

ASSEMBLY, No. 511

STATE OF NEW JERSEY

INTRODUCED MARCH 27, 1961

By Assemblywoman HUGHES, Assemblymen MELONI, FREDERICK,
KOENIG, WERNER, MADDEN, KRAUT, MUSTO, LAMORTE,
TATE and SARCONE

Referred to Committee on Institutions, Public Health and Welfare

AN ACT to amend and supplement the "Radiation Protection Act" approved
July 8, 1958 (P. L. 1958, c. 116).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 9 of the act of which this act is amendatory is amended to
2 read as follows:

3 9. The department shall:

4 (a) Administer this act and codes, rules or regulations promulgated by
5 the commission;

6 (b) Provide the commission with the necessary personnel required to
7 carry out its duties;

8 (c) Develop comprehensive policies and programs for the evaluation and
9 determination of hazards associated with the use of radiation, and for their
10 amelioration;

11 (d) Advise, consult, and co-operate with other agencies of the State,
12 the Federal Government, other States and interstate agencies, and with af-
13 fected groups, political subdivisions and industries;

14 (e) Accept and administer according to law loans, grants or other funds
15 or gifts from the Federal Government and from other sources, public or
16 private, for carrying out its functions under this act;

17 (f) Encourage, participate in or conduct studies, investigations, train-
18 ing, research and demonstrations relating to the control of radiation hazard,
19 the measurement of radiation, the effects on health of exposure to radiation
20 and related problems as it may deem necessary or advisable for the dis-
21 charge of its duties under this act;

22 (g) Collect and disseminate health education information relating to
23 radiation protection;

24 (h) Require registration of sources of radiation, *and require records*
25 *concerning sources of radiation to be kept in such manner as may be pre-*
26 *scribed by codes, rules or regulations of the commission;*

27 (i) Review plans and specifications on the design and shielding for ra-
28 diation sources submitted pursuant to codes, rules or regulations of the com-
29 mission for the purpose of determining possible radiation hazards;

30 (j) Inspect radiation sources, their shielding and immediate surround-
31 ings and records concerning their operation for the determination of any
32 possible radiation hazard;

33 (k) *Have power, to be exercised subject to codes, rules and regulations*
34 *of the commission, to require, issue, renew, amend, suspend and revoke li-*
35 *censes for the construction, operation or maintenance of sources of radiation*
36 *including byproduct materials, source materials and special nuclear mate-*
37 *rials in quantities not sufficient to form a critical mass. The codes, rules and*
38 *regulations may provide for recognition of other State or Federal licenses,*
39 *subject to the registration requirements prescribed by or under the author-*
40 *ity of this act.*

1 2. Section 11 of the act of which this act is amendatory is amended to
2 read as follows:

3 11. Whenever the department finds that there has been a violation of
4 any of the provisions of this act or any codes, rules or regulations of the com-
5 mission, resulting from the construction, operation or maintenance of a
6 source of radiation, it shall notify any person or legal entity found to be
7 causing, allowing or permitting such violation, of the nature of that viola-

8 tion and order that prior to a time fixed by the department, which time shall
9 not be later than 2 years from the date of service of the notice, that person or
10 legal entity shall cease and abate causing, allowing or permitting such viola-
11 tion and take such action as may be necessary for the source of radiation to
12 be constructed, operated or maintained in compliance with this act and codes,
13 rules or regulations promulgated by the commission.

14 *If the person or legal entity fails to comply with the order prior to*
15 *the time fixed by the department, the department may cause the source of*
16 *radiation being so constructed, operated or maintained to be secured or im-*
17 *pounded. Within 10 days after securing or impounding a source of radia-*
18 *tion, the department shall give notice to said person or legal entity prescrib-*
19 *ing conditions of construction, operation or maintenance under which the*
20 *source of radiation will be returned to the custody of such person or legal en-*
21 *tity. If such person or legal entity, within such reasonable time as may be*
22 *fixed in said notice, furnishes evidence satisfactory to the department of pre-*
23 *sent and intended future compliance with such conditions, the source of ra-*
24 *diation so secured or impounded shall be returned to the custody of such per-*
25 *son or legal entity for construction, operation or maintenance in accordance*
26 *with such conditions, upon payment to the department of the costs incurred by*
27 *the department incident to the securing or impounding. If the person or*
28 *legal entity does not furnish such satisfactory evidence within such time,*
29 *the rights of such person or legal entity with respect to the source of radia-*
30 *tion so secured or impounded shall become the property of the State to be*
31 *disposed of by the department on behalf of the State in any manner consist-*
32 *ent with public health and safety. Any person or legal entity who (1) oper-*
33 *ates, maintains or otherwise uses a source of radiation while the same is so*
34 *secured or impounded, or (2) violates a condition under which a source of ra-*
35 *diation so secured or impounded is returned, shall be subject to a fine not*
36 *exceeding \$500.00 for each day during which the violation exists, to be en-*
37 *forced by the department in a summary action in the Superior Court.*

1 3. The Governor, on behalf of the State, may enter into agreements with
2 the Federal Government providing for discontinuance by the Federal Gov-
3 ernment and assumption by the State of the authority, in the interest of the
4 protection of the public from radiation hazards, to regulate sources of radia-
5 tion including byproduct materials, source materials and special nuclear ma-
6 terials in quantities not sufficient to form a critical mass. Subject to the terms
7 of such agreements, regulatory authority assumed by the State by virtue of
8 such agreements shall be exercised by the department in the manner provided
9 in this act and as may be further provided by codes, rules and regulations of
10 the commission promulgated pursuant to this act.

1 4. The department may (a) enter into agreements, subject to the ap-
2 proval of the Governor, with the Federal Government, other States or inter-
3 state agencies to perform inspections and other radiation protection func-
4 tions on a co-operative basis with the Federal Government, other States or
5 interstate agencies; and (b) subject to available appropriations, make its
6 personnel available for participation in training programs of the Federal
7 Government and otherwise secure assistance from the Federal Government
8 to maintain and improve the department's administration of this act.

1 5. This act shall take effect immediately.

(CORRECTED COPY)
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