P R O G R E S S R E P O R T

NUCLEAR AND RADIATION SAFETY SUBCOMMITTEE
OF THE
HOUSE STANDING COMMITTEE ON ENERGY TO THE
SECOND SESSION OF THE SIXTY-SIXTH IOWA
GENERAL ASSEMBLY

January, 1976

On July 16, 1975 the Legislative Council authorized the establishment of an ad hoc study committee on radiation safety pursuant to House Resolution 46. On December 18, 1975 the Subcommittee on Nuclear and Radiation Safety of the House Standing Committee on Energy consisting of Representatives Donald V. Doyle, Chairperson, Brice Oakley, Cooper Evans, and James Wells met to receive the report of the ad hoc committee. This report is attached to and by this reference made a part of this progress report.

In attendance at the December 18 meeting were Dr. Laurent Hodges, project director and representatives of both state agencies and private organizations who had served on the ad hoc committee. The Subcommittee reviewed and received the report and issues its recommendations as follows:

I. The Subcommittee recommends the establishment of an Interagency Coordinating Council on Radiation Safety composed of representatives of various state agencies having radiation related responsibilities (see page 23 of the ad hoc committee report for a complete listing) and a radiation safety program which should include provisions for the statutory delegation of authority as outlined on page 24 of the ad hoc committee report. The coordinating council should not be given any independent regulatory authority, but would serve only as its name suggests--as a mechanism for coordinating radiation related activities of the various member agencies and as a forum for public comment regarding such activities. Actual regulatory authority would remain with the various state agencies. A coordinating council so conceived would not necessitate the inclusion of public representatives as voting members. Technical assistance for the council would be provided through the establishment of ad hoc advisory committees and through the interagency transfer of staff pursuant to chapter 28D of the Code.

Draft bill I, attached to this report creates the coordinating council, however, the Subcommittee believes that additional research and discussion is necessary before legislation delegating specific radiation related responsibilities to various state agencies can be drafted.

During the Subcommittee's discussion of this recommendation it was suggested that representatives from the state universities, the Iowa development commission and the state commerce commission be specifically included on the coordinating council. No definite action was taken on this suggestion.

II. The Subcommittee recognizes the problems presented by the unchecked use of radiation emitting equipment in the healing arts. In response to the ad hoc committee's recommendation that such equipment be subject to either or both registration and inspection requirements, the Subcommittee with the aid of private organizations and public licensing boards is conducting a survey concerning the number, type and location of radiation emitting equipment used in the healing arts throughout the state. The results of this survey should be available sometime after February 1, 1976.

MEMBERS OF AD HOC RADIATION

SAFETY STUDY COMMITTEE

1. Department of Environmental Quality
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3920 Delaware
Des Moines, Iowa 50313

2. State Hygienic Laboratory
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3. Department of Transportation
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5. Midwest Nuclear Compact
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6. Civil Defense Division
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7. Department of Agriculture
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9. Iowa Geological Survey
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10. Energy Policy Council
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11. Iowa Medical Society
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15. Iowa Society of Radiologic Technologists
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16. Iowa Chiropractic Society
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17. Department of Public Safety
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18. Bureau of Labor
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IOWA ENERGY POLICY COUNCIL

300 - 4TH STREET - DES MOINES, IOWA 50319 - 515-281-3428

December 3, 1975

GOVERNOR ROBERT D. RAY

Subcommittee on Nuclear and Radiation Safety
House Committee on Energy
State Capitol
Des Moines, Iowa

Dear Subcommittee Members:

Enclosed is the report of the ad hoc radiation study committee authorized by House Resolution 46.

In accordance with the resolution, the Energy Policy Council and the named agencies established an ad hoc committee of 18 state agencies and other organizations, each with full voting privileges. The members of the ad hoc committee are listed on the enclosed sheet.

The report consists of three sections. The introduction contains some background information: the resolution, the reports of the state agencies concerning their current radiation safety authority and programs, and an AEC background statement on the AEC (now NRC) program for transfer of regulatory authority to states. With respect to seeking agreement state status through such a transfer program, the ad hoc committee took no position, apparently feeling consideration of such a status was premature at this time.

The second section of the report contains the main recommendation of the committee, together with the name of committee members supporting this recommendation. It recommends establishment of an Interagency Coordinating Council on Radiation Safety.

The third section contains minority reports. Part A contains the minority report signed by several members of the ad hoc committee. The main point of disagreement is the membership of the Coordinating Council and its policy-making functions. Part B is a separate minority report disagreeing with the main recommendation with regard to the memberships of the Coordinating Council. Part C is an addendum by a signatory to the minority report in Part A. Part D lists abstentions.

Very truly yours,

Laurent Hodges

Dr. Laurent Hodges
Research Director

DRAFT

REPORT OF AD HOC RADIATION STUDY COMMITTEE--NOVEMBER, 1975

1. INTRODUCTION

The ad hoc radiation safety study committee was convened by the Iowa Energy Policy Council in accordance with House Resolution 46 of the 1975 Iowa legislature. The text of the resolution was as follows:

HOUSE RESOLUTION 46

WHEREAS, the standing committees on energy in the House of Representatives and the Senate are deeply concerned about the lack of coordination among state agencies in the area of radiation safety; and

WHEREAS, the Iowa energy policy council has offered to establish an ad hoc committee, as proposed by the house committee on energy, for consideration during the 1975 interim of radiation safety legislation and of funding and staffing required to implement the committee's recommendations; and

WHEREAS, a radiation safety study committee should, in addition to providing an opportunity for input and participation by private and consumer interests, represent state agencies administering existing laws; NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the department of environmental quality, the state department of health, the state hygienic laboratory, the department of public safety, the state department of transportation, the Iowa bureau of labor and the midwest nuclear board cooperate with the energy policy council in the establishment of an ad hoc committee to conduct during the 1975 interim a study of radiation safety which would consider the effects on the environment and health of Iowans of the use and transportation of radioactive materials; and

BE IT FURTHER RESOLVED, That the Legislative Council authorize the standing subcommittee on nuclear and radiation safety of the House Committee on Energy to meet for the purpose of reviewing and making recommendations on a preliminary report to be submitted by the ad hoc committee not later than November 15, 1975; and

BE IT FURTHER RESOLVED, That a final report, together with the recommendations of the subcommittee, be submitted for consideration by the Standing Committees on Energy and members of the Sixty-sixth General Assembly meeting in regular session in 1976.

In accordance with this resolution, a total of eight public meetings were held. The meetings were announced in press releases and notification of the radiation safety study was sent to a large number of state agencies and private and consumer interests.

The state agencies provided statements describing their radiation safety activities, specifically including:

1. The statutory authority under which the agency acts.
2. The appropriations it receives.
3. The Staff involved.
4. Rules and regulations promulgated.
5. Actual activities in the past year.
6. Any expected changes in any of the above.

The responses from the agencies were as follows:

Iowa Civil Defense Division

1. No statutory authority per se. The division has an NRC Byproduct Material License for up to 1200 millicuries of Cobalt-60 under license number 14-12401-01.
2. No appropriations line-itemed for support of program. Program maintenance costs are taken out of regular travel and printing line items of the overall budget.
3. Program is the responsibility of the staff Radiological Defense Officer.
4. These are described in the "Radiological Defense DCPA Training Source Set Procedures Manual."
5. All source sets are wipe tested for leakage every six months by the assigned custodians. Frequency of use is dependent upon the set's storage location. Six sets on the average are utilized annually.
6. No expected changes in the near future.

