

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1708

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

Sponsors: Representatives Wright, Gibson (Primary Sponsors); and Wainwright.

Referred to: Finance.

May 12, 2005

A BILL TO BE ENTITLED

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

6 The General Assembly of North Carolina enacts:

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

8 "**§ 104E-19. Fees.**

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

20 (b) Repealed by Session Laws 1987, c. 850, s. 13.

21 (c) No later than July 1 of each year, every person, firm, corporation, or
22 municipality that is licensed to construct, or that is licensed to operate, a fixed nuclear
23 facility in North Carolina for the production of nuclear fuel or electricity shall pay an
24 annual fee to the Department. This fee shall be applied to the Department's costs of
25 planning and implementing emergency response activities, conducting environmental
26 monitoring around and in the vicinity of the fixed nuclear facility, and administering
27 and enforcing this Article. This fee shall not exceed twenty-five thousand dollars
28 (\$25,000) for each facility.
29

(d) Every person subject to the licensing requirements for radioactive materials under this Article for a facility shall pay the applicable fee for applying and obtaining 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&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 > 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>

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

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

<u>Type of Facility</u>	<u>Facility plus first X-ray tube</u>	<u>Each additional 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>
<u>Podiatrist</u>	<u>\$150.00</u>	<u>\$25.00</u>
<u>Industrial</u>	<u>\$150.00</u>	<u>\$25.00</u>

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

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

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

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

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

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

1 and safety. This section does not in any way alter or change the
2 provisions of Chapter 166 of the North Carolina General Statutes
3 concerning response during an emergency by the Department of
4 Military and Veterans Affairs or its successor."

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

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

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

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

17 "

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