

board, agency, commission or authority of this Commonwealth through an insurance broker other than the Secretary of Property and Supplies.

(1) Section 509, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929."

(2) Section 303, act of April 9, 1929 (P. L. 343), known as "The Fiscal Code," and its amendments.

(3) Section 623, act of May 17, 1921 (P. L. 789), known as "The Insurance Department Act of one thousand nine hundred and twenty-one."

(4) The act of July 5, 1947 (P. L. 1217), known as the "State Public School Building Authority Act," and its amendments.

(5) The act of March 31, 1949 (P. L. 372), known as "The General State Authority Act of one thousand nine hundred forty-nine," and its amendments.

(b) All other acts and parts of acts are repealed in so far as they authorize the contracting of insurance for any department, board, agency, commission or authority of this Commonwealth through an insurance broker other than the Secretary of Property and Supplies.

Section 3. This act shall take effect immediately.

APPROVED—The 27th day of January, A. D. 1966.

WILLIAM W. SCRANTON

No. 578

AN ACT

SB 295

Providing for atomic energy development and radiation control; creating the Advisory Committee on Atomic Energy Development and Radiation Control; empowering the Governor to enter into agreements with the Federal government for the assumption by the Commonwealth of certain regulatory powers; conferring powers and duties upon the Department of Commerce with respect to the promotion and development of atomic energy resources; conferring powers and duties upon the Department of Health with respect to the control and regulation of radiation sources, including provision for licensing and registration; and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

ARTICLE I.

GENERAL PROVISIONS.

Section 1. Short Title.—This act shall be known and may be cited as "The Atomic Energy Development and Radiation Control Act."

Section 2. Purpose.—It is the purpose of this act to encourage the development and use of atomic energy for peaceful purposes, consistent with the health and safety of the public.

Section 3. Definitions.—The following words and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

(1) “Atomic energy” means all forms of energy released in nuclear reactions or transitions.

(2) “Ionizing radiation” means any radiation consisting of: (i) directly ionizing charged particles (electrons, protons, alpha particles, etc.) having sufficient kinetic energy to produce ionization by collision; or (ii) indirectly ionizing uncharged particles (neutrons, photons, etc.) which can liberate directly ionizing particles or can initiate a nuclear transformation.

(3) “Person” means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this Commonwealth, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than Federal government agencies licensed by the United States Atomic Energy Commission or any successor thereto.

(4) “Radiation source” means an apparatus or a material emitting or capable of emitting ionizing radiation.

ARTICLE II.

ADVISORY COMMITTEE; FEDERAL-STATE AGREEMENTS; GOVERNOR'S POWER; FEDERAL LICENSES.

Section 101. Advisory Committee.—(a) There is hereby created the Advisory Committee on Atomic Energy Development and Radiation Control of nine members who shall be appointed by and serve at the pleasure of the Governor. The committee shall be an advisory committee within the Department of Health and shall have all the rights, powers and duties of advisory boards and commissions prescribed by the act known as The Administrative Code of 1929 and its amendments. The members shall broadly reflect the varied interests in and aspects of atomic energy, and shall include individuals from industry, labor and education, as well as individuals with professional training and experience in medicine, radiology, health physics, or related sciences with specialization in ionizing radiation. Members of the committee shall receive no salary for services but may be reimbursed for actual expenses incurred in connection with attendance at committee meetings or for authorized

business of the committee. The Secretary of Health and the Secretary of Commerce shall be additional and ex officio members of the committee.

(b) The committee shall:

(1) Review and evaluate policies and programs of the Commonwealth relating to the development of atomic energy resources and to the control of ionizing radiation;

(2) Make recommendations to the Department of Commerce and furnish such technical advice as may be required on matters relating to the development and utilization of atomic energy resources;

(3) Make recommendations to the Department of Health, review proposed rules and regulations, and furnish such technical advice as may be required on matters relating to the regulation and control of radiation sources.

Section 102. Federal-State Agreements.—(a) The Governor, on behalf of this Commonwealth, is authorized to enter into agreements with the Federal government providing for discontinuance of certain of the Federal government's activities with respect to radiation sources and the assumption thereof by the Commonwealth toward the end of instituting and maintaining a regulatory program compatible with the standards and regulatory programs of the Federal government and consonant in so far as possible with those of other states.

