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Robert Lowenstein, Office of the General Counsel, Washington

January 26, 1956

E. Eugene Fowler, Acting Deputy Director, Isotopes Extension, Division of Civilian Application, Oak Ridge

PROPOSED ARMY REGULATION REGARDING RADIOISOTOPES

SYMBOL: IE:SEF

The proposed Army Regulations for radioactive materials have been reviewed and the following comments are presented.

1. Proper reference should be made in Section 4(a) to new AEC application, licensing, and order forms. Reference to AEC Regulations in 10 CFR 30 is desirable in order that personnel will know when an AEC license is required and the proper forms to use in applying therefor. Since the new "Isotope Order Blank" is to be used as a requisition when obtaining materials from AEC facilities, this should be mentioned. AEC cyclotron isotopes are ordered on this form and a license is not required. Further, the term "Broad AEC License for Multiple Isotopes and Quantities" should be used rather than "General Authorization".
2. Section 4(b) is unclear as to when AEC approval may be required for transfer or additional uses. Materials subject to AEC jurisdiction should be transferred or used only in accordance with applicable AEC regulations and license provisions.
3. The relationship of disposal practices under 4(d) to AEC Health and Safety Standards is unclear. The Regulation should expressly prohibit the transfer or sale of AEC controlled materials except to persons holding a valid AEC license. (We are particularly concerned about byproducts in equipment becoming surplus items.)
4. Insofar as AEC is issuing specific licenses to army units, changes in personnel stated on licenses as being directly concerned with the use of the byproduct material should be a matter of notice to AEC. Your attention is directed to 4(e).

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*19 of 49*  
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E. Eugene Fowler

cc: Harold L. Price, Washington  
O. S. Riestand, Jr., ORO

AEC MAIL

1184557

ISOTOPES PROGRAM

RECEIVED

9502

Robert Lowenstein, Attorney  
Office of the General Counsel  
Washington

January 16, 1956

Orris S. Hiestand, Jr., Attorney  
Office of the Assistant General Counsel  
Oak Ridge Operations

PROPOSED ARMY REGULATION RE: RADIOISOTOPES

SYMBOL: MC:OSH

I have reviewed the proposed Army Regulation forwarded by your memorandum of January 12 and suggest the following comments:

1. Paragraph 4, Approval required.--a. Procurement. (page 2)

In view of the revised AEC regulations, the references to AEC Form 113 and 113a should be changed to reflect the correct titles of these forms.

Also, on page 3, the reference to "general authorizations for procurement of radioactive materials" should be revised to reflect the new AEC procedures and terminology.

I suggest the addition of an additional statement under this heading providing that Army users procure byproduct materials from AEC facilities on AEC Form 375.

2. General. As worded the regulation is not entirely clear as regards the applicability of AEC licensing regulations and health-safety regulations governing byproduct materials, source materials, and special nuclear materials (note the Army regulation is broad enough to cover all of these materials). If intended to be all inclusive, the procurement procedures might be appropriately expanded to explain the licensing and procurement procedures applicable to source and special nuclear material.

OK GS: E. Eugene Fowler, Isotopes Extension, DCA, Oak Ridge

OFFICE ▶	Legal					
SURNAME ▶	Hiestand:mp					9349
DATE ▶	1-16-56					

*Office Memorandum* • UNITED STATES GOVERNMENT

TO : Orris S. Hiestand, Attorney  
Office of the Assistant General Counsel  
OROO

FROM : Robert Lowenstein, Attorney *RL*  
Office of the General Counsel  
Washington

SUBJECT: PROPOSED ARMY REGULATION

DATE: JAN 12 1956

There is attached a copy of a proposed Army regulation entitled "Control of Hazards to Health from Radioactive Materials." I am advised by Lyall Johnson that the copy was received from Major C. E. Newton, Jr., Preventive Medicine Division, Surgeon General's Office, Department of the Army; and that Major Newton requested comments on the proposed regulation. I am told also that the Department of the Army has decided not to publish the regulation until January 31.

I am forwarding the regulation to you for such comment as you and the Isotopes Division may wish to make.

Enclosure  
As described

1184559

ISOTOPES PROGRAM - 1

CONTROL OF HAZARDS TO HEALTH FROM  
RADIOACTIVE MATERIALS

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	<u>Paragraph</u>
Purpose . . . . .	1
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1. Purpose.--Radioactive materials, because of the inherent danger coincidental with their use, handling, safekeeping, and disposal, are hazards to health unless strict precautionary measures are observed. These regulations require that proper precautionary measures will be observed. They are not applicable to the procurement or use of radioactive materials utilized in nuclear or radiological weapons, nuclear reactors, or to operations of the Armed Forces Special Weapons Project. These regulations do not govern the procedures for disposal of radioactive materials due to friendly or enemy military actions.

