

1 IN THE HOUSE

BY MR. GIERSDORF

2 HOUSE BILL NO. 49

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act requiring a nuclear license or
7 permit; providing for certain studies;
8 authorizing the appointment of a Coordinator
9 of Atomic Development Activities; and
10 encouraging cooperation with the Federal
11 government."

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

13 Section 1. DECLARATION OF INTENT.

14 (1) The State of Alaska endorses the action of the Congress
15 of the United States in enacting the Atomic Energy Act of 1954 to
16 institute a program to encourage the widespread participation in
17 the development and utilization of atomic energy for peaceful
18 purposes to the maximum extent consistent with the common defense
19 and security and with the health and safety of the public; and
20 therefor declares the policy of the State to be:

21 (a) To cooperate actively in the program thus insti-
22 tuted; and

23 (b) To the extent that the regulation of special
24 nuclear, by-product, and radioactive materials, of production
25 facilities and utilization facilities and of other forms of radia-
26 tion, and of persons operating such facilities may be within the
27 jurisdiction of the State, to provide for the exercise of the
28 State's regulatory authority so as to conform, as nearly as may be,
29 to the Atomic Energy Act of 1954 and regulations issued there-

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1 under, to the end that there may, in effect, be a single har-
2 monious system of regulation within the State.

3 (2) The State of Alaska recognizes that the production or
4 utilization of atomic energy and other forms of radiation may
5 result in new conditions calling for changes in the laws of the
6 State and in regulations issued thereunder with respect to health
7 and safety; working conditions; workmen's compensation; trans-
8 portation; public utilities; life, health, accident, fire, and
9 casualty insurance; the conservation of natural resources, in-
10 cluding wildlife, and the protection of streams, rivers, and
11 airspace from pollution; and therefore declares the policy of the
12 State to be:

13 (a) To adapt its laws and regulations to meet
14 the new conditions in ways that will encourage the
15 healthy development of industries producing or utilizing
16 atomic energy while at the same time protecting the
17 public interest; and

18 (b) To initiate continuing studies of the need for
19 changes in the relevant laws and regulations of the State by the
20 respective departments and agencies of the State which are res-
21 ponsible for their administration; and

22 (c) To assure the coordination of the studies thus
23 undertaken, particularly with other atomic industrial development
24 activities of the State and with the development and regulatory
25 activities of other states and of the government of the United
26 States.

27 Sec. 2. DEFINITIONS. As used in this Act:

28 (1) "Atomic energy" means all forms of energy released in
29 the course of nuclear fission or nuclear transformation.

1 (2) "By-product material" means any radioactive material
2 (except special nuclear material) yielded in or made radioactive
3 by exposure to the radiation incident to the process of produc-
4 ing or utilizing special nuclear material.

5 (3) "Production facility" means any equipment or device
6 capable of the production of special nuclear material in such
7 quantity as to be of significance to the common defense and
8 security, or in such manner as to affect the health and safety of
9 the public; or any important component part especially designed
10 for such equipment or device.

11 (4) "Special nuclear material" means plutonium, uranium
12 233, and uranium enriched in the isotope 233 or in the isotope
13 235, and any other material which the governor declares by order
14 to be special nuclear material after the United States Atomic
15 Energy Commission has determined the material to be such; or any
16 material artificially enriched by any of the foregoing.

17 (5) "Utilization facility" means any equipment or device,
18 except an atomic weapon, capable of making use of special nuclear
19 material in such quantity as to be of significance to the common
20 defense and security, or in such manner as to affect the health
21 and safety of the public, or peculiarly adapted for making use of
22 atomic energy in such quantity as to be of significance to the
23 common defense and security, or in such manner as to affect the
24 health and safety of the public; or any important component part
25 especially designed for such equipment or device.

26 (6) "Radiation" means gamma rays and X-rays, alpha and beta
27 particles, high-speed electrons, neutrons, protons, and other
28 nuclear particles; but not sound or radio waves, or visible,
29 infrared, or ultra-violet light.

1 Sec. 3. UNITED STATES LICENSES OR PERMITS REQUIRED. No
2 person shall manufacture, construct, produce, transfer, acquire
3 or possess any special nuclear material, by-product material,
4 production facility, or utilization facility, or act as an opera-
5 tor or a production or utilization facility wholly within this
6 State unless he shall have first obtained a license or permit for
7 the activity in which he proposes to engage from the United States
8 Atomic Energy Commission if the Commission requires a license or
9 permit to be obtained by persons proposing to engage in such
10 activities.

