

CHAPTER 31
RADIOLOGICAL HEALTH

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§ 31101. Declaration of Policy.

It is the policy of the territory of Guam in furtherance of its responsibility to protect the public health and safety:

(a) To institute and maintain a regulatory program for sources of radiation so as to provide for:

(1) compatibility with standards and regulatory programs of the Federal government;

(2) an effective system of regulation within the Territory; or

(3) a system consonant insofar as possible with those of other states; and

(b) To institute a program to permit development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public.

SOURCE: GC § 9610.

§ 31102. Definitions.

As used in this Chapter:

(a) *Radioactive material* means any material, solid, liquid or gas, which emits ionizing radiation spontaneously;

(b) *Ionizing radiation* means gamma rays and x-rays, beta particles, alpha particles and high-speed nuclear particles;

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(c) *Source of ionizing radiation* means a device or material that emits ionizing radiation;

(d) *Registration* means registration by a person possessing a radiation machine;

(e) *General license* means a license effective pursuant to rules and promulgated by the Department without the filing of an application to transfer, acquire, own, possess or use quantities of or devices or equipment utilizing radioactive material; and

(f) *Specific license* means a license issued after application to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of or devices or equipment utilizing radioactive material.

SOURCE: GC § 9610.1.

§ 31103. Cooperative Agreements.

(a) The Governor may enter into agreements with the Federal government whereby the Department shall perform for or on a cooperative basis with the Federal government inspections, seizures, environmental monitoring or other functions relating to control of sources of radiation, including ionizing and non-ionizing radiation from electronic products regulated by the Federal Radiation Control for Health and Safety Act of 1968.

(b) An agreement entered into pursuant to Subsection (a) shall not transfer, delegate or impose upon the Department any power, authority or responsibility that is not fully consistent with this Chapter.

SOURCE: GC § 9610.2.

§ 31104. Duties of the Department.

(a) The Department is designated as the radiation control agency for Guam and shall coordinate radiation control programs of government of Guam agencies acting within their statutory authorities.

(b) Pursuant to rules promulgated under this Chapter, the Department shall require licensing and registration of radioactive materials and other sources of ionizing radiation and maintain a file on such application including approvals and denials.

(c) The Department may develop and conduct programs for evaluation and control of hazards associated with the use of radioactive materials and other sources of ionizing radiation.

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SOURCE: GC § 9610.3.

§ 31105. Emergency.

When the Director finds that an emergency exists requiring immediate action to protect occupational or public health and safety, he may issue an order, without notice or hearing, citing the existence of the emergency and providing for the protection of public health and safety. Notwithstanding the provisions of this Chapter, the order shall be effective immediately. A person to whom the order is directed shall comply therewith immediately but on application to the Director, shall be afforded a hearing within fifteen (15) days. On the basis of the hearing, the emergency order shall be continued, modified or revoked within thirty (30) days after the hearing.

SOURCE: GC § 9610.4.

§ 31106. Inspection.

(a) The Director may enter, at all reasonable times, upon any private or public property, upon which sources of ionizing radiation are reasonably believed to be located, with the permission of the owner or custodian thereof, to determine if there is compliance with or violation of this Chapter, rule and license.

(b) If the Director has reasonable or probable cause to believe that a violation of this Chapter is being committed on any private or public property or that there exists on such property evidence of a violation and permission to enter thereon has been denied by the owner or custodian thereof, he may apply to the proper judicial officer for a warrant commanding the Guam Police Department, with the aid of the Department, to search the property and seize any source of ionizing radiation that is possessed, controlled or used wholly or partially in violation of this Chapter or any rule or license or any evidence of a violation of this Chapter or any rule or license.

SOURCE: GC § 9610.5.

NOTE: References to "Department of Public Safety" changed to *Guam Police Department* pursuant to P.L. 17-78:1, which repealed §5102 GC providing for the Department of Public Safety and reenacted §5102 establishing the Guam Police Department.

§ 31107. Collection of Environmental Data.

The Department shall operate and collect data from environmental monitoring systems in the environs of facilities which emit or could emit significant quantities of radioactive material effluent to measure the effect

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on public health and safety. The Department shall receive and coordinate radiation data collected by other government of Guam agencies.

SOURCE: GC § 9610.6.

§ 31108. Rules and Regulations.

