

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

**SESSION LAW 2002-70  
SENATE BILL 1251**

AN ACT TO MERGE THE DIVISION OF RADIATION PROTECTION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES INTO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO CREATE THE RADIATION PROTECTION SECTION OF THE DIVISION OF ENVIRONMENTAL HEALTH, AND TO MAKE CONFORMING STATUTORY CHANGES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

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

"(c)

- (1) ~~There is created a division within the environmental area of the Department of Environment and Natural Resources to be named the Division of Radiation Protection. All functions, powers, duties, and obligations of the Radiation Protection Section of the Division of Facility Services of the Department of Health and Human Services are transferred in their entirety to the Radiation Protection Division of the Department of Environment and Natural Resources.~~
- (2) There is created a division within the environmental area of the Department of Environment and Natural Resources to be named the Division of Waste Management. All functions, powers, duties, and obligations of the Solid Waste Management Section of the Division of Health Services of the Department of Health and Human Services are transferred in their entirety to the Division of Waste Management of the Department of Environment and Natural Resources.
- (3) There is created a division within the environmental areas of the Department of Environment and Natural Resources to be named the Division of Environmental Health. All functions, powers, duties and obligations of the Division of Environmental Health of the Department of Environment and Natural Resources are transferred in their entirety to the Division of Environmental Health, Department of Environment and Natural Resources. All functions, powers, duties, and obligations of the Division of Radiation Protection of the Department of Environment and Natural Resources are transferred in their entirety to the Division of Environmental Health of the Department of Environment and Natural Resources."

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

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

- (1) The Utilities ~~Commission;~~Commission.
- (2) The Commission for Health ~~Services;~~Services.
- (3) The Environmental Management ~~Commission;~~Commission.
- (4) The Board of ~~Transportation;~~Transportation.

- (5) The Division of Emergency Management of the Department of Crime Control and Public ~~Safety~~; Safety.
- (6) The Division of ~~Radiation Protection~~ Environmental Health of the ~~Department~~; Department.
- (7) The Department of ~~Labor~~; Labor.
- (8) The Industrial ~~Commission~~; Commission.
- (9) The Department of ~~Insurance~~; Insurance.
- (10) The Medical Care Commission."

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

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

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

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

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

"(b) Every person, firm, corporation or municipality who is licensed to construct or who is operating a fixed nuclear facility for the production of electricity shall pay to the Department of Crime Control and Public Safety, for the use of the Division of ~~Radiation Protection~~ Environmental Health of the Department of Environment and Natural Resources, an annual fee of thirty-six thousand dollars (\$36,000) for each fixed nuclear facility that is located within this State or that has a Plume Exposure Pathway Emergency Planning Zone any part of which ~~any part~~ is located within this State. This fee shall be applied only to the costs of planning and implementing emergency response activities as ~~are~~ required by the Federal Emergency Management Agency for the operation of nuclear facilities. This fee is to be paid no later than 31 July ~~31~~ of each year."

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

In the General Assembly read three times and ratified this the 1<sup>st</sup> day of August, 2002.

s/ Beverly E. Perdue  
President of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ Michael F. Easley  
Governor

Approved 3:42 p.m. this 12<sup>th</sup> day of August, 2002