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The Suggested State Radiation Control Act

By CHARLES F. SCHWAN, JR.* and STUART URBACH**

The suggested State Radiation Control Act¹ has an interesting history, which includes Public Law 86-373,² the developments leading to its enactment and a series of other activities that, taken together, indicate the increasing interest in and concern for peaceful uses of radioactive materials and devices.

The logical starting place for reviewing this history might be the Atomic Energy Act of 1954.³ In permitting private development of atomic energy for peaceful purposes, the way was opened for state promotion, education, control and regulation. This is not to suggest that there was not previously state interest in atomic energy, but effective promotion and control were in federal hands. Nor is this to infer that state officials were not cognizant of radiation from sources other than those under federal control prior to 1954, but that is another story. It is fair to say that the period since 1954 has been one of intensified state concern and activity.

Following the 1954 Act a number of states undertook studies of atomic energy matters and several, particularly in New England, enacted legislation.⁴ In general these enactments were

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¹ Committee of State Officials on Suggested State Legislation of the Council of State Governments, Suggested State Legislation-Program for 1961, at 1313 (1961).

² 73 Stat. 688 (1959), 42 U.S.C. § 2021 (Supp. II, 1960).

³ 68 Stat. 921, 42 U.S.C. § 2201 (1958 Supp. 1960).

⁴ Conn. Stat. §§ 19-404, 19-409 (1958); Maine Rev. Stat. ch. 52-A (Supp. 1960); N. H. Rev. Stat. Ann. ch. 162-13 (Supp. 1959); R. I. Gen. Laws § 42-27-2 (Supp. 1960); S. C. Code § 1-386-95 (Supp. 1960).

based on the so-called New England model—a draft prepared for the New England Governors' Conference.⁵

In October 1956, in its *Suggested State Legislation-Program for 1957*, the Committee of State Officials on Suggested State Legislation of the Council of State Governments⁶ included a proposed act to provide for coordination of atomic development. With certain changes, the proposal was carried again in the *Program for 1959*. In the latter volume were other proposals relating to shoe-fitting fluoroscopes, public liability of state and local licensees for atomic incidents and radiation injury coverage under workmen's compensation laws. The latter subject was dealt with in a brief statement, but, in a *Supplement to the Program for 1959* and in the *Program for 1960*, a number of specific suggestions were made for changes in state workmen's compensation laws. The suggested State Radiation Control Act was carried in the *Program for 1961*. Finally, in a special *Supplement to the Program for 1961*, all proposals to date made by the Committee on Suggested State Legislation were brought together in a single volume.⁷

At the federal level, several proposals were advanced for state participation in regulation. The first of these, H. R. 8676 was

⁵ Draft of an Act to Coordinate Development and Regulatory Activities Relating to the Peaceful Uses of Atomic Energy, prepared by the Subcommittee on Education and Legislation of the New England Committee on Atomic Energy, July, 1955. Available as appendix iii of Atomic Energy and New England, prepared by the New England Committee on Atomic Energy, 50 Memorial Drive, Cambridge, Mass. (§1).

⁶ Each year the Committee of State Officials on Suggested State Legislation formulates draft bills, statements and recommendations relating to a wide variety of matters which are of interest to the states. The Committee is composed entirely of state officials—Commissioners on Interstate Cooperation, Commissioners on Uniform State Laws, Attorneys General, legislators and directors of legislative service agencies. Proposals for consideration by state legislatures are received by the Council of State Governments from individual state officials, from organizations of state officials and from special state committees or agencies. In a somewhat similar manner, the Federal Bureau of the Budget gathers together and forwards to the Council various proposals which federal agencies desire to call to the attention of the states. Occasionally, proposals emanate from non-public sources. In all cases, drafts are prepared together with explanatory statements outlining the extent of the problems and the nature of the suggested solutions and are sent to members of the Committee for study in advance of the meeting. In late August or September, the Committee meets. Most proposals are discussed in panel meetings with representatives of interested federal agencies and, where appropriate, with representatives of local governments and non-governmental organizations. After final approval by the Committee, copies of the final report, *Suggested State Legislation*, containing the various proposals and explanatory statements, are distributed to Governors, Attorneys General, Commissioners on Interstate Cooperation, state legislators and many other state officials.

