

STATE OF GEORGIA
PROPOSED AGREEMENT FOR ASSUMPTION
OF
CERTAIN AEC REGULATORY AUTHORITY

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Georgia for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Georgia and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program, including proposed Georgia regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 19th day of September 1969.

For the Atomic Energy Commission.

W. B. McCOOL, Secretary.

PROPOSED AGREEMENT BETWEEN
THE U.S. ATOMIC ENERGY COMMISSION
AND THE
STATE OF GEORGIA
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 U.S. 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 Georgia is authorized under section 88-1307 of the Georgia Health Code (Georgia Laws 1964, pp. 499, 571) to enter into this Agreement with the Commission; and

WHEREAS, the Governor of the State of Georgia certified on August 29, 1969, that the State of Georgia (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 ----- 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 to 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 161 b. 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 assistance of the other party 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 December 15, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at -----, in triplicate, this-----day of -----.

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION,

FOR THE STATE OF GEORGIA,

ORGANIZATION AND STAFF RESPONSIBILITIES

The Georgia Radiation Control Council, which consists of five members, is appointed by the Governor. This Council is responsible to and reports to the Georgia State Board of Health and has the duty of advising the Georgia Department of Public Health on matters pertaining to ionizing radiation and standards, rules, and regulations to be adopted, modified, promulgated, or repealed by the Department. The five (5) appointed Council members are selected from nominees of the Medical Association of Georgia, the Georgia Dental Society, the Georgia Radiological Society, the Associated Industries of Georgia, and the Georgia Veterinary Association. All members have recognized knowledge in the field of ionizing radiation and its biological effects.

The Radiological Health Service is located in the Branch of Environmental Health of the Georgia Department of Public Health. Personnel of the Service will be responsible for the technical evaluation of applications for radioactive material licenses, preparation of licenses, and for conducting inspections of licensees. This work will be under the immediate direction of the Chief of the Radioactive Materials Control Section, with the assistance of two Radiation Safety Officers I and one-time secretary.

Personnel of the X-Ray Control Section will be responsible for the registration and inspection of all radiation machines. Assisting the Chief of this Section will be one Radiation Safety Officer II, two Radiation Safety Officers I and one full-time secretary.

The Environmental Surveillance Section consists of a Chief and two technicians whose duties are to periodically monitor specified areas near nuclear reactors and to collect soil, water, and air samples in the environment.

All personnel of the Service will be involved on a part-time basis, with administrative duties and assignment to the Radiological Emergency Team.

FOREWORD

This document briefly describes some of the past activities and accomplishments of the Radiological Health Program within the Georgia Department of Public Health in the control and regulation of ionizing radiation for the protection of the State's citizens. Proposed programs, staffing, equipment, and facilities are presented for the assumption of additional responsibilities with respect to sources of ionizing radiation, as well as supporting information on authority, regulation, and organization. The Governor, on behalf of the State of Georgia, is authorized to enter into an agreement with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation. This authority is granted in paragraph (a) section 88-1307 of the

Georgia Radiation Control Act as amended by Act 297 (1965) and Act 971 (1968) of the Georgia General Assembly.

The Atomic Energy Commission (AEC) is authorized to enter into an agreement with the governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control over byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass. This authority is found in section 274b of the Atomic Energy Act of 1954, as amended.

HIGHLIGHTS IN THE HISTORY
OF
RADIATION PROTECTION ACTIVITIES CONDUCTED BY
THE
GEORGIA DEPARTMENT OF PUBLIC HEALTH

1943---Radium contamination surveys conducted by U.S. Public Health Service and Georgia Department of Public Health Industrial Hygiene personnel in a very large military dial refinishing facility at Warner Robins, Ga.

1949---First formal training of staff personnel in radiation safety and protection at National Institutes of Health courses.

1951---Additional staff training in X-ray control at Taft Sanitary Engineering Center in Cincinnati, Ohio.