Iowa Department of Transportation

The Iowa Department of Transportation operates under Chapters 321, 325, 326, and 327 of the Code relating to vehicle operations on Iowa's roads. The Department has a staff of 106 uniformed people charged with enforcement of these sections with an annual budget of $2.2 million. The Federal Motor Carrier Safety Regulations including those dealing with hazardous materials, have been adopted by the Department. These rules became effective July 1, 1975, so we have no activity for the last year. Once the Department of Environmental Quality adopts hazardous material rules, our rules dealing with this will expire.

Iowa Department of Environmental Quality

The Department of Environmental Quality has the statutory authority to establish policy for the transportation, storage, handling and disposal of radioactive material in Division IV, Part 2, Chapter 455B, of the Code of Iowa. The Solid Waste Disposal Commission is to provide by rule for the proper method of transporting, storage, and handling of radioactive material. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons or qualified employess of licensed hospitals within the scope of their duties are exempted from this law.

This authority enables the Department to license persons transporting, handling, or storing any radioactive material, require maintenance of records, and require the submission of plans and specifications for design construction, maintenance, and monitoring of nuclear waste disposal sites.

Activities in the Radiation Program of the Department this past year have included radiological incidents response, radiation response plan, staff training, and drafting of rules. A brief description of these activities follows.

DEQ has primary responsibility for radiological monitoring of incidents involving radiological materials. In FY75, there were three incidents or releases into the environment of radioactivity in excess of technical specifications from the five nuclear power plants in or near the border of Iowa. In addition to the incidents at nuclear power plants, the Department has responded to two incidents involving transportation of radiological materials.

The Department prepared the final draft of the Radiological Response Plan which will enable it to undertake the responsibilities delegated by Part D of the Iowa Emergency Plan. In addition, the staff has worked with the Civil Defense Division of the Department of Public Defense in coordinating response activities with nuclear power plants, adjacent states, and local counties.

Other aspects of the radiation program include: staff training and rule preparation. A staff member was sent to a Health Physics and Radiation Protection course at Oak Ridge Associated Universities in Oak Ridge, Tennessee, for 10 weeks for additional training. The preparation of rules/regulations to regulate transportation, storage, and disposal has been initiated. A letter of agreement is being prepared between the Department of Transportation, the Department of Public Safety and DEQ for the regulation of transportation of radiological materials.

There is one full time staff member in radiation activities with administrative support.

The budget request submitted to the legislature for FY76 was $77,333. This request was allocated as follows:

salaries	$25,372
travel	1,500
printing	200
equipment	1,336
tuition	150
professional and science services	45,000*
data processing	2,000
contractual service	200
instrument maintenance	100
indirect cost	1,475
TOTAL	$77,333

* Environmental monitoring program

The above budget would have provided for three part-time positions and the development of a comprehensive environmental program around nuclear power plants. The actual surveillance would have been performed by the State Hygienic Laboratory.

The appropriations allocated for FY76 to radiation program is as follows:

salaries	$16,490
travel	1,500
printing	150
equipment	650
tuition	300
professional and science services	23,800*
indirect cost	10,454
TOTAL	$53,344

* Radiological equipment

This budget does not allow for expansion of the radiation program of DEQ. Also, the support for an environmental surveillance program was not funded, instead monies were allocated for the purchase of radiological instruments to be leased to the State Hygienic Laboratory.

Future programs for radiation control in DEQ are dependent upon legislative action. The Department will request budgetary support a finance a comprehensive radiological surveillance program.

Iowa State Department of Health

1. We have no statutory authority relative to control of radiation.
2. The Department receives no appropriations for a radiation program.
3. There is no staff directly involved in a radiation program.
4. There are no rules and regulations.
5. Activities within the last year - writing proposed legislation for control of X-rays, etc., and time involved preparing a radiation incident preparedness plan.
6. No expected changes until legislation and appropriation are obtained.

The only possible exception to the above is that the Department contracts with the State Hygienic Laboratory to survey X-ray equipment, etc. of hospitals relative to Medicare programs.

Iowa Geological Survey

1. The legal responsibilities of the Iowa Geological Survey are set forth in the Iowa Code, Chapters 305 and 84.
2. Budget askings for the Iowa Geological Survey are reviewed and recommended by the General Assembly Committee on Natural Resources Appropriations.
3. In 1972, two members of the Iowa Geological Survey and four members of the U.S. Geological Survey received twenty-four hours of training in the use, handling and storage of radioactive material. The training was conducted by the Radiation Protection Office on the University of Iowa campus and taught by the Health Physicist, William Twaler.
4. All rules and regulations are those of the AEC, as administered by the Radiation Protection Office. Current storage of radioactive sources is with their office. The Survey utilizes three radioative sources:

    1. Americium - 241 Beryllium -- 3 curie
    2. Americium - 241 Beryllium -- 250 millicurie
    3. Cobalt 60 -- 10 millicurie

5. Actual activities involve lowering these radioactive sources into Iowa Geological Survey test drill holes in an attempt to define certain hydrologic parameters.
6. There are at present no plans to change any of the above.

Iowa State Hygienic Laboratory

1. Statutory Authority
   The State Hygienic Laboratory operates under 263.7 and 263.8 of the Code of Iowa.

2. Appropriations
No direct appropriations are provided for radiation safety activities. Surveillance of X-ray and other radiographic instruments in non-JCAH hospitals is covered by a contract between our laboratories and the Iowa State Department of Health with funds from the Social Security Administration (Medicare). Other activities of the laboratory in radiation safety are conducted from general operating funds.

3. Staff Involved
One full-time Health Physicist and one full-time Radiation Chemist. One-half of the expenses of the Health Physicist and all of the Radiation Chemist are paid from state appropriations.

4. Rules and Regulations
No specific rules and regulations for radiation safety other than those for Medicare. A copy of the general rules and regulations of the State Hygienic Laboratory is available.

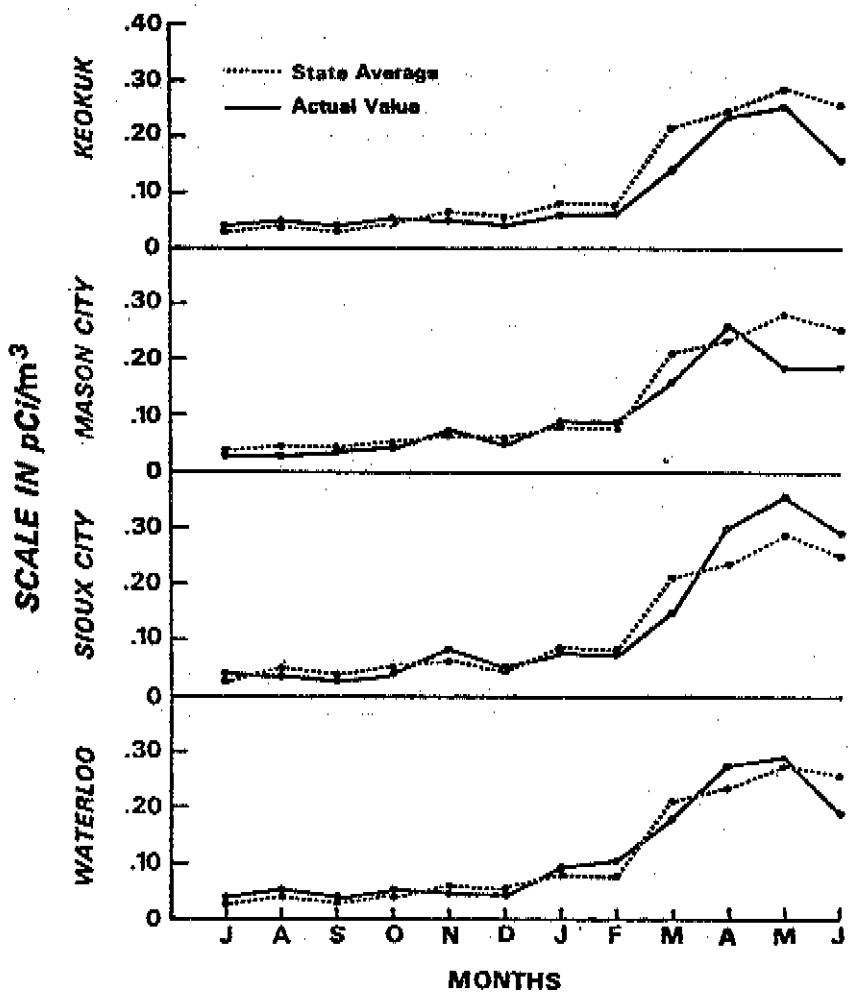
5. Actual Activities
These are described on pages 91-97 of the 1974 Annual Report of the State Hygienic Laboratory as follows:

