

Original sponsor: Rules Committee by request  
of the Governor

Offered: 5/31/78  
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 45 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to radiation protection."

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

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

9 ARTICLE 5. RADIATION PROTECTION.

10 Sec. 18.60.475. POWERS AND DUTIES OF DEPARTMENT. (a) The de-  
11 partment shall

12 (1) adopt regulations necessary to carry out the purposes of  
13 secs. 475 - 545 of this chapter;

14 (2) develop comprehensive policies and programs for the  
15 evaluation and determination of hazards associated with the use of  
16 radiation sources and their amelioration;

17 (3) encourage, participate in, and conduct studies, investi-  
18 gations, training, research and demonstrations relating to the control  
19 of radiation hazards, the measurement of radiation, the effects on  
20 health of exposure to radiation and related problems it considers  
21 necessary or advisable for the discharge of its duties;

22 (4) collect and disseminate health education information  
23 relating to radiation protection;

24 (5) review plans and shielding specifications for radiation  
25 sources;

26 (6) inspect radiation sources, their shielding and immediate  
27 surroundings, and records concerning their operation for the determi-  
28 nation of possible radiation hazard;

29 (7) contract with other state agencies to assist them in

1 performing functions which require expertise in determining and reducing  
2 the hazards of radiation.

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

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

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

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

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

1 assistance.

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

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

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

13 Sec. 18.60.535. PENALTIES. A person who violates a regulation,  
14 standard, or order of the department adopted or issued under secs. 475 -  
15 545 of this chapter is guilty of a misdemeanor and, upon conviction, is  
16 punishable by a fine of not more than \$500, or by imprisonment for not  
17 more than one year, or by both. Each day upon which a violation occurs  
18 constitutes a separate offense.

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

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

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

23 (A) when in operation contains or acts as part of an  
24 electronic circuit and emits, or in the absence of effective  
25 shielding or other controls would emit, electronic product radi-  
26 ation; or

27 (B) is intended for use as a component, part, or acces-  
28 sory of a product described in (A) of this paragraph and which when  
29 in operation emits, or in the absence of effective shielding or

1 other controls would emit, electronic product radiation;

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

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

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

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

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

17 Sec. 44.65.060. RESTRICTION ON CONTRACTING WITH OR EMPLOYING EX-  
18 PERTS ON RADIATION HAZARDS. (a) Except for the Department of Health  
19 and Social Services, the Department of Environmental Conservation, and  
20 the Department of Military Affairs, no state agency may

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

24 (2) employ a person whose duties require expertise in deter-  
25 mining or reducing the hazards of radiation.

26 (b) As used in this section, "state agency" or "agency of the  
27 state" means a state department or agency, whether in the legislative,  
28 judicial, or executive branch, including such entities as the Alaska  
29 State Housing Authority; "state agency" or "agency of the state" does

1 not include the University of Alaska, a municipality, or an agency of a  
2 municipality.

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

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

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

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

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

13 Sec. 46.03.290. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY.

14 (a) When the department finds that an actual or imminent discharge of  
15 radionuclides to the air, water, land or subsurface land of the state  
16 poses an immediate threat to the public health or welfare, or the  
17 environment of the state, it may issue an order declaring an emergency  
18 and directing a person or persons to take action the department believes  
19 necessary to meet the emergency, and protect the public health, welfare,  
20 or environment.

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

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

1 \* Sec. 6. AS 46.03.900 is amended by adding a new paragraph to read:

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

5 \* Sec. 7. AS 18.45 is amended by adding a new section to read:

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

13 (1) the legislature has approved the regulations by a concur-  
14 rent resolution concurred in by a majority of the members of each house;

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

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

19 (4) the governor has approved the permit.

20 \* Sec. 8. AS 18.45.060 is amended to read:

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

29 \* Sec. 9. Regulations adopted under authority of statutes repealed or

1 amended by this Act shall remain in effect until repealed by the Department  
2 of Environmental Conservation in consultation with the Department of Health  
3 and Social Services.

4 \* Sec. 10. Section 1 of this Act does not confer authority on the Depart-  
5 ment of Health and Social Services or limit the authority of the Department  
6 of Labor to adopt regulations concerning radiation exposure in the occupa-  
7 tional setting.

8 \* Sec. 11. AS 18.45.010, 18.45.040, 18.45.050; AS 46.03.020(10)(F),  
9 46.03.270, 46.03.280, 46.03.300, 46.03.310, 46.03.840, 46.03.900(7), 46.03.-  
10 900(8), 46.03.900(16), and 46.03.900(17) are repealed.

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