**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4080**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hosey

Document Path: l:\council\bills\agm\18890ab11.docx

Introduced in the House on April 13, 2011

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Atomic Energy and Radiation Control Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/13/2011 House Introduced and read first time ([House Journal‑page 19](file:///h:\hj%20archive\2011\04-13-11.docx))

4/13/2011 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 19](file:///h:\hj%20archive\2011\04-13-11.docx))

**VERSIONS OF THIS BILL**

[4/13/2011](file:///p:\pprever\2011-12\4080_20110413.docx)

**A** **BILL**

TO AMEND SECTION 13‑7‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR THE ATOMIC ENERGY AND RADIATION CONTROL ACT, SO AS TO CHANGE THE DEFINITIONS OF “DECOMMISSIONING TRUST FUND” AND “EXTENDED CARE MAINTENANCE FUND”; BY AMENDING SECTION 13‑7‑20, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DIVISION OF STATE DEVELOPMENT WITHIN THE DEPARTMENT OF COMMERCE, SO AS TO EXPAND AND CLARIFY CERTAIN DUTIES CONCERNING SUPPORT OF ATOMIC ENERGY DEVELOPMENT AND INDUSTRIAL ACTIVITIES AND FUNDING SOURCES FOR THESE FUNCTIONS; TO AMEND SECTION 13‑7‑30, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE STATE BUDGET AND CONTROL BOARD, SO AS TO PROVIDE FOR THE USE OF INTEREST EARNED FROM THE COLLECTION OF CERTAIN FEES RELATED TO THE CUSTODIAL HOLDING OF RADIOACTIVE MATERIALS; AND TO AMEND SECTION 13‑7‑40, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO CHANGE THE COMPOSITION OF THE MEMBERSHIP OF THE TECHNICAL ADVISORY RADIATION CONTROL COUNCIL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 13‑7‑10(10) and (11) of the 1976 Code, as added by Act 357 of 2000, is amended to read:

“(10) ‘Decommissioning trust fund’ means the trust fund established pursuant to a Trust Agreement dated March 4, 1981, among Chem‑Nuclear Systems, Inc. (grantor), the South Carolina Budget and Control Board (beneficiary), and the South Carolina State Treasurer (trustee), whose purpose is to assure adequate funding, without regard to interest earned on this fund, for decommissioning of the disposal site, or any successor fund with a similar purpose. Interest earned on this fund must be transmitted to Barnwell County and the Barnwell County Economic Development Commission for economic development and infrastructure purposes as provided in Section 13‑7‑30.

(11) ‘Extended care maintenance fund’ means the ‘escrow fund, less interest earned on this fund, for perpetual care’ that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post‑closure observation period specified by the Department of Health and Environmental Control, and for activities associated with closure of the site as provided for in Section 13‑7‑30(4).”

SECTION 2. Section 13‑7‑20(5) and (6) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“(5) Cooperate with institutions of higher learning in order to take full advantage of all research activities which will support atomic energy development and industrial activities including, but not limited to, sponsoring or funding coursework at the University of South Carolina‑Salkehatchie or Denmark Technical College in trades and research useful to the nuclear power generation industry, radioactive disposal industry, or other related economic endeavors.

(6) Accept and administer loans, grants, and other funds or gifts, conditional or otherwise, in the furtherance of its promotion and development functions, from the federal government and other sources, public or private, with a focus on developing a technically adept workforce in and around the Savannah River Site with sufficient knowledge and ability to work in the atomic industry and related remedial industries.”

SECTION 3. Section 13‑7‑30(4) of the 1976 Code, as last amended by Act 357 of 2000, is further amended to read:

“(4) assume responsibility for extended custody and maintenance of radioactive materials held for custodial purposes at any publicly or privately operated facility located within the State, in the event the parties operating these facilities abandon their responsibility, or when the license for the facility is ultimately transferred to an agency of the State, and whenever the federal government or any agency of the federal government has not assumed the responsibility.

In order to finance such extended custody and maintenance as the board may undertake, the board may collect fees from private or public parties holding radioactive materials for custodial purposes. These fees must be sufficient in each individual case to defray the estimated cost of the board’s custodial management activities for that individual case regardless of the interest that may be earned from these fees over time. The fees collected for such custodial management activities ~~shall~~ also must be sufficient to provide additional funds for the purchase of insurance which ~~shall~~ must be purchased for the protection of the State and the general public for the period such radioactive material considering its isotope and curie content together with other factors may present a possible danger to the general public in the event of migration or dispersal of such radioactivity. All such fees, when received by the board, must be transmitted to the State Treasurer. The Treasurer must place ~~the money~~ fees so collected in a special account, in the nature of a revolving trust fund, which may be designated ‘extended care maintenance fund’, to be disbursed on authorization of the board. Monies in the extended care maintenance funds must be invested by the board in the manner as other state monies. However, any interest accruing as a result of investment must accrue to ~~this extended care maintenance fund~~ the purpose of economic development in Barnwell County and must be paid to Barnwell County and the Barnwell County Economic Development Commission for use in economic development and infrastructure projects. These funds may be expended for economic development and infrastructure projects approved by a majority vote of the Barnwell County Council. Except as authorized above and in Section 48‑46‑40(B)(7)(b) and (D)(2), the extended care maintenance fund must be used exclusively for custodial, surveillance, and maintenance costs during the period of institutional control and during any post‑closure and observation period specified by the Department of Health and Environmental Control, and for activities associated with closure of the site. Funds from the extended care maintenance fund ~~shall~~ must not be used for site closure activities or for custodial, surveillance, and maintenance performed during the post‑closure observation period until all funds in the decommissioning trust account are exhausted.”

SECTION 4. Section 13‑7‑40(C) of the 1976 Code, as last amended by Act 552 of 1990, is further amended to read:

“(C) There is established a Technical Advisory Radiation Control Council responsible and reporting to the department which shall advise the department on matters pertaining to ionizing and nonionizing radiation and standards and regulations to be adopted, modified, promulgated, or repealed by the department. No standards or regulations may be adopted, modified, promulgated, or repealed by the department except after consultation with the council. The council consists of ~~six~~ seven members and one nonvoting ex officio member from the department, designated by the department or its designated agent. ~~The six~~ One member of the council must be appointed by the Barnwell County Council, and the remaining six members of the council must be appointed by the Governor as follows: one member from the South Carolina Medical Association, one member from the South Carolina Dental Association, one member from the South Carolina Radiological Society, one member from the South Carolina Chiropractic Association, one member having recognized knowledge in the field of radiation and its biological effects from the Associated Industries of South Carolina, and one member from the State at large having recognized knowledge in the field of radiation and its biological effects. The terms of office of the members first appointed are as follows: The member from the South Carolina Medical Association must be appointed for one year, the members from the South Carolina Dental Association and the South Carolina Radiological Society must be appointed for two years, and the other three members must be appointed for three years. The successors must be appointed for three years each.”

SECTION 5. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