ENVIRONMENTAL SCIENCE SERVICES

RADIOLOGICAL HEALTH DIVISION

The advent of a nuclear power plant within Iowa has significantly increased the interest of the Radiological Health Division in evaluating the environmental and health effects associated with the plant. Four other operating nuclear power reactors are also on or near Iowa's borders. Air, water, and milk samples collected throughout the state are analyzed by our Radiochemistry Section (Table 52) for the Iowa Department of Environmental Quality and other state and federal agencies to ensure that only minimal concentrations of radionuclides, which do not necessarily originate from these reactors, are inhaled or ingested by the general public. Unfortunately, the number of samples analyzed decreased somewhat during this fiscal year due to a reduction in laboratory staff which resulted from the termination of contract funding.

FIGURE 17
NATURAL RADIOACTIVITY ANALYSES OF
AIR SPECIMENS FROM NINE CITIES



Furthermore, the use of radionuclides and X-ray machines for diagnostic and therapeutic purposes has escalated throughout the state. Surveillance of materials and equipment producing ionizing radiation is accomplished routinely by our Health Physics Section.

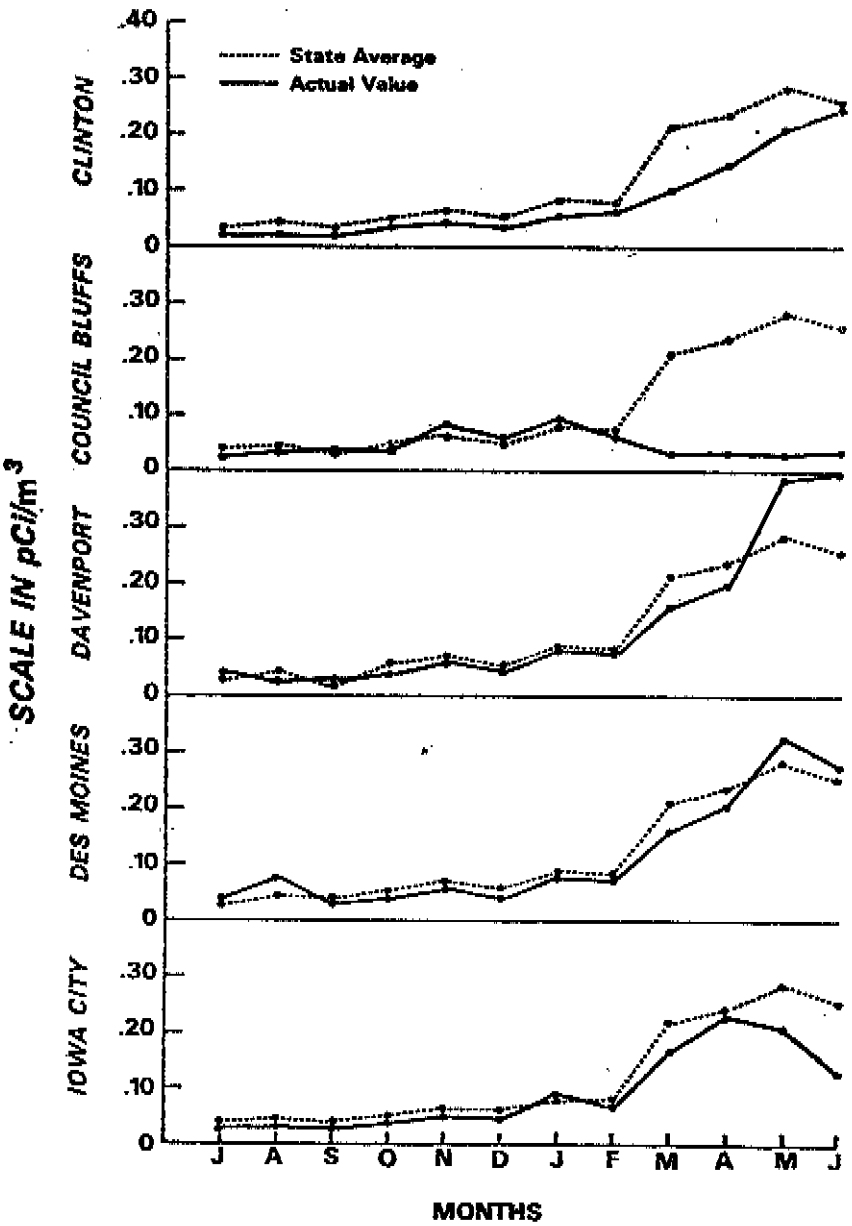


TABLE 52

RADIOCHEMISTRY SECTION SPECIMEN STATISTICS

	Specimens	*Examinations*
Air	731	707
Water	196	384
Tritium		
Strontium	28	28
Precipitation		
Milk	58	295

Radiochemistry Section

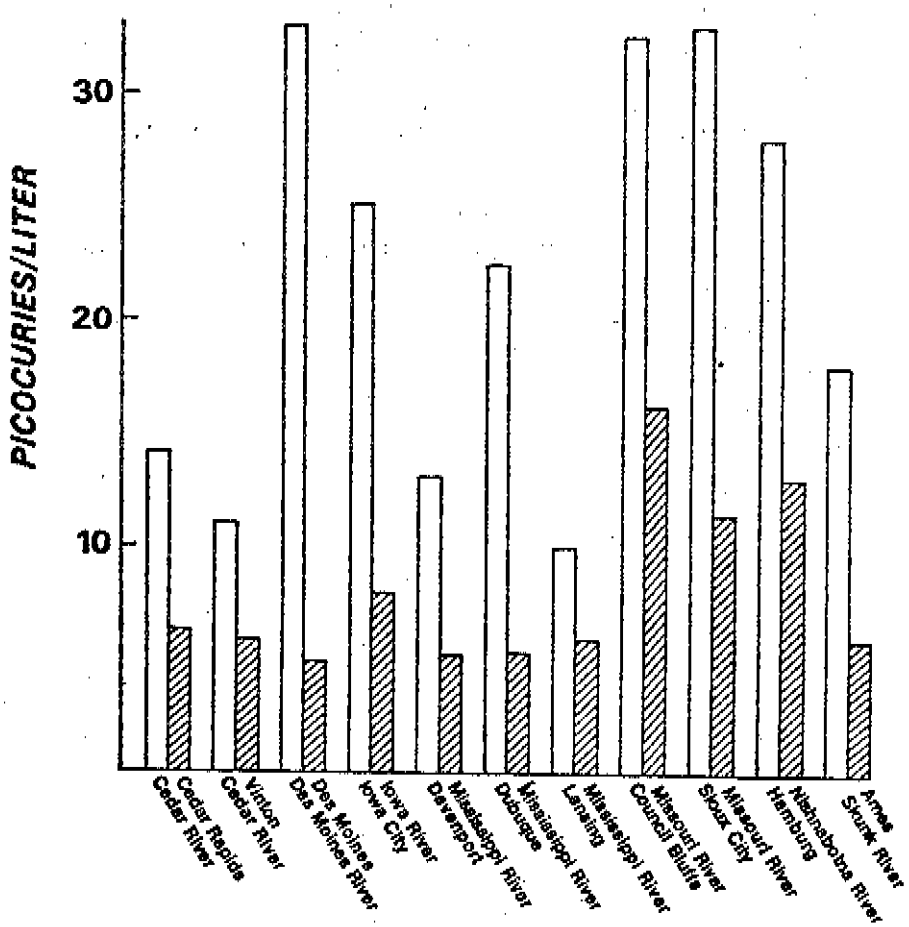
Air Surveillance. Samples were collected from 26 monitoring sites throughout the state by the Air Pollution Division of the State Hygienic Laboratory, in support of the Iowa Air Quality Monitoring Network. In Figure 17 a comparison is made between the levels of gross beta activity in nine Iowa communities and the average state level. Normal seasonal fluctuations are observed, with the highest levels occurring in late spring and summer. Some of the increase can be attributed to recent atmospheric nuclear weapons testing.

