

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH50410-Ldf-138A (04/21)

Short Title: DENR Fees Radioactive Material/X-Ray/Tanning. (Public)

Sponsors: Representatives Wright and Gibson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES TO IMPOSE CERTAIN 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.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 104E-19 reads as rewritten:

"§ 104E-19. Fees.

(a) In order to meet the anticipated costs of administering the educational and training programs in G.S. 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~~ of administering the licensing ~~program in and~~ registration provisions under G.S. 104E-7(a)(2), G.S. 104E-7(a)(4), G.S. 104E-7(a)(6), and G.S. 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 charge and collect ~~such~~ reasonable fees as ~~it may by rule establish~~ established by rule or regulation.

(b) Repealed by Session Laws 1987, c. 850, s. 13.

(c) No later than July 1 of each year, every person, firm, corporation, or municipality that is licensed to construct, or that is licensed to operate, a fixed nuclear facility in North Carolina for the production of nuclear fuel or electricity shall pay an annual fee to the Department. This fee shall be applied to the Department's costs of planning and implementing emergency response activities, conducting environmental monitoring around and in the vicinity of the fixed nuclear facility, and administering

1 and enforcing this Article. This fee shall not exceed twenty-five thousand dollars  
 2 (\$25,000) for each facility.

3 (d) Every person subject to the licensing requirements for radioactive materials  
 4 under this Article for a facility shall pay the applicable fee for applying and obtaining  
 5 initial approval of a license for the facility from the following list of fees:

<u>Type of License</u>	<u>Facility Fee</u>
<u>Medical Broad</u>	<u>\$3,600.00</u>
<u>Academic Broad</u>	<u>\$2,500.00</u>
<u>R&amp;D Broad</u>	<u>\$2,000.00</u>
<u>Industrial Radiography with temporary sites</u>	<u>\$1,800.00</u>
<u>Industrial Radiography with booth only</u>	<u>\$1,200.00</u>
<u>Medical Institution (nonteletherapy)</u>	<u>\$2,000.00</u>
<u>Medical Private Practice</u>	<u>\$ 650.00</u>
<u>Teletherapy</u>	<u>\$ 750.00</u>
<u>Fixed Gauges</u>	<u>\$ 350.00</u>
<u>Portable Gauges</u>	<u>\$ 250.00</u>
<u>Laboratory Instruments</u>	<u>\$ 250.00</u>
<u>Educational Institution</u>	<u>\$1,750.00</u>
<u>Services/Consultants</u>	<u>\$ 250.00</u>
<u>Other</u>	<u>\$ 350.00</u>
<u>Accelerator</u>	<u>\$1,500.00</u>
<u>Manufacturer or Distributor</u>	<u>\$1,500.00</u>
<u>Irradiator &gt; 10,000</u>	<u>\$2,400.00</u>
<u>General License, no annual inventory</u>	<u>\$ 150.00</u>
<u>General License, annual inventory required</u>	<u>\$ 250.00</u>

28 (e) No later than July 1 of each year, every person subject to a fee under  
 29 subsection (d) of this section shall pay an annual renewal fee to be used by the  
 30 Department for its costs for renewing the license for the facility, for the inspection of  
 31 the facility, and for administering and enforcing this Article. This renewal fee shall be  
 32 the same amount that is due under subsection (d) of this section.

33 (f) Every person subject to the registration requirements under this Article for  
 34 radiation machines, facilities, and services shall pay the applicable fee for applying and  
 35 obtaining initial approval of a registration for the machine, facility, and service,  
 36 including X-ray tubes to a maximum of 51, from the following list of fees:

<u>Type of Facility</u>	<u>Facility plus first</u> <u>X-ray tube</u>	<u>Each additional</u> <u>X-ray tube</u>
<u>Chiropractic</u>	<u>\$150.00</u>	<u>\$25.00</u>
<u>Dentist</u>	<u>\$150.00</u>	<u>\$25.00</u>
<u>Educational</u>	<u>\$125.00</u>	<u>\$20.00</u>
<u>Government</u>	<u>\$125.00</u>	<u>\$20.00</u>

