

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH50592-TAf-11 (03/15)

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

Sponsors: Representatives Allen and Gibson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL  
3 RESOURCES TO ESTABLISH AND COLLECT CERTAIN FEES UNDER THE  
4 RADIATION PROTECTION ACT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 104E-9 reads as rewritten:

7 "**§ 104E-9. Powers and functions of Department of Environment and Natural Resources.**

8 (a) The Department of Environment and Natural Resources is authorized:

9 ...

10 (8) To establish annual fees for activities under this Chapter based on actual  
11 administrative costs to be applied to ~~training, enforcement, and inspection~~  
12 pursuant to implementation of the provisions of this Chapter and to charge  
13 and collect fees from operators and users of low-level radioactive waste  
14 facilities pursuant to the provisions of this Chapter.

15 ...

16 (12) To recover all actual costs incurred by the Department in responding to and  
17 mitigating an emergency, as defined in G.S. 104E-5(7).

18 (b) The Division of Environmental Health of the Department shall develop a training  
19 program for tanning equipment operators that meets the training rules adopted by the  
20 Commission. If the training program is provided by the Department, the Department may  
21 charge each person trained a reasonable fee to recover the actual cost of the training program."

22 **SECTION 2.** G.S. 104E-19(a) reads as rewritten:

23 "(a) In order to meet the anticipated costs of administering the educational and training  
24 programs ~~in G.S. 104E-11(e), under G.S. 104E-11(c);~~ of enforcing and carrying out the  
25 inspection provisions in G.S. 104E-7(a)(7) and ~~G.S. 104E-11(a), G.S. 104E-11(a);~~ and of  
26 administering the licensing ~~program in~~ and registration provisions under G.S. 104E-7(a)(2),  
27 104E-7(a)(4), 104E-7(a)(6), and G.S. 104E-10.3, 104E-10.3; and of reviewing submissions as  
28 provided under G.S. 104E-9(a)(3); the Department is authorized to charge and collect ~~such~~  
29 reasonable fees as it may by rule establish."

30 **SECTION 3.** G.S. 104E-24 reads as rewritten:

31 "**§ 104E-24. Administrative penalties.**

32 (a) The Department may impose an administrative penalty on any person:

33 (1) Who fails to comply with this Chapter, any order issued hereunder, or any  
34 rules adopted pursuant to this Chapter;



1           (2) Who refuses to allow an authorized representative of the Radiation  
2           Protection Commission or the Department of Environment and Natural  
3           Resources a right of entry as provided for in G.S. 104E-11 or impounding  
4           materials as provided for in G.S. 104E-14.

5           (b) Each day of a continuing violation shall constitute a separate violation. ~~Such~~ A  
6           penalty imposed under this section shall not exceed ten thousand dollars (\$10,000) per day. In  
7           determining the amount of the penalty, the Department shall consider the degree and extent of  
8           the harm caused by the violation. Any person assessed a penalty shall be notified of the  
9           assessment by registered or certified mail, and the notice shall specify the reasons for the  
10          assessment.

11          (c) Any person wishing to contest a penalty or order issued under this section shall be  
12          entitled to an administrative hearing and judicial review in accordance with the procedures  
13          outlined in Articles 3, 3A, and 4 of Chapter 150B of the General Statutes.

14          (d) The Secretary may bring a civil action in the superior court of the county in which  
15          ~~such a~~ violation is alleged to have occurred to recover the amount of administrative penalty  
16          whenever a person:

17           (1) Who has not requested an administrative hearing fails to pay the penalty  
18           within 60 days after being notified of ~~such the~~ penalty, or

19           (2) Who has requested an administrative hearing fails to pay the penalty within  
20           60 days after service of a written copy of the decision as provided in  
21           G.S. 150B-36.

22          (e) The clear proceeds of penalties imposed pursuant to this section shall be remitted to  
23          the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

24          **SECTION 4.** This act is effective when it becomes law.