fox hunting. No open season for fox squirrels.	No hunting before Sept. 1 or after Mar. 1; Dogs allowed during small game gun season only.	Game Zone 5 bag limits.
Gray Squirrels only	Jan. 2 – last Sat. in Feb.	

(VV) Bonneau Ferry WMA

No camping is allowed. No person hunting on Bonneau Ferry WMA may possess, consume, or be under the influence of intoxicants including beer, wine, liquor or illegal 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 17 years old or younger 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. All deer must be checked out at the main entrance. Bonneau Ferry WMA is closed to public access one hour after sunset until one hour before sunrise except, for special hunts regulated by DNR. Hunters may not enter WMA prior to 5:00 AM on designated hunts. 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. No fox or bobcat hunting. Hogs may be harvested during any scheduled hunt.

Deer		Limit 2 deer per day, total 8 deer per season for all hunts, no more than 2 antlered deer total. Hogs no limit.
Side B Archery	Sept. 1 – Sept. 14 Sept. 15 – Sept. 20 2 nd Mon. in Nov. until Nov. 30.	Buck only. Either-sex Either-sex.

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Side A (Adult/Youth Only)

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, turkey and waterfowl hunts.

Quail (Side B)	Open every other Sat. beginning	Limit 8 per day.
Shotguns must be plugged to hold no more than 3 shells.	Feb. 1 through Mar. 1.	
Hunters must pick up, accurately fill out and return data card at the main entrance.		

Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign in and sign out and record harvested hogs at the kiosk at the main entrance. Hunts from legal sunrise to legal sunset. Both Sides (A & B) are open to hog hunting with no youth restrictions.

Special Hog Hunt	March 5, 6, 20	Hogs only, no limit. Limit of 4
With dogs	May 7, 8	bay or catch dogs per party,
One shotgun per party (buckshot only) and centerfire handguns.		hogs may not be transported alive.

(YY) Botany Bay Plantation WMA

All hunters, fishermen, and visitors must obtain and complete a day use pass upon entering the area and follow all instructions on the pass. Botany Bay Plantation WMA is, open to public access during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) except during special hunts and events regulated by DNR. Area is closed to general public access during special scheduled hunts. Hunting in designated areas only. Hunting access by boat is prohibited. Fishing in the Jason's Lake complex and all other ponds is adult/youth catch and release only on designated days. For adult/youth fishing, youth must be accompanied by no more than two adults 18 years old or older. Adult may also fish.

Deer

Archery	1 st Mon. after Sept. 15 until the 1 st Sat. in Oct.; Mon. – Sat. during the week of Thanksgiving; Mon. – Sat. during the week of Christmas.	Total 3 deer, either-sex but only 1 buck with a minimum 4 points on one side or a 12" minimum antler spread.
Still Gun Hunts (No dogs, no buckshot)	No open season except for hunters selected by computer drawing.	Total 3 deer, either-sex but only 1 buck with a minimum 4 points on one side or a 12" minimum antler spread.

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 into December. Hunters are required to have permit in possession and must sign in and sign out (Name, permit # and deer killed each day) at the designated check station. All harvested deer must be checked in at the designated check station.

Small Game No open season for fox squirrels or foxes. Dogs allowed during gun seasons only.	Jan. 2 – Mar. 1 Wed. and Sat. Only.	Game Zone 6 bag limits, except quail 8/day.
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Raccoons and Opossum	Jan. 2 – Mar. 1 (Wed. & Fri. only).	Game Zone 6 bag limits.
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(ZZ) Old Island Heritage Preserve WMA

Deer

Archery	Sept. 15 – Jan. 1.	Total 2 deer per season. 1 deer per day, either-sex.
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(AAA) Belfast WMA

All terrain vehicles are prohibited except those permitted by SCDNR for special management activities. Fishing is not allowed except through permitted special events. All hunters must sign in and sign out daily upon leaving Belfast WMA. All harvested deer and turkeys must be checked in at the Belfast Check Station. Belfast WMA is open to public access during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) except during special hunts and events regulated by DNR. Hunters may not enter the WMA prior to 5:00 AM on designated hunts. Public visitation is not allowed during scheduled deer or turkey hunts. Data cards required for hunter access. Completed data cards must be returned daily upon leaving Belfast WMA. Hunters are required to have a data card in possession while on the property during scheduled hunts.