1	<u>Podiatrist</u>	<u>\$150.00</u>	<u>\$25.00</u>
2	<u>Industrial</u>	<u>\$150.00</u>	<u>\$25.00</u>
3	<u>Health Department</u>	<u>\$150.00</u>	<u>\$25.00</u>
4	<u>Hospital</u>	<u>\$250.00</u>	<u>\$40.00</u>
5	<u>Physician</u>	<u>\$150.00</u>	<u>\$25.00</u>
6	<u>Industrial Radiography</u>	<u>\$255.00</u>	<u>\$40.00</u>
7	<u>Services</u>	<u>\$200.00</u>	<u>N/A</u>
8	<u>Veterinarians</u>	<u>\$125.00</u>	<u>\$20.00</u>
9	<u>Other</u>	<u>\$150.00</u>	<u>\$25.00</u>

10 (g) No later than July 1 of each year, every person subject to a fee under  
 11 subsection (f) of this section shall pay an annual renewal fee to be used by the  
 12 Department for its costs for renewing the registration, for the inspection of the facility,  
 13 including X-ray tubes to a maximum of 51, and for administering and enforcing this  
 14 Article. This renewal fee shall be the same amount that is due under subsection (f) of  
 15 this section.

16 (h) Every person subject to the requirement under this Article to register a  
 17 tanning facility shall pay a fee of one hundred forty dollars (\$140.00) for the facility and  
 18 the first piece of tanning equipment and a fee of twenty-five dollars (\$25.00) for each  
 19 additional piece of tanning equipment for applying and obtaining initial approval of a  
 20 registration for the facility, including the first piece of tanning equipment; shall pay, no  
 21 later than July 1 of each year, an annual fee of one hundred forty dollars (\$140.00) for  
 22 the facility and the first piece of tanning equipment and a fee of twenty-five dollars  
 23 (\$25.00) for each additional piece of tanning equipment to be used by the Department  
 24 for its costs for renewing the registration, for the inspection of the facility, including the  
 25 first piece of tanning equipment, and for administering and enforcing this Article; and,  
 26 if applicable, shall pay a fee of one hundred fifty dollars (\$150.00) for reinstating a  
 27 lapsed approval of a registration.

28 (i) Every person subject to the requirement under this Article to register a  
 29 tanning service shall pay a fee of one hundred forty dollars (\$140.00) for applying and  
 30 obtaining initial approval of a registration for the tanning service; shall pay, no later  
 31 than July 1 of each year, a fee of one hundred forty dollars (\$140.00) to be used by the  
 32 Department for its costs for renewing the registration of the tanning service and for  
 33 administering and enforcing this Article; and, if applicable, shall pay a fee of one  
 34 hundred fifty dollars (\$150.00) for reinstating a lapsed approval of a registration."

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

36 "(5) To respond to any emergency ~~which~~ or incident that involves possible  
 37 or actual release of radioactive material; ~~and~~ to respond to any  
 38 emergency or incident that involves possible or actual unexpected  
 39 exposures to sources of radiation; to perform investigations of  
 40 situations that involve, are alleged to involve, or could potentially  
 41 involve, sources of radiation that could negatively impact the public  
 42 health and safety; to perform or supervise decontamination and  
 43 otherwise protect the public health and safety in any manner deemed  
 44 necessary. ~~necessary~~; and to charge responsible parties for any costs

1                    incurred by the State in carrying out this response, investigation,  
2                    decontamination, or other actions necessary to protect public health  
3                    and safety. This section does not in any way alter or change the  
4                    provisions of Chapter 166 of the North Carolina General Statutes  
5                    concerning response during an emergency by the Department of  
6                    Military and Veterans Affairs or its successor."

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

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

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

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

19                    ...."

20                    **SECTION 5.** This act becomes effective July 1, 2005.