



LAWS OF ALASKA

1978

Source

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Chapter No.

172

AN ACT

Relating to radiation protection.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 18.60 is amended by adding new sections to read:

ARTICLE 5. RADIATION PROTECTION.

Sec. 18.60.475. POWERS AND DUTIES OF DEPARTMENT. (a)
The department shall

- (1) adopt regulations necessary to carry out the purposes of secs. 475 - 545 of this chapter;
- (2) develop comprehensive policies and programs for the evaluation and determination of hazards associated with the use of radiation sources and their amelioration;
- (3) encourage, participate in, and conduct studies, investigations, training, research and demonstrations relating to the control of radiation hazards, the measurement of radiation, the effects on health of exposure to radiation and related problems it considers necessary or advisable for the discharge of its duties;
- (4) collect and disseminate health education information relating to radiation protection;
- (5) review plans and shielding specifications for radiation sources;
- (6) inspect radiation sources, their shielding and immediate surroundings, and records concerning their operation for the determination of possible radiation hazard;

(7) contract with other state agencies to assist them in performing functions which require expertise in determining and reducing the hazards of radiation.

(b) The department may keep confidential data obtained as a result of registration or investigation.

Sec. 18.60.485. RADIATION SOURCES. Radiation sources shall be shielded, transported, handled, used, and kept to prevent users and other persons from being exposed to concentrations of radionuclides or levels of radiation exceeding those limits established by the department in regulations.

Sec. 18.60.495. NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. When the department finds, after inspection and examination of a source of radiation as constructed, operated, or maintained, that there has been a violation of a provision of secs. 475 - 545 of this chapter, it shall notify the person causing or permitting the violation of the nature of the violation and order the person to stop it.

Sec. 18.60.505. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY. When the department finds that an emergency exists requiring immediate action to protect the public health or welfare from radiation, it may issue an order reciting the existence of an emergency and requiring that action be taken to meet the emergency. The order is effective immediately. A person to whom an order is directed shall comply with it immediately, but on application to the department shall be given a hearing under the Administrative Procedure Act (AS 44.62). After a hearing, the department may affirm, revoke, or modify the order.

Sec. 18.60.515. ASSISTING OTHER AGENCIES. The department shall, on the request of another state agency, contract with that agency to assist it in performing functions which require expertise in determining or reducing the hazards of radiation. This assistance may include conducting inspections and investigations and providing technical assistance.

Sec. 18.60.525. EXCEPTIONS. (a) Sections 475 - 485 of this chapter do not limit the intentional exposure of patients to radiation for the purpose of diagnosis or therapy, or medical research, when conducted as authorized by law and in accordance with accepted radiation safety principles.

(b) Section 475(a)(5) and (6) of this chapter does not apply to the private use of radiation sources in the home.

(c) Sections 475 - 545 of this chapter do not apply to the Department of Military Affairs in carrying out the provisions of AS 26 which pertain to planning for and responding to radiation which results from the detonation of nuclear weapons.

(d) Sections 475 - 545 of this chapter do not apply to Federal Communications Commission licensed facilities

emitting radiation of a wavelength longer than one centimeter, and an average power output not exceeding two kilowatts.

Sec. 18.60.535. PENALTIES. A person who violates a regulation, standard, or order of the department adopted or issued under secs. 475 - 545 of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$500, or by imprisonment for not more than one year, or by both. Each day upon which a violation occurs constitutes a separate offense.

Sec. 18.60.545. DEFINITIONS. In secs. 475 - 545 of this chapter

(1) "department" means the Department of Health and Social Services;

(2) "electronic product" means a manufactured product which

(A) when in operation contains or acts as part of an electronic circuit and emits, or in the absence of effective shielding or other controls would emit, electronic product radiation; or

(B) is intended for use as a component, part, or accessory of a product described in (A) of this paragraph and which when in operation emits, or in the absence of effective shielding or other controls would emit, electronic product radiation;

(3) "electronic product radiation" means any ionizing or non-ionizing, electromagnetic or particulate radiation, or a sonic, infrasonic, or ultrasonic wave which is emitted from an electronic product as the result of the operation of an electronic circuit in the product;

(4) "radiation sources" means both electronic product and nuclear radiation sources;

(5) "radionuclide" means any atom which may spontaneously emit particles or gamma radiation or may emit X-radiation following orbital electron capture or may undergo spontaneous fission;

(6) "state agency" or "agency of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority; "state agency" or "agency of the state" does not include the University of Alaska, a municipality, or an agency of a municipality.