--Surveyed all shoe fitting fluoroscopes in State to determine compliance with American Industrial Hygiene Association existing standards.

--Began systematic evaluation of X-ray equipment in offices of physicians and dentists.

--Radium Surveys made in all commercial airline dial painting facilities in the State.

1952---Radium surveys made in all military dial painting shops in the State.

1953---Began joint surveys of isotope users in company with Atomic Energy Commission personnel from Oak Ridge.

--Personnel participated in weapons testing program in Nevada.

--Began air surveillance program to determine amount of fallout from weapons testing program in Pacific and Nevada.

1955---Personnel again participated in weapons testing program in Nevada.

1956---Began environmental surveillance program (water, air and vegetation sampling) to support Lockheed Aircraft Corp. reactor development center at Dawsonville.

--Radiation protection activities given "Section" status in Industrial Hygiene Division.

1957---Personnel again participated in weapons testing program in Nevada.

- 1960---U.S. Public Health Service began state assignee program with Georgia Department of Public Health.
- 1961---Radiation stream monitoring program begun in Savannah, Chattahoochee and Etowah River systems.
- Laboratory capability for environmental surveillance greatly expanded.
 - Milk surveillance begun in 10 major milk sheds in the State.
- 1962---Dental radiological health "Sur-Pak Survey" conducted in each dental office in State equipped with an X-ray machine.
- 1964---Radiation Control Act passed by the General Assembly of Georgia.
- Radiation Control Council appointed by Governor; meets for the first time in August.
 - Proposed radiation control regulations dealing with X-ray and radioactive materials presented to Council for study.
- 1965---Radiological Health activities given "Service" status and separated from Industrial Hygiene program.
- Preregistration inventory performed to determine location of all users of radium and X-ray generating devices.
 - Radium management studies begun in all hospitals and clinics throughout the State.
- 1966---Radium management studies begun in offices of all private practitioners in State.
- 1967---Radioactive materials control and X-ray control activities given Section status in Radiological Health Service.
- 1969---Regulations pertaining to "X-ray" and "Radioactive Materials" adopted by the State Board of Health.

REGULATORY PROCEDURES AND POLICY LICENSING AND REGISTRATION

The Georgia radiation control program encompasses all sources of radiation. The regulations require licensing of all radioactive materials and registration of all radiation producing machines except such sources or machines as may be specifically exempted from those requirements in accordance with the regulations.

The licensing procedures and criteria set forth in chapter 270-5-20 of the Georgia Department of Public Health Rules and Regulations will be consistent with those of the Atomic Energy Commission.

General licenses are issued for specified materials under specified conditions when it is determined that the issuance of a specific license is not necessary to protect the public and occupational

health and safety. A general license is effective by regulation without the filing of applications with the Department or the issuance of a licensing document. A specific license or amendments thereto will be issued to named persons and will incorporate appropriate conditions and expiration date upon review and approval of an application. Prelicensing inspections will be conducted when deemed necessary by the Department.

When the Department determines such to be appropriate, it will request the advice of the Radiological Medical Advisory Committee, or appropriate members thereof, with respect to any matter pertaining to medical license application, or to criteria for reviewing such applications.

Members of the Radiological Medical Advisory Committee who have appropriate experience and training in nonroutine human uses of radioactive materials will be consulted. The Atomic Energy Commission's Advisory Committee on the medical use of isotopes will also be consulted when necessary. Appropriate research protocols will be required as part of an application. The Department will maintain knowledge of current developments, techniques and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the U.S. Atomic Energy Commission and other agreement States.

The registration program will be a continuation of the current activity except that (a) all radiation machines will be subject to the applicable provisions of the regulations, and (b) radium and accelerator produced radionuclides which were formerly registered, must now be licensed.

INSPECTIONS

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once every 2 years. The following frequency is anticipated:

Specific Licenses:

Waste Disposal Services----Once each 6 months.

Industrial Radiography----Once each 12 months.

Other Industrial--- Once each 24 months.

Medical---Once each 24 months.