Water Surveillance. Drinking water in Iowa comes from ground water, both treated and non-treated, and from treated surface waters. All drinking water is subject to the quality standards of the U.S. Public Health Service (1962). In Fiscal Year 1974, 938 water samples were analyzed for both gross alpha and gross beta activity. The USPHS standards limit the ^{90}Sr and ^{226}Ra concentrations in water to 10 picocuries per liter (pCi/l) and 3 pCi/l, respectively. Water samples that exceeded 10 pCi/l of gross beta activity and/or 3 pci/l of gross alpha activity were subsequently analyzed for the specific radionuclides ^{90}Sr and ^{226}Ra. Thirty-six of 286 specimens had ^{226}Ra concentrations exceeding 3 pCi/l; 28 analyses for ^{90}Sr were performed, but none of the samples had a concentration exceeding 10 pCi/l.

Surface water surveillance is accomplished by sampling at 11 locations on rivers within and bordering on Iowa. Several sites have been selected upstream and downstream from nuclear power plants to monitor any possible radioactive releases to the surface waters. Radioactivity in water released by these nuclear facilities has not been a major problem, but it is a growing concern, since the Duane Arnold Energy Center at Palo, near Cedar Rapids, and other nuclear power plants on Iowa's borders either began operation or increased their power output during this fiscal year. Analyses for gross alpha and gross beta activity and for ^{3}H (tritium), ^{226}Ra, and ^{90}Sr radioactivity are performed on water samples obtained at all 11 sites. High and low values for gross beta activity at each of the 11 sites are shown in Figure 18.

Milk Surveillance. The milk surveillance program continued at the same level as in Fiscal Year 1973. Milk samples collected from Des Moines, Iowa City, Le Mars, and the Little Cedar River are routinely analyzed for radioactivity from

FIGURE 18
HIGH AND LOW VALUES FOR GROSS BETA ACTIVITY IN IOWA SURFACE WATERS



fallout. Radioactive iodine, cesium, and strontium are significant fallout constituents which enter our food through the forage-cow-milk-man pathway. The amount of radioactivity in each of the 295 samples analyzed continued to be well below federal limits. However, operation of nuclear power plants in Iowa and on its borders in Fiscal Year 1974 emphasized the need for increased milk surveillance to monitor the radioactive fission products released in the power plants' effluents.

Health Physics Section

Radiation surveys of X-ray facilities, radioisotope facilities, and microwave devices are performed within the state at the request of the user agency. Hospitals are the principal source of surveys throughout the state, and these surveys are funded in part by the Iowa State Department of Health (Medicare Division). The number of surveys during Fiscal Year 1974 was reduced somewhat from the previous year because of the reduction in health physics personnel.

This section continued its support of the Medicare Recertification Program in Iowa by performing 46 on-site surveys in Fiscal Year 1974. Non-Medicare surveys were performed by request, since there are no state regulations governing X-ray generating equipment. On-site surveys were performed at a total of 71 facilities; a breakdown according to type of survey is presented in Table 53.

TABLE 53

ON-SITE X-RAY SURVEYS PERFORMED BY THE HEALTH PHYSICS SECTION

Medicare Surveys	
Hospital Facilities	44
Extended Care Facilities	2
Medical Surveys	
Physicians' Offices	1
Hospitals	5
Dental Surveys	
Dental Offices	17
Industrial Surveys	
Industries	2
TOTAL	71

There were 155 radiographic and 46 fluoroscopic X-ray units surveyed in Fiscal Year 1974. A total of 108 deficiencies were found while surveying these 201 units. All deficiencies noted were items of non-compliance with the recommendations of the National Council on Radiation Protection and Measurements. These deficiencies are detailed in Table 54.

Radionuclide surveys at hospitals and clinics continued on a reduced level in Fiscal Year 1974. The use of radionuclides for diagnostic and therapeutic applications has, however, continued to expand. As a result, the safety of the patients and technicians has necessitated surveys of those facilities using radioactive materials to determine compliance with Title 10 of the Code of Federal Regulations and with applicable recommendations of the National Council on Radiation Protection and Measurements.

Surveys of microwave ovens have continued in support of the compliance program of the U.S. Public Health Service Bureau of Radiological Health, as promulgated in Public Law 90-602.

During Fiscal Year 1974 the Radiological Health Division was asked to provide the technical expertise and equipment for the nucleus of a state radiological emergency response team. This team has been supplemented by other qualified personnel from the State Hygienic Laboratory and from the Radiation Protection Offices of The University of Iowa and Iowa State University. The team is set up to respond to radiation incidents at nuclear power plants or to transportation ac-

TABLE 54

NUMBER AND TYPE OF DEFICIENCIES OF X-RAY MACHINES OR FACILITIES

Equipment	
Exposure Switch	18
Beam Filtration	3
Fluoroscopic Beam Centering	4
Leaded Drapes	7
Bucky Slot Cover	5
Beam Collimation	7
Cumulative Timer	3
Miscellaneous	13
Facilities	
Fire Extinguisher	4
Barriers (walls)	1
Darkroom (not light-tight)	6
Ungrounded Electrical Outlets	5
Film Badge Overexposures	9
Miscellaneous	15
Number of Units	
Radiographic	155
Fluoroscopic	46

cidents involving radioactivity anywhere within the state or bordering on it. The team has been activated and has appropriately responded to several incidents which, to date, have not been detrimental to the health and safety of the citizens of Iowa.

6. Expected Changes

No changes in our program are anticipated at this time.

Iowa Department of Agriculture

General area of work	Radiation related activity	Applicable State law (Code of Iowa)
Protection of foods and agricultural products; adulteration of foods	Participation in the Iowa Civil Defense Plan; Radiation Response Plan	Ch. 189.17 190.3 190.4
Inspection of food establishments	Voluntary surveillance of microwave ovens in cooperation with FDA	Ch. 170
Licensing of veterinarians	Use of x-ray machines for veterinary diagnoses by Iowa veterinarians	Ch. 169
Environmental radiation surveillance	No program at present	
Laboratory food analysis	NRS byproduct material license	

Chapters in the Code of Iowa mentioned above do not specifically refer to radiation (except 190.4) but it is implied in their content.

The Department does not receive any specific appropriations or assign full-time personnel for these activities. No rules or regulations have been promulgated on these areas of work and we plan to continue these activities in the future.

