

1979 WL 43477 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 20, 1979

**\*1 Re: Disclosure of Inspection Reports**

Mr. Heyward G. Shealy  
Chief  
Bureau of Radiological Health  
S.C. Department of Health and  
Environmental Control  
2600 Bull Street  
Columbia, S.C. 29201

Dear Mr. Shealy:

You have requested an opinion of this Office as to whether the S.C. Atomic Energy and Radiation Control Act exempts inspection reports from the disclosure requirements of the Freedom of Information Act. It is our opinion that it does.

The Freedom of Information Act (§ 30-4-10, [et seq. of the 1976 Code](#)) provides that ‘any person has a right to inspect or copy any public record of a public body, except as otherwise provided by Section 5, in accordance with reasonable rules concerning time and place of access.’ Section 4. Section 5 exempts ‘matters specifically exempted from disclosure by statute or law.’

The S.C. Atomic Energy and Radiation Control Act (§ 13-7-10, [et seq. of the 1976 Code](#)) provides, in pertinent part, that, ‘Any report of investigation or inspection or any information concerning trade secrets or secret industrial processes obtained under this Article shall not be disclosed or opened to public inspection except as may be necessary for the performance of the functions of the Department.’ § 13-7-40. The interpretation of § 13-7-40 accordingly depends upon whether the phrase ‘concerning trade secrets or secret industrial processes’ modifies ‘report of investigation or inspection’ or only ‘information.’

Applicable rules of statutory construction generally provide that, ‘referential and qualifying words and phrases, where no contrary intention appears, refer solely to the last antecedent.’ J. Sutherland, *Statutes and Statutory Construction*, § 47.33 (4th Ed. 1973). The use of the term ‘or’ is presumed to be in the disjunctive sense. *Id.* § 21.14, Footnote 1. Since there is no contrary intention manifested, it therefore appears that the phrase ‘concerning trade secrets and secret industrial processes’ should modify only ‘information’, and the phrase ‘any report of investigation or inspection’ is unqualified.

Therefore, it is the opinion of this Office that § 13-7-40 of the S.C. Atomic Energy and Radiation Control Act specifically exempts investigation and inspection reports from public disclosure, except as may be necessary for the performance of the functions of the Department, in accordance with the exceptions set out in Section 5 of the Freedom of Information Act.

I trust that the preceding discussion adequately answers your question, however, if any further explanation or assistance is required, please feel free to contact me.

Very truly yours,

Richard P. Wilson

Assistant Attorney General

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