Academic----Once each 24 months.

Other---Based on hazards associated with licensee's program.

Broad Licenses----Once each 12 months.

Registered Facilities----Based on hazards associated with registrant's program.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities, operators, and equipment: a review of use procedures, radiation safety practices, and user qualifications; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials—all as appropriate to the scope and conditions of the license and applicable regulations. In addition, independent measurements will be made as appropriate.

At the start and conclusion of an inspection, personal contact will be made at management-level whenever possible. Following inspections, results will be discussed with the licensee management.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposure incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities and recommendations for area security and cleanup will be available from the Department in the event of an emergency.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by the Chief of the Radioactive Materials Control Section and the Director of the Radiological Health Service.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

When there are items of noncompliance, the licensee will be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date such action was completed or will be complete. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

Upon request by the licensee, the terms and conditions of a license may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances where real or potential hazards exist, or cases of repeated noncompliance or willful violation will the full legal procedures normally be employed.

Where the Department finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates such findings in its order, it may summarily suspend the license pending proceedings for revocation which shall be promptly instituted upon request of any interested person.

In the event of an emergency relating to any source of ionizing radiation which endangers the public peace, health, or safety, the Department shall have the authority to issue such orders for the protection of the public health and safety as may be appropriate, including orders to lay an embargo upon or impound radioactive materials and other source of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of the Act or any rules or regulations promulgated thereunder.

RADIATION EMERGENCIES

A Department of Health radiological emergency team was formed in 1964. The function of this team is to respond to all radiological emergencies that might involve the public health and safety. Emergency kits have been prepared with all the necessary apparatus and radiation surveying equipment. Members of this team have been called on to decontaminate one major facility. In addition, the team has responded to many calls to investigate and handle lost or ruptured radioactive shipments, minor contamination in hospitals and offices, and suspected overexposure from X-ray generators.

Plans are currently being made to involve Law Enforcement personnel in a Statewide Emergency Network so that the Department will be promptly notified should radiological accidents occur.

EFFECTIVE DATE OF LICENSE TRANSFER

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued

under chapter 88-1301 through 88-1313, Georgia Health Code (as passed by the Legislature in 1964 and amended by Act 297 of the General Assembly in 1965 and Act 971 of the General Assembly in 1968) which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license, or on the date of expiration specified in the Federal license, whichever is earlier.

RULES OF ADMINISTRATION, PRACTICE, AND PROCEDURE

The Georgia State Board of Health, pursuant to the authority granted in 88-110 of the Code of Georgia (Georgia Laws 1964, pages 499, 507), chapter 88-3 of the Code of Georgia (Georgia Laws 1964, pages 499, 518), and the Georgia Administrative Procedure Act, has established rules of practice and procedure governing administrative procedures with reference to promulgation of rules and regulations, conducting hearings, appeals, proceedings, decisions, and orders these rules provide for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.
2. Whenever the Department in its opinion finds that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency.
3. An interested person may petition the Department requesting the promulgation, amendment, or repeal of a rule.
4. Declaratory judgment procedure available on petition by proper party to determine validity of statute, rule, or final decision of the Department.
5. Right to hearing after reasonable notice in a case in which legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined.
6. Any person who has exhausted all administrative remedies available within the Department and who is aggrieved by a final decision in a contested case is entitled to judicial review.

COMPATIBILITY AND RECIPROCITY

The Georgia State Board of Health has adopted rules and regulations for the control of radiation which are consistent with those of the U.S. Atomic Energy Commission and those of the other agreement States. In promulgating rules and regulations, the Board has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other State and Federal licenses.

Routine staff meetings will be conducted involving all members of the division who are involved with the radiological health program to determine and maintain compatible programs with the U.S. Atomic Energy Commission and other agreement States. Periodic internal evaluation exercises will be

conducted concerning all phases of the program. Written reports, inspection reports, records, and statistics will be compatible with the current Atomic Energy Commission program.

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