

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2001**

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**SENATE BILL 1251**

**Agriculture/Environment/Natural Resources Committee Substitute Adopted 7/9/02**

Short Title: Merge Radiation Prot. Into Div. Env. Health.

(Public)

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Sponsors:

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Referred to:

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June 6, 2002

A BILL TO BE ENTITLED

1  
2 AN ACT TO MERGE THE DIVISION OF RADIATION PROTECTION OF THE  
3 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES INTO  
4 THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF  
5 ENVIRONMENT AND NATURAL RESOURCES, TO CREATE THE  
6 RADIATION PROTECTION SECTION OF THE DIVISION OF  
7 ENVIRONMENTAL HEALTH, AND TO MAKE CONFORMING STATUTORY  
8 CHANGES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW  
9 COMMISSION.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 143B-279.3(c) reads as rewritten:

12 "(c)

- 13 (1) ~~There is created a division within the environmental area of the~~  
14 ~~Department of Environment and Natural Resources to be named the~~  
15 ~~Division of Radiation Protection. All functions, powers, duties, and~~  
16 ~~obligations of the Radiation Protection Section of the Division of~~  
17 ~~Facility Services of the Department of Health and Human Services are~~  
18 ~~transferred in their entirety to the Radiation Protection Division of the~~  
19 ~~Department of Environment and Natural Resources.~~
- 20 (2) There is created a division within the environmental area of the  
21 Department of Environment and Natural Resources to be named the  
22 Division of Waste Management. All functions, powers, duties, and  
23 obligations of the Solid Waste Management Section of the Division of  
24 Health Services of the Department of Health and Human Services are  
25 transferred in their entirety to the Division of Waste Management of  
26 the Department of Environment and Natural Resources.
- 27 (3) There is created a division within the environmental areas of the  
28 Department of Environment and Natural Resources to be named the  
29 Division of Environmental Health. All functions, powers, duties and

1 obligations of the Division of Environmental Health of the Department  
2 of Environment and Natural Resources are transferred in their entirety  
3 to the Division of Environmental Health, Department of Environment  
4 and Natural Resources. All functions, powers, duties, and obligations  
5 of the Division of Radiation Protection of the Department of  
6 Environment and Natural Resources are transferred in their entirety to  
7 the Division of Environmental Health of the Department of  
8 Environment and Natural Resources."

9 **SECTION 2.** G.S. 104E-8(c) reads as rewritten:

10 "(c) The 10 ex officio members shall be appointed by the Governor, shall be  
11 members or employees of the following State agencies or their successors, and shall  
12 serve at the Governor's pleasure:

- 13 (1) The Utilities ~~Commission;~~Commission.
- 14 (2) The Commission for Health ~~Services;~~Services.
- 15 (3) The Environmental Management ~~Commission;~~Commission.
- 16 (4) The Board of ~~Transportation;~~Transportation.
- 17 (5) The Division of Emergency Management of the Department of Crime  
18 Control and Public ~~Safety;~~Safety.
- 19 (6) The Division of ~~Radiation Protection~~Environmental Health of the  
20 ~~Department;~~Department.
- 21 (7) The Department of ~~Labor;~~Labor.
- 22 (8) The Industrial ~~Commission;~~Commission.
- 23 (9) The Department of ~~Insurance;~~Insurance.
- 24 (10) The Medical Care Commission."

25 **SECTION 3.** G.S. 104E-9(b) reads as rewritten:

26 "(b) The ~~Radiation Protection~~Division of Environmental Health of the  
27 Department of ~~Environment and Natural Resources~~ shall develop a training program for  
28 tanning equipment operators that meets the training rules adopted by the ~~North Carolina~~  
29 ~~Radiation Protection~~Commission. If the training program is provided by the  
30 Department, the Department may charge each person trained a reasonable fee to recover  
31 the actual cost of the training program."

32 **SECTION 4.** G.S. 120-70.33(3) reads as rewritten:

33 "(3) To evaluate actions of the Radiation Protection Commission, the  
34 ~~Division of Radiation Protection~~radiation protection programs  
35 administered by the Division of Environmental Health of the  
36 Department of Environment and Natural Resources, and of any other  
37 board, commission, department, or agency of the State or local  
38 government as such actions relate to low-level radioactive waste  
39 management;"

40 **SECTION 5.** G.S. 166A-6.1(b) reads as rewritten:

41 "(b) Every person, firm, corporation or municipality who is licensed to construct  
42 or who is operating a fixed nuclear facility for the production of electricity shall pay to  
43 the Department of Crime Control and Public Safety, for the use of the Division of  
44 ~~Radiation Protection~~Environmental Health of the Department of Environment and

1 Natural Resources, an annual fee of thirty-six thousand dollars (\$36,000) for each fixed  
2 nuclear facility that is located within this State or that has a Plume Exposure Pathway  
3 Emergency Planning Zone any part of which ~~any part~~ is located within this State. This  
4 fee shall be applied only to the costs of planning and implementing emergency response  
5 activities as ~~are~~ required by the Federal Emergency Management Agency for the  
6 operation of nuclear facilities. This fee is to be paid no later than 31 July ~~31~~ of each  
7 year."

8           **SECTION 6.** This act becomes effective 1 July 2002.