* Sec. 2. AS 44.65 is amended by adding a new section to read:

Sec. 44.65.060. RESTRICTION ON CONTRACTING WITH OR EMPLOYING EXPERTS ON RADIATION HAZARDS. (a) Except for the Department of Health and Social Services, the Department of Labor, the Department of Environmental Conservation, and the Department of Military Affairs, no state agency may

(1) contract, other than with the Department of Health and Social Services, to have services performed which require expertise in determining or reducing the hazards of radiation; or

(2) employ a person whose duties require expertise in determining or reducing the hazards of radiation.

(b) As used in this section, "state agency" or "agency of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority; "state agency" or "agency of the state" does not include the University of Alaska, a municipality, or an agency of a municipality.

(c) As used in this section, "radiation" does not mean radiation emitted from a Federal Communications Commission licensed facility emitting radiation of a wave length longer than one centimeter and an average power output not exceeding two kilowatts.

* Sec. 3. AS 46.03.250 is repealed and re-enacted to read:

Sec. 46.03.250. AUTHORITY. The department shall adopt regulations establishing standards governing the discharge of radionuclides to the air, water, land, and subsurface land of the state.

* Sec. 4. AS 46.03.260 is repealed and re-enacted to read:

Sec. 46.03.260. USE OF ATOMIC RADIATION. A person who conducts an operation which results in the discharge of radionuclides to the air, water, land or subsurface land of the state must obtain a permit from the department before commencing the discharge.

* Sec. 5. AS 46.03.290 is repealed and re-enacted to read:

Sec. 46.03.290. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY. (a) When the department finds that an actual or imminent discharge of radionuclides to the air, water, land or subsurface land of the state poses an immediate threat to the public health or welfare, or the environment of the state, it may issue an order declaring an emergency and directing a person or persons to take action the department believes necessary to meet the emergency, and protect the public health, welfare, or environment.

(b) A person to whom an order is directed shall comply with it immediately, but on application to the department shall be given a hearing under the Administrative Procedure Act (AS 44.62). Thereafter the department may affirm, revoke or modify the order.

(c) During a period of emergency declared under (a) of this section, each state agency, including, when appropriate, the Department of Military Affairs under the authority conferred by AS 26.20, shall take whatever action the department finds necessary to meet the emergency, and to protect the public health, welfare, or environment.

* Sec. 6. AS 46.03.300 is amended by adding a new subsection to read:

(b) Section 270 of this chapter does not apply to the Federal Communications Commission licensed facilities emitting radiation of a wavelength longer than one centimeter and of an average power output not exceeding two kilowatts.

* Sec. 7. AS 46.03.900 is amended by adding a new paragraph to read:

(25) "radionuclide" means any atom which may spontaneously emit particles or gamma radiation or may emit X-radiation following orbital electron capture or may undergo spontaneous fission.

* Sec. 8. AS 18.45 is amended by adding a new section to read:

Sec. 18.45.025. FACILITIES SITING PERMIT REQUIRED. No person may construct a nuclear fuel production facility, utilization facility, reprocessing facility, or nuclear waste disposal facility in the state unless he has first obtained a permit from the Department of Environmental Conservation. The Department of Environmental Conservation shall adopt regulations governing the issuance of these permits; however, no permit may be issued until

(1) the legislature has approved the regulations by a concurrent resolution concurred in by a majority of the members of each house;

(2) the local government with jurisdiction over the proposed facility site has approved the permit;

(3) the legislature has approved the permit by a concurrent resolution concurred in by a majority of the members of each house; and

(4) the governor has approved the permit.

* Sec. 9. AS 18.45.060 is amended to read:

Sec. 18.45.060. INJUNCTION PROCEEDINGS. When, in the opinion of the governor, a person is violating or is about to violate sec. 20 or 25 of this chapter, he shall direct the attorney general to apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity and upon a showing that the person has engaged, or is about to engage in the activity, the court may grant a permanent or temporary injunction, restraining order, or other order.

* Sec. 10. Regulations adopted under authority of statutes repealed or amended by this Act shall remain in effect until repealed by the Department of Environmental Conservation in consultation with the Department of Health and Social Services.

* Sec. 11. Section 1 of this Act does not confer authority on the Department of Health and Social Services or limit the authority of the Department of Labor to adopt regulations concerning radiation exposure in the occupational setting.

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* Sec. 12. AS 18.45.010, 18.45.040, 18.45.050; AS 46.03.-020(10)(F), 46.03.270, 46.03.280, 46.03.300, 46.03.310, 46.03.-840, 46.03.900(7), 46.03.900(8), 46.03.900(16), and 46.03.900-(17) are repealed.