11 Sec. 4 CONDUCT OF STUDIES CONCERNING CHANGES IN LAWS AND
12 REGULATIONS WITH A VIEW TO ATOMIC INDUSTRIAL DEVELOPMENT. Each
13 of the following departments and agencies of the State is directed
14 to initiate and to pursue continuing studies as to the need for
15 changes in the laws and regulations administered by it that would
16 arise from the presence within the State of special nuclear, by-
17 product, and radioactive materials, from the operation herein
18 of production or utilization facilities, and from the generation
19 of radiation, and, on the basis of such studies, to make such
20 recommendations for the enactment of laws or amendments to law
21 administered by it, and such proposals for amendments to the
22 regulations issued by it, as may appear necessary and appropriate.

23 (1) The Department of Health, or its successor, particu-
24 larly as to hazards to the public health and safety.

25 (2) The Department of Labor, or its successor, particularly
26 as to hazardous working conditions.

27 (3) The Department of Labor, or its successor, particularly
28 as to the time and character of proof of claims of injuries and
29 the extent of the compensation allowable therefor.

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1 (4) The Department of Highways and Public Works, or its
2 successor, particularly as to the transportation of special
3 nuclear, by-product, and radioactive materials on highways of the
4 State.

5 (5) The Aviation Department, or its successor, particularly
6 as to the transportation of special nuclear, by-product, and
7 radioactive materials by common carriers not in interstate commerce
8 and as to the participation by public utilities subject to its
9 jurisdiction in projects looking to the development of production
10 or utilization facilities for industrial or commercial use.

11 (6) The Department of Insurance, or its successor, particu-
12 larly as to the insurance of persons and property from hazards to
13 life and property resulting from atomic development.

14 (7) The Department of Fish and Game, or its successor, par-
15 ticularly as to the hazards to the natural resources of the State,
16 including wildlife, and as to the protection of rivers, streams,
17 and airspace from pollution.

18 (8) The Department of Mines, or its successor, particularly
19 as to the hazards involved in the mining of radioactive minerals.

20 (9) Such other departments and agencies as the governor may
21 direct and for the purposes specified by him, and such other
22 departments and agencies as may be provided by law.

23 Sec. 5. COORDINATION OF STUDIES AND DEVELOPMENT ACTIVITIES.

24 (1) The governor shall appoint a person from within the
25 Executive Branch, ex-officio, to serve as adviser to the governor
26 with respect to atomic industrial development within the State;
27 as coordinator of the development and regulatory activities of
28 the State relating to atomic energy and other forms of radiation,
29 including cooperation with other states and with the government

1 of the United States. The person so appointed shall have the
2 title of Coordinator of Atomic Development Activities.

3 (2) The Coordinator of Atomic Development Activities shall
4 have the duty of coordinating the studies, recommendations, and
5 proposals of the several departments and agencies of the State and
6 its political subdivisions required by Section 4 of this Act with
7 each other. So far as may be practicable, he shall coordinate
8 the studies conducted, and the recommendations and proposals made,
9 in this State with like activities in other states and with the
10 policies and regulations of the United States Atomic Energy
11 Commission.

12 (3) The several departments and agencies of the State and
13 its political subdivisions which are directed by Section 4 of this
14 Act to initiate and pursue continuing studies are further directed
15 to keep the Coordinator of Atomic Development Activities fully
16 and currently informed as to their activities relating to atomic
17 energy and other forms of radiation.

18 (4) The Coordinator of Atomic Development Activities shall
19 keep the governor and the several interested departments and
20 agencies informed as to private and public activities affecting
21 atomic industrial development and shall enlist their cooperation
22 in taking action to further such development as is consistent
23 with the health, safety and general welfare of this State.

24 Sec. 6. INJUNCTION PROCEEDINGS. Whenever, in the opinion of
25 the governor, any person is violating or is about to violate
26 Section 3 of this Act, he may direct the attorney general to apply
27 to the appropriate court for an order enjoining the person from
28 engaging or continuing to engage in the activity violative of this
29 Act and upon a showing that such person has engaged, or is about

1 to engage in any such activity, a permanent or temporary injunction,
2 restraining order, or other order may be granted.

3 Sec. 7. COOPERATION. The heads of the appropriate agencies
4 may cooperate with the Federal government in the administration
5 of this Act or any matter pertaining thereto.
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