⁷ All of these publications are available from the Council of State Governments, 1313 E. 60th St., Chicago 37, Ill.

offered by Mr. Durham in January 1956. The following year, Senator Anderson introduced S. 53. In June of 1957, the Atomic Energy Commission submitted a proposed bill providing in essence for concurrent jurisdiction over AEC-licensed activities by the AEC and the respective states.

Prior to the submission of the AEC draft, in May 1957, the Council of State Governments had called a meeting of state and federal representatives and private persons interested in atomic energy development and regulation. The conferees, representing three federal agencies, thirty-four states, two interstate agencies and five private organizations discussed the draft bill and offered suggestions with respect thereto.⁸

Later in 1957, atomic energy was selected as an agenda item by the Joint Federal-State Action Committee. This group, composed of federal agency heads appointed by the President and Governors appointed by the Chairman of the Governor's Conference, reached certain conclusions on the basis of which it was able to endorse the draft bill which ultimately was enacted as Public Law 86-373.⁹

Basically the 1959 amendment is an enabling act—permitting the AEC to enter into an agreement with a state under which the Commission will discontinue and the state will assume regulatory authority with respect to one or more of the following materials: byproduct materials; source materials; special nuclear materials in quantities not sufficient to form a critical mass. Such an agreement is to be entered into when the Governor certifies and the AEC finds that the state has a program adequate to protect the public health and safety. Other provisions of the Act relate to the establishment of the Federal Radiation Council, federal-state cooperation in the formulation of standards for protection against hazards of radiation, cooperation in AEC inspections and other functions and AEC training of employees of states and their political subdivisions and other forms of assistance.

Since Public Law 86-373 is an enabling act—one that requires complimentary state action to implement its purposes—the case

⁸ Conference on the States and Atomic Energy Development, Council of State Governments, Conference in the States and Atomic Energy Development.

⁹ U. S. Gov't Printing Office, Final Report of the Joint Federal-State Action Committee to the President of the United States and to the Chairman of the Governors' Conference 162 (1960).

for suggested state legislation is strong. Accordingly, immediately after the enactment of the federal legislation, staff personnel of the AEC and the Council of State Governments set to work to produce an initial draft of a state radiation control act. In the process the advice and counsel of various state officials and academicians were sought.

Early in July 1960, what might be called the initial draft was presented to an all-day joint meeting of the Committee on Atomic Energy Law of the National Association of Attorneys General and the Subcommittee on Atomic Energy of the Committee of State Officials on Suggested State Legislation. Examination of the draft was rigorous and extensive changes were needed to revise it to meet the criticism of the joint group.

The draft, as revised, was then submitted for comment in a series of one-day meetings, beginning in early August to representatives of labor, industry and public health agencies. Once again criticism was frank and rigorous. All comments and suggestions were noted.

Later in August, the revised draft, together with the comments and suggestions of the labor, industry and public health representatives, were presented to the Advisory Committee of State Officials to the Atomic Energy Commission. Representatives of the AEC and other interested federal departments and agencies were present and participated in the all-day discussion. It seems almost unnecessary to add that once more there were many comments and suggestions.

The products of these meetings—the revised draft and all the comments and suggestions, by now annotated to the several sections of the draft — were submitted to the Committee of State Officials on Suggested State Legislation at its annual meeting, August 24-25, 1960. The subject was referred to a panel made up of about one-third of the entire Committee. Assisted by staff personnel of the AEC, the Department of Health, Education, and Welfare, the United States Public Health Service and its own agency, the Council of State Governments, the panel examined carefully every section of the revised draft and considered every comment and suggestion offered in the series of preliminary meetings. Having reached its conclusions respecting the proposed act, the panel reported to the full Committee the following day with

the recommendation that the draft, as revised further, be included in *Suggested State Legislation-Program for 1961*. This recommendation was accepted by the Committee.

