

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH80539-SYfz-37 (05/09)

Short Title: Radiation Protection Program Fee Amendments. (Public)

Sponsors: Representative Gibson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CHARGE AND COLLECT FEES TO ENSURE HOMELAND SECURITY IN NORTH CAROLINA AND TO ENSURE THAT RADIOACTIVE MATERIAL AND CERTAIN OTHER TYPES OF RADIATION RECEIVE ADEQUATE REGULATORY OVERSIGHT AND MONITORING, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 104E-19(a) reads as rewritten:

"(a) In order to meet the anticipated costs of administering the educational and training programs in G.S. ~~104E-11(e), 104E-11(c)~~; of enforcing and carrying out the inspection provisions in G.S. 104E-7(a)(7) and G.S. ~~104E-11(a), and G.S. 104E-11(a)~~; of administering the licensing ~~program in and~~ registration provisions under G.S. 104E-7(a)(2), 104E-7(a)(4), 104E-7(a)(6), and ~~104E-10.3, 104E-10.3~~; of reviewing submissions as provided under G.S. 104E-9(a)(3); of collecting information as provided under G.S. 104E-9(a)(4); of responding to emergencies and incidents as provided under G.S. 104E-9(a)(5); and of developing and maintaining a statewide environmental radiation program for monitoring radioactivity as provided under G.S. 104E-9(a)(6), the Department is ~~authorized to~~ may charge and collect ~~such~~ reasonable fees as it may by rule establish."

SECTION 2. G.S. 104E-9(a)(5) reads as rewritten:

"(5) To respond to any emergency ~~which~~ or incident that involves possible or actual release of radioactive material; and to respond to any emergency or incident that involves possible or actual unexpected exposures to sources of radiation; to perform investigations of situations that involve, are alleged to involve, or could potentially involve sources of radiation that could negatively impact the public

1 health and safety; to perform or supervise decontamination and
2 otherwise protect the public health and safety in any manner deemed
3 necessary. necessary; and to charge responsible parties for any costs
4 incurred by the State in carrying out this response, investigation,
5 decontamination, or other actions necessary to protect public health
6 and safety. This section does not in any way alter or change the
7 provisions of Chapter 166 of the North Carolina General Statutes
8 concerning response during an emergency by the Department of
9 Military and Veterans Affairs or its successor. This section does not
10 apply to fixed nuclear facilities in North Carolina that produce nuclear
11 fuel or electricity subject to the provisions of a license issued by the
12 United States Nuclear Regulatory Commission."

13 **SECTION 3.** G.S. 104E-9(a)(8) reads as rewritten:

14 "(8) To establish annual fees for activities under this Chapter based on
15 actual administrative costs to be applied to training, enforcement,
16 licensure and registration, certification, and inspection-inspection, and
17 collection of information related to the sources of radiation pursuant to
18 the provisions of this Chapter and to charge and collect fees from
19 operators and users of low-level radioactive waste facilities pursuant to
20 the provisions of this Chapter."

21 **SECTION 4.** G.S. 104E-16(a)(1) reads as rewritten:

22 "(1) ~~Emergency response~~ Response to and decontamination of radiation
23 accidents-emergencies and incidents as provided in G.S. 104E-9(a)(5),
24 or".

25 **SECTION 5.** This act becomes effective July 1, 2006.