One important question addressed by the committee was the question of whether or not Iowa should develop a radiation control program that would eventually lead to its becoming an agreement state and assume some of the regulatory authority of the Federal Nuclear Regulatory Commission. The program for transfer of authority to the states is described in the following statement by the U.S. Atomic Energy Commission (the predecessor agency to the Nuclear Regulatory Commission).

UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

August 15, 1974

BACKGROUND STATEMENT ON THE ATOMIC ENERGY COMMISSION'S PROGRAM FOR TRANSFER OF REGULATORY AUTHORITY TO STATES

The following is a statement of background information on the program of the United States Atomic Energy Commission for the relinquishment to and assumption by the several states of certain of the Commission's regulatory authority over the possession and use of the radioactive materials described herein.

Atomic energy activities prior to 1954 were confined largely to the federal government. With the enactment of the Atomic Energy Act of 1954, however, it became possible for private enterprises to enter the field and use nuclear materials, and operate nuclear facilities in a manner consistent with our national traditions in other fields of free enterprise. Because these activities involve the use of radiation, they also present considerations of public health and safety. Congress, therefore, determined that private activities in atomic energy should be regulated under a system of licensing to protect the health and safety of radiation workers and the public against radiation hazards. The AEC was charged by the Congress with this responsibility.

Protection of the public health and safety has traditionally been a responsibility of the several states. The 1954 Act, however, did not specify what role, if any, was left to the states in regulating safety in the use of atomic materials. Many states became concerned as to what their responsibilities, if any, might be and many of them expressed interest in seeing that the boundaries of federal and state authority were clearly defined.

In response to the states' concern, Section 274 of the Atomic Energy Act was enacted in 1959, to recognize the states' interest in atomic energy activities, to clarify the respective responsibilities of the states and the AEC under the Act, and to provide a statutory means by which the AEC could relinquish to the states a part of its regulatory authority, i.e., authority over the uses of source material (natural uranium and thorium, which are the raw materials of atomic energy), byproduct material (radioisotopes), and small quantities of fissionable (special nuclear) material. The Commission is required, however to retain regulatory authority over the licensing of nuclear facilities such as reactors, exports and imports of nuclear materials and facilities, and larger quantities of fissionable material. A copy of Section 274 of the Act is enclosed.

The mechanism for the transfer of the Commission's regulatory authority is by an agreement between the Governor of a state and the Commission. Before entering into an agreement the Commission is required to make a finding that the State's radiation control program is compatible with the Commission's, and that the state's program is adequate to protect health and safety against radiation.

Thus far, 25 states have entered into such agreements and have taken over the regulatory authority described above.[1/] A copy of the agreement with the State of New Mexico, the most recent state to assume regulatory authority from AEC, is enclosed. This agreement is typical of those entered into with other Agreement States. As of December 31, 1973, the 25 Agreement States administered some 9300 licenses for radioactive materials under the authority transferred from AEC.

It is necessary that a state have enabling legislation authorizing its Governor to enter into such an agreement. In addition to the 25 states that have agreements with AEC, 19 others and the Commonwealth of Puerto Rico have enacted such enabling legislation.[2/]

The Commission's staff is available to consult with a state which is interested in entering into a regulatory agreement with AEC. This includes consultation in the drafting of enabling legislation and radiation control and licensing regulations, as well as other aspects of the state's program. The Commission also provides training assistance in radiation safety and regulatory procedures for personnel in Agreement States and states negotiating for agreements.

The question has frequently been raised as to the nature of the advantages that accrue to a state by taking over the Commission's regulatory authority as described above. The principal advantages are the following:

(a) AEC's authority does not include regulation of x-ray machines, accelerator-produced radioactive materials, and radium. These sources of radiation are, and always have been, the responsibility

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1/ Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Carolina, Tennessee, Texas and Washington.

2/ Alaska, Connecticut, Delaware, Hawaii, Illinois, Indiana, Maine, Michigan, Montana, New Jersey, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia and Wisconsin.

of the several states. A number of states now exercise surveillance over these sources of radiation which, in the aggregate, are estimated to represent over 90% of the total number of radiation sources in the United States. Thus, by assuming the authority which the AEC is authorized to relinquish, a state is able to have, as part of its public health system, a complete and comprehensive program for radiation safety.

(b) The proximity of licensed users of radioactive materials to the regulating agency has significant advantages for both the users and the agency. Moreover, many medical institutions and physicians use radioisotopes as well as x-ray machines and radium. Thus, a state's regulatory system which covers all such radiation sources enables licensees to deal with a single agency rather than with the state for a part and a federal agency for the remainder.

(c) Although there are no definitive data to show that an agreement with AEC for the assumption of regulatory authority would, per se, attract atomic energy activities to a state, it is obvious that such an agreement would be consistent with a serious interest of a state in encouraging economic development in the atomic energy field.

With regard to the administrative cost that would be incurred by a state in taking over AEC's authority, the figures vary rather widely from state to state, depending, among other factors, upon whether the particular state already has a radiation control program covering sources of radiation not regulted by the AEC, i.e., x-ray machines, accelerator-produced radioactive materials and radium. Where this is the case, the incremental cost would be less than if the state previously, had no radiation control program at all. As a broad rule of thumb, it has been estimated that approximately one man-year per 100 licenses is required to administer the authority assumed from the AEC. It is emphasized, however, that this is a rather general index and will vary according to the particular circumstances in any given state.

Section 274j of the Atomic Energy Act provides that the AEC may terminate its agreement with a state if the Commission finds that such termination is necessary to protect the health and safety. Each agreement provides that the state will use its best efforts to maintain continuing compatibility with the AEC's program. For these reasons, the AEC maintains a continuing relationship with each Agreement State to assure continued compatibility of the state's regulatory program and its adequacy to protect health and safety. This relationship includes: periodic meetings to review the current status of the state's program; accompaniment of

state inspectors by AEC staff on selected inspections of state licensees; exchange of information on a current basis covering regulations, licensing, inspection and enforcement data; consultation on special licensing and regulatory problems; and an annual meeting of all Agreement States to consider regulatory matters of common interest or concern.

Enclosures:
1. Cpy of Section 274 of the Act
2. Cpy of Agreement with the State of New Mexico

Public Law 86-373
86th Congress, S. 2568
September 23, 1959

AN ACT

To amend the Atomic Energy Act of 1954, as amended, with respect to cooperation with States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following section be added to the Atomic Energy Act of 1954, as amended:

Atomic Energy Act of 1954, amendments. 68 Stat. 919. 42 USC 2011 note.

"SEC. 274. COOPERATION WITH STATES.—

"a. It is the purpose of this section—

"(1) to recognize the interests of the States in the peaceful uses of atomic energy, and to clarify the respective responsibilities under this Act of the States and the Commission with respect to the regulation of byproduct, source, and special nuclear materials;

"(2) to recognize the need, and establish programs for, cooperation between the States and the Commission with respect to control of radiation hazards associated with use of such materials;

"(3) to promote an orderly regulatory pattern between the Commission and State governments with respect to nuclear development and use and regulation of byproduct, source, and special nuclear materials;

"(4) to establi h procedures and criteria for discontinuance of certain of the Commission's regulatory responsibilities with respect to byproduct, source, and special nuclear materials, and the assumption thereof by the States; 73 STAT. 688.

"(5) to provide for coordination of the development of radiation standards for the guidance of Federal agencies and cooperation with the States; and 73 STAT. 689.

"(6) to recognize that, as the States improve their capabilities to regulate effectively such materials, additional legislation may be desirable.

"b. Except as provided in subsection c., the Commission is authorized to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under chapters 6, 7, and 8, and section 161 of this Act, with respect to any one or more of the following materials within the State— Agreements with States. 42 USC 2071-2112, 2201.

