

CHAPTER 334

AN ACT to create 20.440 (44) and 101.50 of the statutes, relating to the registration of radiation sources, providing penalties, granting rule-making authority and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.440 (44) of the statutes is created to read:

20.440 (44) RADIATION REGISTRATION. All moneys collected under s. 101.50 shall be paid within one week into the general fund, and are appropriated therefrom to the industrial commission for the administration of that section.

SECTION 2. 101.50 of the statutes is created to read:

101.50 REGISTRATION OF SOURCES OF IONIZING RADIATION.

(1) PURPOSE. Ionizing radiations and their sources may be instrumental in the improvement of health, welfare and productivity of the public if properly utilized, and may be injurious to health if carelessly or excessively employed, or may impair the industrial and agricultural potentials of the state if improperly utilized. It is therefore declared to be the public policy of this state to encourage the constructive uses of radiation and to prohibit and prevent unnecessary radiation. In addition to the expanded uses of sources of such radiation which may increase the hazards as well as the benefits to the people of this state, the federal government has by P.L. 86-373 authorized the atomic energy commission by agreement and under certain conditions to release to the individual states regulation of certain sources of ionizing radiation. It is therefore deemed essential that this state establish a registration system of radiation installations in order that the potential radiation problem may be properly assessed and an adequate state regulatory program be designed to protect the health and safety of its people against radiation hazards and to encourage the constructive uses of radiation.

(2) DEFINITIONS. As used in this section:

(a) "Radiation" includes gamma rays and X-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles or electro-magnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves, or visible, infrared or ultraviolet light.

(b) "Radiation machine" is any device capable of producing radiations when the associated control devices are operated.

(c) "Radioactive material" is any solid, liquid or gas which emits radiation spontaneously.

(d) "Radiation installation" is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, tested, repaired, disposed of or used for any purpose.

(e) "Operator" is any person, partnership or corporation controlling the use of radioactive material or a radiation installation.

(3) REGISTRATION. Every radiation installation in this state, not exempted by this section or the rules of the commission, shall be registered by January 1, 1962, by the operator thereof, and no such radiation installation shall be operated thereafter unless it has been duly registered and a notice of such registration is possessed by the operator. Every radiation installation established in this state after January 1, 1962, shall be registered prior to its operation. The application for registration shall be

made on forms provided by the commission and such form shall contain the information which the commission deems necessary to secure information to evaluate hazards. Multiple installations operated by a single operator may be listed separately in a single registration, and the commission shall provide each operator with evidence of registration and amendments thereto. Registration with the commission shall not imply approval of manufacture, storage, use, handling, operation or disposal of the radiation installation or radioactive materials, but shall serve merely as notice to the commission of the location and character of radiation sources in this state.

(4) **BLANKET REGISTRATIONS.** The commission may establish a blanket registration whereby any operator who possesses one or more radiation installations for short periods of time as determined by the commission for the purpose of testing and repair may operate such installations for such limited periods of time under a blanket registration as determined by the commission.

(5) **AMENDED REGISTRATION.** Whenever the operator increases the number of sources, source strength, rated output or energy of radiation produced in any installation, he shall notify the commission of such increase prior to operation on such revised basis, and such change shall be recorded in the registration. If any installation is discontinued the operator shall notify the commission within 30 days of such discontinuance. The commission may determine by rule what decreases in strength, rated output or energy of radiation shall be reported.

(6) **EXEMPTIONS.** The commission shall exempt from registration any source licensed by the atomic energy commission and may by rule exempt from registration any source or radiation installation which the commission finds to be without undue radiation hazard as determined by standards established by the national committee on radiation protection and measurements or any comparable nationally recognized agency established for the purpose of recommending standards for radiation protection.

(7) **FEEES.** A registration fee of not less than \$1 nor more than \$5, as determined by the commission, shall be levied on every operator registering under this section. No additional fee shall be required for recording changes in the registration.

(8) **STAFF.** The commission may employ such staff as is required to carry out the system of registration.

(9) **RULES.** The commission may make such rules as are required to assure the effective administration of this section.

(10) **INJUNCTION.** If it appears upon complaint to the commission by any person, or it is known by the commission that any person not registered or exempted under this section is operating a radiation installation, the commission or the attorney general may bring an action in the name of the state against such person to enjoin such person from operating such radiation installation.

(11) **PENALTY.** Beginning January 1, 1962, any person who fails to register a radiation installation required to be registered or who uses such installation before it is registered may be fined not more than \$500 or imprisoned not more than 6 months, or both.

(12) **CO-OPERATION WITH BOARD OF HEALTH.** The industrial commission shall consult with the state board of health in the establishment and maintenance of the system of registration and shall advise the state board of health regarding the results of such registrations.

(13) **REPORT TO 1963 LEGISLATURE.** The industrial commission and the state board of health shall independently report to the 1963 legislature upon its convening summarizing the results of the registration of installations and making recommendations regarding the future steps to be taken in the area of further regulation.

Approved July 28, 1961.