

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

S

1

**SENATE BILL 1595\***

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

Sponsors: Senators Albertson; and Weinstein.

Referred to: Finance.

May 18, 2006

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND  
2 NATURAL RESOURCES TO CHARGE AND COLLECT FEES TO ENSURE  
3 HOMELAND SECURITY IN NORTH CAROLINA AND TO ENSURE THAT  
4 RADIOACTIVE MATERIAL AND CERTAIN OTHER TYPES OF RADIATION  
5 RECEIVE ADEQUATE REGULATORY OVERSIGHT AND MONITORING, AS  
6 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.  
7

8 The General Assembly of North Carolina enacts:

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

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

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

22 "(5) To respond to any emergency ~~which~~ or incident that involves possible  
23 or actual release of radioactive material; ~~and~~ to respond to any  
24 emergency or incident that involves possible or actual unexpected  
25 exposures to sources of radiation; to perform investigations of  
26 situations that involve, are alleged to involve, or could potentially  
27 involve sources of radiation that could negatively impact the public  
28 health and safety; to perform or supervise decontamination and  
29 otherwise protect the public health and safety in any manner deemed

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

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

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

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

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

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