"(1) byproduct materials;

"(2) source materials;

"(3) special nuclear materials in quantities not sufficient to form a critical mass.

During the duration of such an agreement it is recognized that the State shall have authority to regulate the materials covered by the agreement for the protection of the public health and safety from radiation hazards.

"c. No agreement entered into pursuant to subsection b. shall provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of—

"(1) the construction and operation of any production or utilization facility;

"(2) the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

"(3) the disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

"(4) the disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or

order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission. Notwithstanding any agreement between the Commission and any State pursuant to subsection b., the Commission is authorized by rule, regulation, or order to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

Conditions.

"d. The Commission shall enter into an agreement under subsection b. of this section with any State if—

"(1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsiblity for such materials; and

"(2) the Commission finds that the State program is compatible with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed agreement.

Publication in F. R.

"e. (1) Before any agreement under subsection b. is signed by the Commission, the terms of the proposed agreement and of proposed exemptions pursuant to subsection f. shall be published once each week for four consecutive weeks in the Federal Register; and such opportunity for comment by interested persons on the proposed agreement and exemptions shall be allowed as the Commission determines by regulation or order to be appropriate.

73 STAT. 689.
73 STAT. 690.

"(2) Each proposed agreement shall include the proposed effective date of such proposed agreement or exemptions. The agreement and exemptions shall be published in the Federal Register within thirty days after signature by the Commission and the Governor.

Licensing requirements. Exemptions.

"f. The Commission is authorized and directed, by regulation or order, to grant such exemptions from the licensing requirements contained in chapters 6, 7, and 8, and from its regulations applicable to licensees as the Commission finds necessary or appropriate to carry out any agreement entered into pursuant to subsection b. of this section.

"g. The Commission is authorized and directed to coopernte with the States in the formulation of standards for protection against hazards of radiation to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible.

Federal Radiation Council.

"h. There is hereby established a Federal Radiation Council, consisting of the Secretary of Health, Education, and Welfare, the Chairman of the Atomic Energy Commission, the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, or their designees, and such other members as shall be appointed by the President. The Council shall consult qualified scientists and experts in radiation matters, including the President of the National Academy of Sciences, the Chairman of the National Committee on Radiation Protection and Measurement, and qualified experts in the field

of biology and medicine and in the field of health physics. The Special Assistant to the President for Science and Technology, or his designee, is authorized to attend meetings, participate in the deliberations of, and to advise the Council. The Chairman of the Council shall be designated by the President, from time to time, from among the members of the Council. The Council shall advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States. The Council shall also perform such other functions as the President may assign to it by Executive order.

"i. The Commission in carrying out its licensing and regulatory responsibilities under this Act is authorized to enter into agreements with any State, or group of States, to perform inspections or other functions on a cooperative basis as the Commission deems appropriate. The Commission is also authorized to provide training, with or without charge, to employees of, and such other assistance to, any State or political subdivision thereof or group of States as the Commission deems appropriate. Any such provision or assistance by the Commission shall take into account the additional expenses that may be incurred by a State as a consequence of the State's entering into an agreement with the Commission pursuant to subsection b. Inspections.

"j. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State with which an agreement under subsection b. has become effective, or upon request of the Governor of such State, may terminate or suspend its agreement with the State and reassert the licensing and regulatory authority vested in it under this Act, if the Commission finds that such termination or suspension is required to protect the public health and safety. Termination of agreement.

73 STAT. 690.

"k. Nothing in this section shall be construed to affect the authority of any State or local agency to regulate activities for purposes other than protection against radiation hazards. 73 STAT. 691.

"l. With respect to each application for Commission license authorizing an activity as to which the Commission's authority is continued pursuant to subsection c., the Commission shall give prompt notice to the State or States in which the activity will be conducted of the filing of the license application; and shall afford reasonable opportunity for State representatives to offer evidence, interrogate witnesses, and advise the Commission as to the application without requiring such representatives to take a position for or against the granting of the application. Notice of filing.

"m. No agreement entered into under subsection b., and no exemption granted pursuant to subsection f., shall affect the authority of the Commission under subsection 161 b. or i. to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material. For purposes of subsection 161i., activities covered by exemptions granted pursuant to subsection f. shall be deemed to constitute activities authorized pursuant to this Act; and special nuclear material acquired by any person pursuant to such an exemption shall be deemed to have been acquired pursuant to section 53. 42 USC 2201.

42 USC 2073.

Definition.

"n. As used in this section, the term 'State' means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia."

42 USC 2138.

SEC. 2. Section 108 of the Atomic Energy Act of 1954 is amended by deleting the phrase "distributed under the provisions of subsection 53a," from the second sentence.

Approved September 23, 1959.

GPO 34736

NEW MEXICO

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that William O. Doub, Commissioner of the Atomic Energy Commission, and the Honorable Bruce King, Governor of the State of New Mexico, have signed the agreement set forth below for discontinuance by the Commission and assumption by the State of certain Commission regulatory authority. The agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the Commission's licensing authority have been published in the FEDERAL REGISTER and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

Dated at Germantown, Maryland, this 19th day of April 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NEW MEXICO FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

WHEREAS, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, The Governor of the State of New Mexico is authorized under Chapter 284, Section 12-0-11, Laws of 1971 to enter into this Agreement with the Commission; and

WHEREAS, The Governor of the State of New Mexico certified on July 2, 1973, that the State of New Mexico (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, The Commission found on March 29, 1974, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other parties thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on May 1, 1974, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at Santa Fe, State of New Mexico, in triplicate, this 3rd day of April, 1974.

For the United States Atomic Energy Commission.

[SEAL] WILLIAM O. DOUB,
Commissioner.

For the State of New Mexico.

[SEAL] BRUCE KING,
Governor.

BETTY FIORINA,
Secretary of State.

[FR Doc.74-9547 Filed 4-25-74;8:45 am]

2. RECOMMENDATIONS

In order to provide for the protection of the citizens and their environment in Iowa, the 1975 Ad Hoc Committee on Radiation Safety recommends that legislation be drafted to establish a comprehensive radiation program. The committee further recommends that the comprehensive radiation program be adequately staffed and funded and include:

1. Provision for the control of ionizing and non-ionizing radiation.
2. Provision for inspection/registration of radiation - producing machines in the healing arts and non-healing arts.
3. Establishment of minimum training standards for users of sources of radiation.
4. Provision for safe handling, storage, disposal and transportation of sources of radiation, (amendment to existing statute).
5. Provision for registration and/or inspection on non-NRC regulated radioactive materials. (Authority split between healing arts and non-healing arts).
6. Provision for an environmental radiation surveillance program.

Coordination

The Committee recommends the establishment of an Interagency Coordinating Council on Radiation Safety (ICCRS) to be composed of the chief executive (or his designee) of each of the following state agencies: Department of Environmental Quality, State Department of Health, Department of Transportation, Department of Agriculture, Department of Public Defense, Department of Public Safety, Conservation Commission, and Bureau of Labor; also the Iowa representative to the Midwest Nuclear Board, ex officio, non-voting.

It is recommended that if the chief executive of a given agency desires not to participate but provide a designee, that designee must be the only one continuously attending meetings and through his vote provide appropriate representation from the member agency. This does not deny the chief executive the opportunity and right to attend meetings and vote.

It is also recommended that the ICCRS have the responsibility for the development of a state radiation safety program plan, evaluate and coordinate radiation related regulatory activities of each member agency, review proposed radiation safety regulations and compile participating agencies' radiation budgets for incorporation into the state plan for submission to the General Assembly for the accomplishment of objectives.