2. Definitions.--Radioactive materials are defined for the purpose of these regulations as naturally occurring radioactive elements and isotopes, such as radium and radon, as well as artificially produced radioactive isotopes or contaminated materials capable of emitting corpuscular and/or electromagnetic radiations. Included are radioisotopes and emitters permanently incorporated in adopted or experimental items of equipment.

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\*These regulations supersede SR 52-10-10, 14 February 1949.

3. Responsibilities.--The Surgeon General is responsible within the scope of these regulations for formulating and exercising staff supervision over medical policies, plans and practices as pertain to the control of possible health hazards resulting from the handling and use of radioactive materials. Installation commanders having these materials will be responsible for insuring their safe use, handling, and safekeeping, and for the enforcement of measures prescribed by the Atomic Energy Commission, The Surgeon General, and the technical service concerned. A technically qualified individual familiar with radiological monitoring techniques and instruments, should be appointed at the installations or activities concerned to assist in the application of these requirements.

4. Approval required.--a. Procurement. Requests for procurement of radioactive materials of an activity of one microcurie or greater, except those already permanently incorporated into items of equipment or those used for nuclear weapons, will be forwarded through channels to The Surgeon General for approval of the health and safety aspects. Requests for radioactive material which are under the jurisdiction of the Atomic Energy Commission will be submitted in triplicate on Atomic Energy Commission Form 313, "Application for Radioisotope Procurement." The initial application will be accompanied by Atomic Energy Commission Form 313a, "Application for Radioisotope Procurement" in triplicate. This latter form is not required for subsequent applications provided there is no change which affects the accuracy of the information originally given. Request for materials not under the jurisdiction of the Atomic Energy Commission will describe the facilities to be used; the

name and qualifications of the individual responsible for their direct use and/or application; the purpose for which the isotopes are to be used; and the instruments, health protection, and monitoring provisions. General authorizations for procurement of radioactive material will be recommended, upon request, for specific installations provided the requirement exists and evidence indicates that the health and safety aspects will be under firm and continued control at all times. The Surgeon General will at the time of approval, furnish any specific instructions regarding the precautionary measures to be observed in the use of the materials, as he considers appropriate and necessary.

*Change in language*

*Transfer to AEC  
for review  
under  
F. D. S. 1*

b. Transfer. Transfer of radioactive materials (except radioisotopes permanently incorporated into items of equipment and used in nuclear or radiological weapons) beyond the control of the installation granted approval pursuant to the provisions contained in paragraph a above, or diversion of such radioactive materials to uses not described in the approved request, will not be made without prior approval of the Atomic Energy Commission or The Surgeon General. Upon request, The Surgeon General will recommend, where appropriate, the issuance of general authorisations for the transfer of radioactive materials used for specific programs or operations.

c. New Uses. Plans and specifications for incorporating radioactive material into new items of issue will be submitted to The Surgeon General for review for the existence of possible health hazards before the item is type-classified.

d. Disposal. The Chief Chemical Officer is responsible for the physical disposition of radioactive materials, not disposed of locally by procedures

specifically endorsed by The Surgeon General. Commanders, acting through appropriate channels, will request shipping instructions from the Chief Chemical Officer. Safe operating procedures will be provided to the Chief Chemical Officer by The Surgeon General as required. The Chief Chemical Officer will in turn furnish requesting agency all necessary information required for disposal of radioactive material and at that time furnish a copy of such instructions to The Surgeon General, Attention: MEDCE.

e. Change of Personnel. Notification of change of status of the individual responsible for the direct use and/or application of radioactive material, i.e., the individual named as responsible on the procurement application, will be sent to The Surgeon General together with a summary of the qualifications of the new responsible individual.

5. Adopted Items of Equipment with Permanently Incorporated Radioactive Materials.--Within six months after publication of these regulations, each chief of technical service responsible for the procurement and issue of adopted items of equipment which contain radioactive materials will forward one copy of the specifications to the Chief Chemical Officer, Attention: \_\_\_\_\_, and one copy to The Surgeon General, Attention: MEDCE, Department of the Army, Washington 25, D. C.