As brief as this description has been, it should be clear that the drafting process with respect to the suggested State Radiation Control Act was lengthy, deliberate and careful. The draft was subjected to criticism by many persons with broad and varied qualifications—federal officials from a number of agencies, officials of various state agencies and representatives of private groups most interested in matters relating to atomic energy—in all, well over 100 persons. It should be equally clear that the process was characterized by excellent cooperation among federal and state officials. The assistance in particular of staff personnel of the AEC and the Public Health Service was invaluable. What may not be so clear is that the suggested State Radiation Control Act had its inception when it was decided in late 1957 that the legislation that two years later was to be enacted as Public Law 86-373 should provide for federal-state agreements to effect the transfer of jurisdiction.¹⁰ This provision survived the series of drafts prepared by staff personnel of the AEC and the Council of State Governments and consideration by the Joint Federal-State Action Committee, the Governors' Conference and the National Association of Attorneys General.¹¹

One further point might be made to illustrate the close, continuing cooperation and coordination of effort among federal and state officials in this entire area. Coincident with the development of the State Radiation Control Act, the AEC was preparing "Criteria for Guidance of the States and AEC in Discontinuance of AEC Regulatory Authority and Assumption Thereof by States Through Agreement."¹² These criteria were submitted to state officials for their criticism early in and throughout the period of their development. In May, 1960, the Regional Advisory Council on Nuclear Energy¹³ sponsored a meeting of state officials in

¹⁰ *Id.* at 33. See in particular the third point in the listing of recommended provisions of an amendment to the Atomic Energy Act of 1954.

¹¹ *Hearings before the Joint Committee on Atomic Energy*, 86th Cong., 1st Sess., 115, 321-25 (1960).

¹² 26 Fed. Reg. 2536 (1961).

¹³ An interim organization established by the Southern Governors' Conference in 1956 to function until the Southern Nuclear Interstate Compact was ratified by the requisite number of states and approved by Congress. A compact already

(footnote continued on next page)

Atlanta to consider the criteria. In June and July, the Council of State Governments convened similar regional meetings in New York, Chicago and San Francisco at which, as in the case of the Atlanta meeting, representatives of the AEC and the Public Health Service explained the criteria, answered general and specific questions, and received comments and suggestions.

As indicated above, the starting point in developing the specific provisions of the suggested State Radiation Control Act was the federal legislation as supplemented by the criteria. Together they furnish the standards against which a state's regulatory program must be measured by the AEC in making its required finding that a state program is "adequate to protect the public health and safety."¹⁴ The State Radiation Control Act provides the legislative basis for a state program which will meet such standards.

Before the suggested act is analyzed one point should be further noted. As mentioned above, the suggested act permits regulation of all sources of ionizing radiation—those presently within the jurisdiction of the states, as well as those sources coming within the scope of Public Law 86-373. This means that not all aspects of a state regulatory program need be measured against the federally established standards. While this factor is of minor significance in analyzing a state act, it is of great importance in analyzing the implementing rules and regulations of the regulating state agency. In the latter instance, it must be recognized that all aspects of a state program are required to meet the federal standards.

The policy section sets framework within which the state program must be viewed. Section 1 (1) declares that it is the policy of the state:

[T]o institute and maintain a regulatory program for sources of ionizing radiation so as to provide for (a) compatibility with the standards and regulatory programs of the federal government, (b) [a single, intergrated,] effective system of regulation within the state, and (c) a system consonant insofar as possible with those of other states. . . .

(Footnote continued from preceding page)

ratified by the requisite seven states has been introduced in the Congress as S. 1702, H.R. 7466, 7498, 87th Cong., 1st Sess. (1961).

¹⁴ 42 U.S.C. § 2021(d)(2) (Supp. II, 1959-60).

This portion of the policy statement recognizes that many sources of ionizing radiation are transient in nature and therefore, to the maximum extent possible, the regulatory program of any government agency, should be in general accord with similar programs of other government agencies, regardless of the level of government. Clause (a) uses the term "compatibility" to assure consistency of definition with the term "compatible" used in the federal act.¹⁵ Clause (b) has a twofold purpose. First, it is designed to effect the same end at the state level as the Federal Act attempts at the federal level through the establishment of the Federal Radiation Council,¹⁶ namely, attaining a high degree of consistency among the regulations and procedures of regulatory agencies. At the federal level the possibility of conflict exists between and among the AEC, the Public Health Service, the Department of Defense and the Interstate Commerce Commission, and possibly other agencies, while similar conflicts may exist at the state level between and among health, labor, water pollution and highway regulating agencies. The second feature of clause (b) is that it will reach regulatory programs of local governments within the state to insure that programs of such governments are consistent with the state program. The latter point is of particular importance in view of the long history of authority of municipalities and counties in the public health field. Clause (2) represents an acknowledgment that future development in peaceful uses of nuclear materials depends upon adequate protection of the public health and safety.