(b) Any person who on the effective date of an agreement under subsection (a) of this section possesses a license issued by the Federal government authorizing activities, the regulation of which is assumed by the Commonwealth under such agreement, shall be deemed to possess a license issued under this act, which shall expire either ninety days after receipt from the Department of Health of a notice of expiration of such license, or ninety days after the date of expiration specified in the Federal license, whichever is earlier.

ARTICLE III.

ATOMIC ENERGY DEVELOPMENT.

Section 201. Powers and Duties of the Department of Commerce.—

(a) The Department of Commerce, hereinafter in this article referred to as the department, is hereby designated as the agency of the Commonwealth of Pennsylvania which shall be responsible for the promotion and development of atomic energy resources.

(b) In accordance with the laws of this Commonwealth, the department shall employ, compensate and prescribe the powers and duties of such individuals as may be necessary to carry out the provisions of this article.

(c) The department shall have the power and its duty shall be to:

(1) Advise the Governor and the Legislature with regard to the status of atomic energy research development and education, make recommendations designed to assure progress in these fields, and advise and assist the Governor and Legislature in developing and promoting a State policy for atomic energy research, development and education.

(2) Coordinate the atomic energy development activities of the various departments, other agencies and political subdivisions of the Commonwealth, recognizing also the authority of the Department of Health under this act.

(3) Cooperate with business enterprise and other persons concerned with atomic energy, the Federal government and the governments of other states.

(4) Sponsor or conduct studies and disseminate information and foster and support research and education relating to atomic energy.

(5) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in the furtherance of its functions, from the Federal government and from other sources, public or private.

(6) Promote and assist the establishment of atomic energy facilities, such as waste disposal sites, test reactor sites, port facilities, transportation facilities, and others which are necessary or desirable for the promotion and development of atomic energy resources within the Commonwealth.

ARTICLE IV.

RADIATION CONTROL.

Section 301. Powers and Duties of the Department of Health.—(a) The Department of Health, hereinafter in this article referred to as the department, is hereby designated as the agency of the Commonwealth which shall be responsible for the control and regulation of radiation sources, but, notwithstanding anything in this article to the contrary, shall not have power to regulate, license, or control nuclear reactors or facilities or operations incident thereto in duplication of any activity of the Federal government which has not been discontinued by agreement pursuant to section 102.

(b) In accordance with the laws of this Commonwealth, the department shall employ, compensate and prescribe the powers and duties of such individuals as may be necessary to carry out the provisions of this act, except in so far as the Department of Commerce is so empowered.

(c) The department shall have the power and its duty shall be to:

(1) Develop and conduct programs for evaluation of hazards associated with the use of radiation sources;

(2) Develop and conduct programs for the control and regulation of radiation sources;

(3) Formulate, adopt, promulgate and repeal rules and regulations relating to the control of ionizing radiation;

(4) Issue such orders or modifications thereof as may be necessary in connection with proceedings under this act;

(5) Advise the Governor and the Legislature with regard to the status of radiation control, and consult and cooperate with the various departments, agencies and political subdivisions of the Commonwealth, the Federal government, other states, interstate agencies, political subdivisions, and with groups concerned with control of radiation sources;

(6) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the Federal government and from other sources, public or private;

(7) Encourage, participate in, or conduct studies, investigations, training, research and demonstrations relating to control of radiation sources; and

(8) Collect and disseminate information relating to control of radiation sources.

Section 302. Licensing and Registration of Radiation Sources.—(a) The department is authorized to provide, by rule and regulation, for the licensing or registration of radiation sources or devices or equipment utilizing such sources. Such rules or regulations shall provide for amendment, suspension, or revocation of licenses. Such rules or regulations may provide that:

(1) Each application for a license shall be in writing and shall state such information as the department, by rule or regulation, may determine to be necessary to decide the technical, insurance and financial qualifications or other qualifications of the applicant as the department may deem reasonable and necessary to protect the public health and safety. The department may, at any time after the filing of the application and before the expiration of the license, require further written statements, and may make such inspections as the department may deem necessary in order to determine whether the license should be granted or denied, or whether the license should be modified, suspended, or revoked. All applications and statements shall be signed by the applicant or licensee. The department may require any applications or statements to be made under oath or affirmation.

(2) Each license shall be in such form and contain such terms and conditions as the department may, by rule or regulation, prescribe.

(3) No license issued under the authority of this act and no right to

possess or utilize radiation sources granted by any license shall be assigned or in any manner disposed of, without the approval of the department.

(4) The terms and conditions of all licenses shall be subject to amendment, revision, or modification by rules, regulations, or orders issued in accordance with the provisions of this act.