Technical Advisory Groups

It is further recommended that the ICCRS shall establish a standing Advisory Committee made up of users and manufacturers of radioactive materials or radiation producing equipment, representatives of the public, and such other persons or groups deemed appropriate. In addition, the ICCRS may establish such other ad hoc advisory committees to provide assistance in the development of a state plan and on other issues where extra-governmental technical expertise is required.

Radiation Safety Program

It is recommended that the regulatory aspects of the Radiation Safety Program be administered by the State Department of Health, Department of Transportation, Department of Agriculture, Bureau of Labor and Department of Environmental Quality. It is also recommended that the State Hygienic Laboratory conduct inspections and environmental surveillance at the direction of the regulatory agency and as coordinated by the ICCRS.

It is further recommended that specific legislative authority be defined such that there is no duplication of program activities for each of the following agencies to include:

Bureau of Labor: Provide for radiation safety in the non-healing arts (occupational exposure and academic uses).

State Department of Health: Provide for radiation safety in the healing arts.

State Hygienic Laboratory: Conduct inspections and environmental surveillance at the direction of the regulatory agency and as coordinated by ICCRS.

Department of Transportation: Provide for safe transportation of sources of radiation.

Department of Environmental Quality: Provide for environmental radiation control including disposal of sources of radiation (disposal will include any practice after the source is no longer being utilized for its originally intended purpose).

Department of Agriculture: Provide for radiation safety in the protection of foods and agricultural products and the licensing of veterinarians.

It is also recommended that under the direct guidance of the ICCRS the State Hygienic Laboratory provide staff support and program coordination to the ICCRS.

Pete Hamlin
Department of Environmental Quality

William J. Hausler, Jr.
State Hygienic Laboratory

William Twaler
Midwest Nuclear Compact

Donald C. Hinman
Civil Defense Division

Thatcher Johnson
Department of Agriculture

Allen Farris
Iowa Conservation Commission

Patrick D. Cavanaugh
Energy Policy Council

Daniel A. Keat
Iowa Chiropractic Society

Jerry Addy
Bureau of Labor

Dennis Ehlert
Department of Transportation

Ted Godfrey
Department of Public Safety

3. MINORITY REPORTS

A. Minority Report of 1975, Ad Hoc Committee on Radiation Safety

The members of the 1975 Ad Hoc Committee on Radiation Safety supporting the minority proposal agree with the valid alternative, marked "enclosure number two". It should be pointed out that all votes by the Ad Hoc Committee on Radiation Safety were extremely close, and that no proposal was passed by more than a two vote margin.

The basic disagreement of the Committee members centered on the makeup and the responsibility of the Coordinating Council of Radiation Safety. The concerned users felt that they should have equal representation on the Coordinating Council. In addition, they should be full voting members. The second point of major disagreement was whether or not the Coordinating Council should be a policy making organization. It is felt by the minority members of the Committee that the Council should be policy making if it is to be a viable body, as authorized by House Resolution No. 46.

On the last meeting of the Ad Hoc Committee on Radiation Safety, held on November 19, the Department of Environmental Quality proposal was passed by a six to five margin. We feel it is our responsibility to point out the Department of Environmental Quality expressed diametrically opposed views at the same meeting. At this meeting the D.E.Q. passed out a two page statement. This will be marked "enclosure number one". In paragraph two, second sentence, the D.E.Q. states that they do not favor having private interest groups represented on the Council for a number of reasons. The first sentence of the third paragraph states that the D.E.Q. sees the Council in a strictly non-policy making role. In the second sentence of the fourth paragraph the D.E.Q. states that the Council will not have the authority to change or approve departmental policies. In the last sentence of paragraph six, the D.E.Q. states that they oppose any measure which would inhibit or lessen communication. It must be pointed out that in the resolution which was passed on this date, which was presented by the D.E.Q., on the second page, in the second paragraph, states that this Council will have the responsibility for the development of a state radiation safety program for evaluation and coordination. It is felt by the minority members of this committee that without concerned users providing their expertise at the Council level with voting privileges, coordination among the various state agencies would not be enhanced.

D.C. Young
Iowa Medical Society

John C. Agnew
Iowa Society of Osteopathic
Physicians and Surgeons

Ralph E. Hines
Iowa Radiological Society

Thomas J. Hewitt
Iowa Society of Radiologic
Technologists

Gail Gamm
Citizens United for
Responsible Energy

Enclosure #1

1. Since this is our last meeting and we have two basic proposals to consider, DEQ would like to present the rationale behind our proposal.

2. The crucial difference concerns the makeup of the Council. DEQ does not favor having private interest groups represented on the Council for a number of reasons.

3. DEQ sees the Council in a strictly non-policy making role. Once this Council begins to make policy the result can only be an administrative shambles. There is ample opportunity for private groups to have meaningful input at the departmental level in the areas of rule making, the budgetary process, and law making. All three areas involve public hearings where private interest group input is actively sought.

4. It should be stressed that radiation safety policy will be made at the departmental level and then be presented to the Council where it will be discussed and coordinated. The Council will not have the authority to change or approve departmental policies. Policy will be made at a much lower level of the bureaucratic structure. Instead of being made at the Council level and then filtered down to the various state agencies, it will be formulated at the departmental level, like the budget and merely compiled by the Council into a state radiation safety plan. The plan will not be formulated at the Council level.

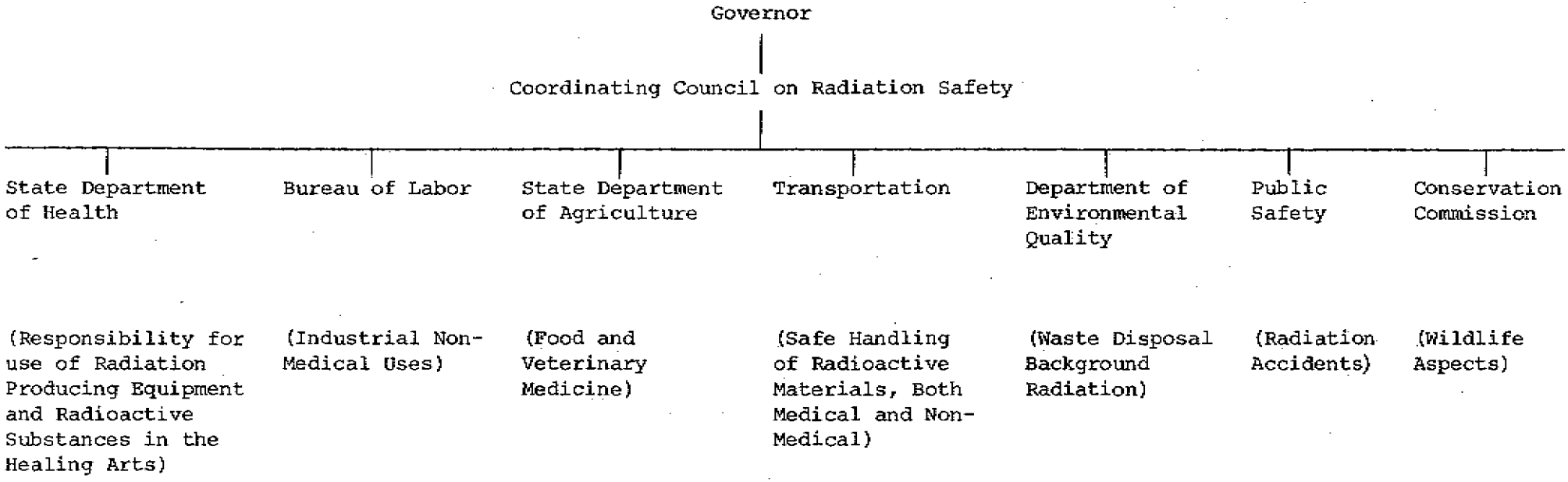
5. The Council will have the services of advisory groups whenever it is deemed necessary. These groups can also suggest new directions for the radiation safety program. This is a further means of insuring that private interest groups do have more than ample opportunities for meaningful input.

