

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

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

Notice of Drafting:

The Department of Environmental Services (Department) proposes amending R.61-63, Radioactive Materials (Title A). Interested persons may submit comments on the proposed amendments to Mr. Andrew M. Roxburgh of the Bureau of Land and Waste Management, South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; or via email at Andrew.Roxburgh@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, November 24, 2025, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Ann. Section 13-7-40 et seq. the Department has the authority to regulate radiation sources, as well as formulate, adopt, promulgate, and repeal rules and regulations relating to the control of ionizing radiation.

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

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

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

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

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