(b) The department is authorized to exempt certain radiation sources or kinds of uses or users from the licensing or ¹ registration requirements set forth in this section, when the department makes a finding that the exemption of such radiation sources or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(c) Rules and regulations promulgated pursuant to this act may provide for recognition of other State or Federal licenses as the department shall deem desirable, subject to such registration requirements as the department may prescribe.

Section 303. Records.—(a) The department shall require each person who possesses or uses any radiation source to maintain records relating to its receipt, storage, transfer, or disposal, and such other records as the department may require, subject to such exemptions as may be provided by rules or regulations.

(b) The department shall require each person who possesses or uses a radiation source to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by the rules and regulations of the department. Copies of these records and those required to be kept by subsection (a) of this section shall be submitted to the department on written request. Any person possessing or using a radiation source shall furnish to each employe for whom personnel monitoring is required, or to such employe's physician, a copy of such employe's personal exposure record at such times as the department, by rule or regulation, may prescribe.

Section 304. Inspection.—The department or its duly authorized representatives shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of this act and rules and regulations issued thereunder. Any report of investigation or inspection or any information concerning trade secrets or secret industrial processes obtained under this act shall not be disclosed or opened to public inspection except as may be necessary for the performance of the functions of the department.

¹ "regulation" in original.

Section 305. **Conflicting Laws.**—Ordinances, resolutions, or regulations now or hereafter in effect, of the governing body of an agency or political subdivision of this Commonwealth relating to radiation sources shall not be superseded by this act if such ordinances or regulations are and continue to be consistent with the provisions of this act, amendments thereto and rules and regulations thereunder. Nothing in this act shall be deemed to enlarge or diminish the powers and responsibility of the Sanitary Water Board under the authority of the act of June 22, 1937 (P. L. 1987), and its amendments, or of the Air Pollution Commission under the authority of the act of January 8, 1960 (P. L. 2119), and its amendments.

Section 306. **Administrative Procedure and Judicial Review.**—(a) Any person who shall be aggrieved by any action of the department under this act, or by any rule or regulation promulgated by the department, shall have the right to file a complaint with the Secretary of Health, hereinafter referred to in this article as the secretary, and to have a hearing thereon. The hearing shall be held before the secretary, or such person designated by him, and shall be conducted in accordance with the provisions of the Administrative Agency Law approved June 4, 1945 (P. L. 1388) and its amendments. Any person aggrieved by any adjudication of the secretary shall have the right to appeal therefrom to the Court of Common Pleas of Dauphin County, and have a judicial review of such adjudication within the time and in the manner and with the same effect as is provided by the Administrative Agency Law and the Rules of Civil Procedure promulgated by the Supreme Court for judicial review of adjudications of agencies of the Commonwealth. Such appeal shall not act as a supersedeas.

(b) Whenever the secretary finds that an emergency exists requiring immediate action to protect the public health and safety, the secretary may without notice or hearing issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding any provision of this act, such regulation or order shall be effective immediately. Any person to whom such regulation or order is directed shall comply therewith immediately, but on application to the secretary shall be afforded a hearing within ten days. On the basis of such hearing, the emergency regulation or order shall be continued, modified, or revoked within thirty days after such hearing.

Section 307. **Injunction Proceedings.**—Whenever in the judgment of the department any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any pro-

vision of this act, or any rule, regulation, or order issued thereunder, at the request of the department the Attorney General may make application to the court of common pleas for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the department that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

Section 308. Prohibited Uses.—It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own, possess, or dispose of any radiation source contrary to the provisions of this act or any rules or regulations issued thereunder.

Section 309. Impounding of Materials.—The department shall have the authority in the event of an emergency to impound or order the impounding of radiation sources in the possession of any person who is not equipped to observe or fails to observe, the provisions of this act or any rules or regulations issued thereunder.

ARTICLE V. PENALTIES.

Section 401. Penalties.—Any person who violates any of the provisions of this act, or any rules, regulations, or orders issued pursuant to this act, shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than five hundred dollars (\$500); and for a second or subsequent offense shall be subjected to a fine of not more than five thousand dollars (\$5,000) or imprisonment for a period of not more than one year, or both.

ARTICLE VI. EFFECTIVE DATE.

Section 501. This act shall take effect immediately.

APPROVED—The 28th day of January, A. D. 1966.

WILLIAM W. SCRANTON

No. 579

AN ACT

HB 2208

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for vocational-technical education and technical institutes and for payments on account thereof.