



## CONFERENCE OF RADIATION CONTROL PROGRAM DIRECTORS, INC.

### BOARD OF DIRECTORS RESOLUTION

- Relating to:** Regulation of U.S. Department of Energy Facilities and Responsibilities of States for the Regulation of Sources of Radiation (Radioactive Materials and Radiation Producing Machines) at Those Facilities.
- WHEREAS:** The U.S. Department of Energy (DOE) facilities that utilize radiation sources presently are not subject to the same external oversight as other governmental agencies and private industry; and
- WHEREAS:** It has been demonstrated that the DOE facilities that utilize radiation sources in their activities do not meet the regulatory requirements and standards required of all other users of radiation sources; and
- WHEREAS:** State radiation control programs and others have identified many problems at DOE facilities both onsite and offsite and have grave concerns for the historical and continuing radiation problems; and
- WHEREAS:** Concerns are especially heightened by the addressing of chemical hazards under the Environmental Protection Agency programs without concurrently addressing the associated radiation problems; and
- WHEREAS:** The U.S. Congress has recognized the need for uniform regulation of private industry and government agencies under various Environmental Protection Acts; and
- WHEREAS:** The Secretary of Commerce has suggested that the Committee on Interagency Radiation Research and Policy Coordination strive for the simplest regulatory posture consistent with protection of the public and the environment; and
- WHEREAS:** In 2001, the conference committee considering appropriations bills for energy and water development (H.R. 2311 and S 1171) directed DOE to prepare an implementation plan to transition to external regulation at certain DOE non-defense science laboratories; and

**WHEREAS:** The radiation sources at contractor-operated DOE science laboratories and facilities include machine sources such as x-ray machines and accelerators, and Atomic Energy Act (AEA) materials; and

**WHEREAS:** The states have comprehensive radiation control experience in regulating sources such as these and have existing statutes, regulations, inspection procedures, equipment, and personnel for the oversight of facilities such as these; and

**WHEREAS:** The Nuclear Regulatory Commission is the federal regulatory agency for all who use radioactive material under the Atomic Energy Act, with the notable exception of the Department of Energy; and

**WHEREAS:** It would be most effective and cost-efficient to extend the existing state programs for the regulation of sources of radiation at these DOE facilities; and

**WHEREAS:** Resolutions passed by the Conference of Radiation Control Program Directors, Inc. (CRCPD) in 1991, 1993, and 2002 have consistently supported the external regulation of DOE.

**NOW, THEREFORE, BE IT RESOLVED:**

That it is the position of the CRCPD that the Atomic Energy Act should be amended to provide for the regulation of DOE by the Nuclear Regulatory Commission for materials authorized under that Act.

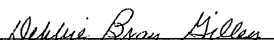
**BE IT FURTHER RESOLVED:**

That it is the position of the CRCPD that Congressional action is needed to provide for formal recognition of the authority of the state radiation control programs over all other sources of ionizing radiation in contractor-operated DOE facilities for which the state has statutory and regulatory authority.

**BE IT FURTHER RESOLVED:**

That a copy of this resolution be provided DOE, the Nuclear Regulatory Commission (NRC) and the appropriations committees having jurisdiction over NRC and DOE.

Approved by the CRCPD Board of Directors on August 7, 2007.

  
Debbie B. Gilley  
CRCPD Chairperson