Deer		Total 3 deer per hunt period, 2 per day, not to include more than 1 buck with a minimum of 4 points on one side or a minimum 12-inch antler spread.
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Archery	1 st Mon. – Sat. after Sept. 15.	2 per day. Either-sex. No more than 1 buck with a minimum 4 points on one side or a 12” minimum antler spread.
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Archery & Muzzleloader	1 st Sat. in Oct.	2 per day. Either-sex. No more than 1 buck with a minimum 4 points on one side or a 12” minimum antler spread.
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Still Gun Hunts (dogs, no buckshot)	No open season except for hunters selected by computer drawing.	2 per day. Either-sex. No more (No than 1 buck with a minimum 4 points on one side or a 12” minimum antler spread.
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Small Game (No open season for fox squirrels, fox or bobcats)	Dec. 10 – March 1 Except no small game hunting during special deer hunts.	Game Zone 2 bag limits.
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46 EMERGENCY REGULATIONS

2.6 On all WMA lands, baiting or hunting over a baited area is prohibited. As used in this section, "bait" or "baiting" means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. "Baited area" means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or scattered and the area remains a baited area for ten (10) days following the complete removal of all bait. Salt/minerals are not considered bait.

2.7 On WMA lands construction or use of tree stands is prohibited if the tree stand is constructed by driving nails or other devices into trees or if wire is wrapped around trees. Other tree stands and temporary screw-in type climbing devices are permitted provided they are not permanently affixed or embedded in the tree. All stands must be removed by the end of the deer hunting season.

2.11 While participating in a hunt on WMA's, no person may possess, consume or be under the influence of intoxicants, including beer, wine, liquor or drugs.

3.1 On WMA lands hunters may use any shotgun, rifle, bow and arrow, crossbow or hand gun except that specific weapons may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire or smaller rifles/handguns or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Blow guns, dart guns or drugged arrows are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.).

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow, crossbow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro-cellulose or nitro-glycerin components as the propellant charge. There are no restrictions on ignition systems (e.g. flintstone, percussion cap, shotgun primer, disk, electronic, etc.). During primitive weapons season, no revolving rifles are permitted.

4.2 Deer either-sex days for gun hunts are as follows:

Game Zone 1: The first three Saturdays in November.

Game Zones 2 - 6: Every Saturday from October 1 to the Saturday after Thanksgiving day inclusive; Saturdays in December beginning 23 days after Thanksgiving day; and the last day of the open season.

In Game Zones 1 and 2 hunters using archery equipment may take either-sex during any open season for deer.

On special mobility impaired and youth and deer hunts sanctioned by the department and during the statewide youth deer hunt day, participants may take antlerless deer, 2 per day.

DOGS

5.2 On all WMA lands in Game Zones 1 and 2, beagles may not be used for rabbit hunting during still gun hunts for deer or bear. Beagles may be used from the close of the season for deer until the close of the rabbit season. Beagles may be trained for rabbit hunting from September 1 through September 30 (no guns).

5.4 The Department may permit deer hunting with dogs on WMA areas not located in Game Zones 1 and 2. For the purposes of tracking a wounded deer, a hunter may use one dog which is kept on a leash.

7.1 On all WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters including small game 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.

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

10.9 Broad River Waterfowl Management Area is closed to public access during the period 01 Nov. - 01 Feb. except for special hunts designated by the Department.

10.10 Impoundments on Bear Island, Donnelly, Samworth, Santee Coastal Reserve and Santee Delta WMAs are closed to all public access during the period Nov. 1 - Feb. 8 except during special hunts designated by the Department. All public access during the period Feb. 1 - Oct. 14 is limited to designated areas. On Bear Island WMA, Mathews' Canal is closed to all hunting from Nov. 1 - Feb. 15 beyond a point 0.8 mile from the confluence of Mathews' Canal with the South Edisto River.