6. Technical Advice.--Technical advice relating to the safe handling, storage, and repair of items of equipment containing radioactive materials will be furnished by The Surgeon General upon request. Technical advice regarding the elimination of possible health hazards and/or the incorporation

of health protective measures within the design and construction of facilities, including nuclear reactors, in which radioactive materials are to be used, is a responsibility of The Surgeon General and will be furnished upon similar request.

BY ORDER OF THE SECRETARY OF THE ARMY:

MEETING WITH MILITARY REPRESENTATIVES

Washington, D. C.

2-23-55

Met with Col. Etter, Chief, Preventive Medicine Division, U. S. Navy; Comm. Donahue his assistant; Comm. Siegel, Chief Industrial Hygienist, Bureau of Medicine; Dr. Gilbert, Bureau of Aeronautics, etc., to discuss the Navy's use of radioisotopes, health safety planning and control. The Navy believes in a decentralized system of responsibility with each of the Technical Bureaus possessing a qualified technical staff and sufficient administrative setup to handle working problems. Bureau of Medicine and Surgery, however, has Navy wide responsibility for radiological safety. The Navy will furnish us with a more detailed and complete outline of the responsible people within each bureau and asked us to review the Bureau of Medicine manual on radioactive materials. They did not wish a general authorization and proposed that the AEC continue to review each proposal.

2-24-55

Met in the Main Navy Building with representatives of the Army, the Air Force, and the Navy concerning the over-all problem of radiological safety review and inspection. Some of those present included: Col. Bedwell, Chief, Preventive Medicine Division, U. S. Air Force; Col. Carmichael, Surgeon, Air Materiel Command; Col. Holland, Chief, Army Environmental Health Laboratory; Col. Wayne, Chief, Preventive Medicine Division, Army Surgeon General's Office; Comm. Etter; Comm. Donahue; General Green, U. S. Army and General Bain Jones, U. S. Army. Also present were numerous military officers, Major Stanifer of the Military Liaison Committee and T. R. Jones of Research.

At this meeting each of the services presented their ideas and plans on improving both the working and administrative aspects of the use of isotopes within that service. The Army's proposed program is most complete whereas that of the Navy lacks a department-wide radiological inspection group. The Air Force program is in fairly good shape since the Wright-Patterson Air Force Base has a satisfactory setup. Wright-Patterson is the largest user in the Air Force.

At this meeting Major Stanifer read a document which had been transmitted from the Department of Defense (DOD) with concurrence of all the services requesting of Commissioner Strauss that, upon satisfactory negotiations of a memorandum of understanding with the AEC, each military service would thereafter be exempt from all licensing requirements under the Atomic Energy Act of 1954. Thus, this request of the DOD forces upon each of the military groups the responsibility of achieving satisfactory radiological safety planning and administrative control and presenting such a proposal to the AEC.

1184565

RECORDED PROCEEDINGS - )

This joint meeting was exceptionally fruitful, established contacts with all the services, and prepared the military for their forthcoming efforts in improving control. The services will transmit a firm proposal at such a later date when they believe they have a thorough system in operation. We contemplate working closely with them during such future efforts.

1184566

DEPT. OF THE ARMY RADIOISOTOPE BOARD

Chairman: Appointee

Members: One representative from each Tech. Service and JAG

(TSG member 3004 Radiological Defense Off., MC with Radiologist and Internists as consultant

Function: To evaluate radiisotope requisitions presented by committee members, and approve or recommend approval of the use of radiisotopes, where indicated. TSG must have veto power where health hazards are a main issue.

TSG

ARHL  
Radiological  
Hygiene Division  
Consultants  
Dr. Lough  
Mr. Braestrup

Gnl. Corps  
Radiisotope  
Committee  
Chrm: Gnl Rep  
Tech. Advisors  
Health Physicist

Corps Engrs  
Radiisotope  
Committee  
Chrm: Engrs Rep  
Tech. Advisors  
Health Physicist

AMEDS Corps  
Radiisotope  
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Chrm: AMEDS Rep  
Tech. Advisors  
Health Physicist

Ord Corps  
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Tech. Advisors  
Health Physicist

Trans. Corps  
Radiisotope  
Committee  
Chrm: Trans. Rep  
Tech. Advisors  
Health Physicist

Function of Technical Service  
Radiisotope Committee:

To evaluate radiisotope requisitions and all proposals for the use of radiisotopes within the tech. service or thru industrial contract commitments. Subcommittees may be established, if needed, by the Chief of the Technical Service concerned.