6. DEQ specifically opposes placing these groups on the Council because communications could only be inhibited when regulatory agencies are discussing coordinating regulatory efforts and the persons to be regulated have an actual vote determining that coordination. It is only common sense that the agencies would feel inhibited. Since the primary purpose behind this Council is communication, DEQ opposes any measure which would inhibit or lessen communication.

7. DEQ challenges the assumption that inclusion of these groups would strengthen the bills' chances in the Legislature. We have made some preliminary inquiries among Legislators and are convinced that the other proposal will lose more support than it will gain.

8. The DEQ proposal parallels the Inter-Agency Resources Council which has a long record of successful coordination among resource agencies in Iowa. I see no reason why this concept won't work in radiation safety.

ORGANIZATION CHART ON RADIATION SAFETY



Recommendations

In response to House Resolution 46 the Ad Hoc Committee on Radiation Safety advises the following general objectives be included in the area of Radiation Safety Legislation.

Organization: A coordinating council on radiation safety would be appointed by the Governor consisting of the following: a qualified radiation health physicist, a nuclear physicist, a medical radiologist, an osteopathic physician and surgeon, a specialist in nuclear medicine, a dentist, a chiropractor, a radiological nuclear medicine technologist, and three at large members who on the basis of interest, training, and experience would be qualified to sit on such a council. This group would elect its chairman who would report to the Governor. The council would have responsibility for coordinating the operation of various designated regulatory activities of the state agencies currently concerned with the various aspects of radiation safety as well as designate future areas of responsibility.

Broad areas of council responsibility:

1. The identification of sources of nonionizing and ionizing radiation.
2. The inspection and registration of radiation producing equipment utilized in the healing arts as well as the various industrial applications and uses in veterinary medicine.
3. Establish minimum training standards for users of radiation sources.
4. Establish procedures for the safe handling, storage, transportation, and disposal of radioactive materials.
5. Institute an environmental radiation surveillance program with specific emphasis on routine monitoring of agricultural crops, wild life, etc. in close proximity to nuclear reactor sites.
6. Periodic reevaluation of existing emergency plans and our capacity to respond to a radiation emergency.

Data Collection: The State Hygienic Laboratory would have responsibility for the actual performance of the inspections of radiation producing equipment as well as sources of radiation. In addition, it would perform the environmental monitoring function described above and be available at the request of any state agency to perform similar technical functions when and where the circumstances require. Each of the state agencies subject to the directives from the coordinating council would continue to exercise its regulatory authority and in so doing would use data provided by the State Hygienic Laboratory.

Discussion: This proposal specifically responds to House Resolution 46 with the development of a coordinating council. The Council which would have specific authority to designate areas of agency responsibility and at the same time implement a radiation safety program in Iowa. Membership of the coordinating council is broad enough to permit it to function as an interagency coordinating group as well as the technical advisory group at the same time protecting the public interest.

B. Minority Report by State Department of Health

The State Health Department votes in favor of a report that would include direct participation of appropriate user and public representatives on the Iowa Coordinating Council on Radiation Safety (ICCRS) as well as the regulating agencies involved in any radiation control program. For this reason, we cannot entirely support the majority or other minority reports as written and wish to go on record instead as supporting a proposal that would include non-regulatory and non-state organizations as well as responsible, regulating agencies. The ICCRS should not be a policy-making body but should have the opportunity to review and suggest changes to state agencies' policies, rules, and regulations prior to implementation. Apart from these considerations, we agree with the majority report.

Ken Choquette, Director
Health Engineering Section
Iowa State Department of Health

C. Minority Addendum by Citizens United for Responsible Energy

CURE supports the basic intent and reasoning of the minority report which emphasizes that (1) concerned users have equal representation on the Coordinating Council and (2) that the Council should be a policy-making organization.

These are the areas of basic disagreement that could not be reconciled in the ad hoc committee.

But we would like to emphasize that there was very little disagreement among committee members about the ultimate concerns and problems to be solved in radiation safety and the specific proposals submitted concerning them.

We therefore express hope that the areas of agreement will be considered the foundation for legislative action.

Gail Gamm
Citizens United for
Responsible Energy

D. Abstentions

Bill Bunker
Iowa Geological Survey

PREPARED BY THE LEGISLATIVE SERVICE BUREAU AT THE REQUEST OF THE SUBCOMMITTEE ON NUCLEAR AND RADIATION SAFETY OF THE HOUSE COMMITTEE ON ENERGY FOR CONSIDERATION BY THE IOWA GENERAL ASSEMBLY. January, 1976.

Passed Senate, Date_____ Passed House, Date_____

Vote: Ayes_____ Nays_____ Vote: Ayes_____ Nays_____

Approved_____

A BILL FOR

An Act creating an interagency coordinating council on radiation safety and prescribing its powers and duties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. _____ H.F. _____

Section 1. NEW SECTION DEFINITIONS. For purposes of this Act, unless the context otherwise requires, "council" means the interagency coordinating council on radiation safety created in section two (2) of this Act.

Sec. 2. NEW SECTION. COUNCIL CREATED. There is created an interagency coordinating council on radiation safety which shall be composed of the chief executive or a designee of each of the following state agencies:

1. Department of environmental quality.
2. State department of health.
3. State department of transportation.
4. Department of agriculture.
5. Department of public defense.
6. Department of public safety.
7. State conservation commission.
8. Bureau of labor.

Each member of the council shall be entitled to one vote. The Iowa representative to the midwest nuclear compact shall be an ex-officio, nonvoting member of the council.

Sec. 3. NEW SECTION. MEETINGS--OFFICERS. The council shall convene annually in July to elect from among its membership a chairperson and a vice chairperson and carry out any other business, and shall meet at least quarterly thereafter.

Sec. 4. NEW SECTION. DUTIES. The council shall:

1. Develop a state radiation safety program plan which shall be updated annually and submitted to the general assembly by February first of each year.
2. Evaluate and coordinate radiation related activities of each member agency.
3. Review radiation safety rules proposed or promulgated by member agencies.
4. Collect and compile member agency's budget totals for radiation related activities for inclusion in the state radiation safety program plan.

Sec. 5. NEW SECTION. ADVISORY COMMITTEES. The council

shall establish a standing advisory committee composed of users and manufacturers of radioactive material or radiation producing equipment, representatives of the general public and such other persons or group representatives as the council deems appropriate. The council may establish other ad hoc advisory committees to provide assistance in the development of a state plan and on other issues where extra-governmental technical expertise is required. The chairperson may appoint such subcommittees of council members as are deemed necessary to accomplish the purposes of this Act.

Sec. 6. NEW SECTION. STAFF ASSISTANCE. The state hygienic laboratory shall cooperate with the council in providing program coordination and staff support pursuant to the provisions of chapter twenty-eight D (28D) of the Code. The council may request staff assistance from other state agencies and institutions pursuant to chapter twenty-eight D (28D) of the Code.

EXPLANATION

This bill creates an Interagency Coordinating Council on Radiation Safety composed of the chief executive or a designee of certain state agencies engaged in radiation-related activities. The council would be responsible for coordinating and reviewing the radiation-related activities of its member agencies but would not possess any independant regulatory authority. The council is charged with the preparation of a state radiation safety program plan which would be submitted annually to the general assembly. The bill provides for public input in council activities through a standing advisory committee. Technical expertise would be provided by additional ad hoc committees and by the state hygienic laboratory and other state agencies through the exchange of staff provisions of chapter 28D of the Code.