10.14 The Francis Marion National Forest and Crackerneck WMA, are open during special small game seasons within the regular migratory bird seasons; Fant's Grove WMA is open AM only on Wednesdays and Saturdays during the regular migratory bird seasons; Palachuola WMA, Tillman Sand Ridge WMA, Hamilton Ridge WMA and Webb WMA are open AM only for waterfowl hunting during special small game seasons within the regular migratory bird seasons.

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), 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, Sampson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury, Ditch Pond, Waccamaw River Heritage Preserve and 40 Acre Rock 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
Waccamaw River HP	Wed. and Sat. AM only during the regular season.	Federal Limits.
40 Acre Rock	Sat. AM only during regular season.	Federal Limits.
Dungannon	Wed. AM only during regular season. No hunting from the Boardwalk.	Federal Limits.

10.21 On Enoree River, Dunaway, Duncan Creek, Russell Creek and Tyger River Waterfowl Areas data cards are required for hunter access during scheduled waterfowl hunts. Completed data cards must be returned daily upon leaving each of these areas.

10.22 Woodbury Waterfowl Management Area includes all SCDNR-owned property south of US Hwy 378 and bounded on the west by the Great Pee Dee River and Bluff Road and to the east by the Little Pee Dee River except no waterfowl hunting allowed in the area known as Hass Pond that is bounded on all sides by Hass Pond Road.

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123-52. Either-sex days for Private Lands in Game Zones 1-6.

Game Zone 1: The first three Saturdays in November.

Game Zone 2-6: Every Saturday from October 1 to the Saturday after Thanksgiving Day inclusive; Saturdays in December beginning 23 days after Thanksgiving Day; and the last day of the open season.

The daily bag limit on either-sex days is 2 antlerless deer.

In Game Zones 1 and 2 hunters using archery equipment may take either-sex during any open season for deer.

On special mobility impaired and youth and deer hunts sanctioned by the department and during the statewide youth deer hunt day, participants may take antlerless deer, 2 per day.

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 January 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 and 123-52 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.

Filed: December 4, 2009 9:56am

Document No. 4118

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 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

123-40. Wildlife Management Area Regulations

Emergency Situation:

This emergency regulation amends and supersedes South Carolina Department of Natural Resources Regulation Number 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 Category II waterfowl areas are on designated days it is necessary to file these regulations as emergency in order to implement special mobility impaired waterfowl hunts on two waterfowl areas.

Text:

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40 and 123-52.

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

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), 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, Sampson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury, Ditch Pond, Waccamaw River Heritage Preserve and 40 Acre Rock 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
Duncan Creek	Sat. AM only during regular season, except for special mobility impaired hunts.	Federal Limits
Tyger River	Sat. AM only during regular season, except for special Mobility impaired hunts.	Federal Limits

Statement of Need and Reasonableness:

Periodically additional special hunts are instituted through the Wildlife Management Area Program. Since existing regulations specify seasons, it is necessary to file regulations to allow special hunts on specific properties. Because these special hunts will occur in December, it necessary to 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.

50 FINAL REGULATIONS

Document No. 4095
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulations

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs and the Humane Methods of Slaughter Act of 1978. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 28, 2009.

Instructions:

Replace R.27-1023 with the following amendment.

Text:

27-1023. State Meat Inspection Regulations.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.
3. Custom Processor means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit Required; Fee; Application; Refusal, Revocation or Suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 416-417, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2010 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 303 – Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.

2. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.

3. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

4. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

5. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.

6. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Program, Clemson University.

Document No. 4096

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Inspection Regulations

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 28, 2009.

Instructions:

Replace R.27-1022 with the following amendment.

52 FINAL REGULATIONS

Text:

27-1022. State Poultry Inspection Regulations.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Commission, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 416-417, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2010 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

(1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.

(2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

(3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.

(4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.