(a) The Director shall promulgate rules and regulations providing for general or specific license or registration, or exemption therefrom, for radioactive materials and other sources of ionizing radiation. Such rules and regulations shall also provide for amendment, suspension or revocation of licenses. In connection therewith, he may, by rule, establish requirements for record keeping, personnel monitoring and exposure records, permissible levels of exposure, notification and reports of accidents, technical qualifications of personnel, handling, transportation, storage, waste disposal, posting and labeling of hazardous sources and areas, surveys and monitoring.

(b) The rules and regulations shall not limit the intentional required exposure of patients to radiation for the purpose of medical diagnosis, medical therapy or research conducted by licensed members of the healing arts.

(c) In promulgating rules and regulations pursuant to this Chapter, the Director shall avoid requiring dual licensing, insofar as practicable. Rules promulgated by the Director may provide for recognition of other state or Federal licenses as the Director may deem desirable, subject to such registration requirements as the Director may prescribe. Any person who possesses a license issued by the Federal government for a source of ionizing radiation of the type for which the state assumes regulatory responsibility under such agreement, shall be deemed to possess an identical license pursuant to this Chapter which license shall expire either ninety (90) days after receipt of a written notice of termination from the Department or on the date of expiration stated in the Federal license, whichever is the earlier.

(d) The Director shall establish by rules and regulations a schedule of fees which shall be paid by applicants for specific licenses for radioactive materials and devices and equipment utilizing such materials.

(e) The Director shall establish by rules and regulations a schedule of fees which shall be paid by applicants for specific licenses for other sources of ionizing radiation and the renewal thereof and by persons possessing sources of ionizing radiation which are subject to registration. If the

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Director does not inspect a source of ionizing radiation for a period of five (5) consecutive years, the licensee or registrant of such source of ionizing radiation shall be excused from payment of future license or registration fees as to such source of ionizing radiation until the first license or registration renewal date following the time an inspection thereof is made.

(f) A department, agency or official thereof may not license, regulate or require the registration of any radioactive materials or other sources of ionizing radiation.

(g) All fees collected under this Chapter shall be deposited in the General Fund.

SOURCE: GC § 9610.7.

§ 31109. Violations.

If, after thorough investigation by the Department, it is the judgment of the Department that a person has engaged in or is about to engage in any acts or practice which constitute a violation of this Chapter or any rules and regulations, the Attorney General, at the request of the Department, shall make application to the Superior Court for an order enjoining such acts or practices or for an order directing compliance with this Subchapter and rules and regulations issued hereunder.

SOURCE: GC § 9610.8.

§ 31110. Prohibited Use.

(a) A person shall not manufacture, produce, transport, transfer, dispose of, acquire, own, possess or use any radioactive material or other source of ionizing radiation unless license, registered or exempted by the Department.

(b) A person who violates this Section is guilty of a misdemeanor.

(c) This Section shall not be effective until ninety (90) days after rules and regulations have been adopted under this Chapter requiring sources of ionizing radiation to be licensed or registered by the Department.

SOURCE: GC § 9610.9.

§ 31111. Exemption.

This Chapter shall not apply to the following sources or conditions, except as noted:

(a) Electrical or other equipment or material that is not intended primarily to produce radiation and that, by nature of design, does not

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produce radiation at the point of nearest approach at a weekly rate higher than one-tenth (1/10) of the appropriate limit generally accepted by the medical profession for any critical organ exposed. The production testing or production servicing of such equipment is not exempt;

(b) Radiation machines during process of manufacture, in storage or transit. The production testing or production servicing of such machines is not exempt;

(c) Any radioactive material while being transported under the jurisdiction of and in conformity with regulations adopted by the Nuclear Regulatory Commission or Department of Transportation or their successors, specifically applicable to the transportation of such radioactive materials;

(d) Any production or utilization facility, as defined in the Federal Atomic Energy Act of 1954, as amended, or, any source of ionizing radiation used in or in connection with the operation of a production or utilization facility pursuant to a license from the Nuclear Regulatory Commission or any successor thereto, except that the Department may collect radiation data and perform environmental monitoring in connection with the operation of any such facility, in accordance with this Subchapter;

(e) Sound and radio waves and visible, infrared and ultraviolet light; and

(f) Any source material, by product material or special nuclear material over which the Nuclear Regulatory Commission or any successor thereto has exclusive regulatory jurisdiction under the Federal Energy Act of 1954, as amended.

SOURCE: GC § 9610.10.