The purpose section, section 2, indicates the nature of the programs to be undertaken in order to implement the policies of the act.

The definitions section, section 3, follows the definitions adopted by the Federal Government. The definition of "ionizing radiation"¹⁷ is drawn so as to bring within the regulatory provisions of the act all sources of ionizing radiation.

The heart of the suggested act is contained in the three alternative administrative structures offered¹⁸ and the relation of the

¹⁵ 42 U.S.C. § 2021(d)(2) (Supp. II, 1959-60).

¹⁶ 42 U.S.C. § 2021(h) (Supp. II, 1959-60).

¹⁷ Committee of State Officials, *op. cit. supra* note 1, § 3(b).

¹⁸ *Id.* § 4, Alternates I, II & III.

Radiation Advisory Board¹⁹ to the administrative structure selected by the state. The first alternative calls for a single person to coordinate the activities of all state agencies concerned with the regulation of sources of ionizing radiation. This proposal is an expansion of an earlier Council of State Government proposal dealing solely with atomic energy development.²⁰ The second alternative, based on a proposal of the National Committee on Radiation Protection and Measurement,²¹ would lodge the regulatory authority in a single agency. This approach is designed to put as much of the regulatory authority as possible in a single agency. The last alternative, a Commission on Radiation Protection, is modeled after the proposal of the American Public Health Association.²² Basically the Commission would be the policy and rule-making body, while existing state agencies would be responsible for carrying out operating programs. Each of the suggested alternatives has advantages and disadvantages. They are offered with the knowledge that organization of state government differs greatly from state to state, but with the view that one of the three alternatives would probably fit the needs of nearly all the states.

Under the first alternative, the Coordinator would serve as the principal adviser to the Governor in matters relating to ionizing radiation. The Coordinator's principal regulatory duties would be to review the rules and regulations of the operating agencies relating to use and control of ionizing radiation and to provide a central clearing house for all atomic energy information within the state. His review of operating agency rules and regulations would be to assure that they are consistent with rules and regulations of other state agencies having related regulatory authority. If desired the Coordinator could be given developmental responsibilities.

No rule or regulation would become effective until 90 days after submission to the Coordinator, unless the period is waived. Within this period, the Coordinator would attempt to resolve any

¹⁹ *Id.* § 5.

²⁰ Committee of State Officials on Suggested State Legislation of the Council of State Governments, Suggested State Legislation-Program for 1957, at 55-59 (1957).

²¹ U. S. National Bureau of Standards, Regulation of Radiation Exposure by Legislative Means-Handbook 61 (Dec. 1955).

²² Model State Radiation Protection Acts, available from the American Public Health Association, 1790 Broadway, New York, N.Y.

inconsistency through consultation with the agencies involved and the Radiation Advisory Board. Under the optional veto provision the Governor would be empowered to veto a proposed rule or regulation after receiving the advice of the Coordinator and the Board, or he could direct that an existing rule or regulation be amended or repealed in order to achieve the desired consistency. If the veto provision is not adopted, the proposed rule or regulation would become effective automatically at the termination of the 90 day period.

The clearinghouse function is designed to provide a service to other state agencies as well as to interested private persons. Each agency of the state is required to keep the Coordinator informed of its activities relating to the control or development of sources of ionizing radiation. Therefore, through his office, interested agencies could find out what is going on in other agencies of state government and thus avoid unnecessary duplication of efforts. It would also facilitate several state agencies working together on common problems. The private citizen could receive information relating to all rules and regulations in the state which might affect his activities from this office.

The State Radiation Control Agency, the second alternative, could be an existing agency, a component of an existing agency, or a separate agency. The Agency would have operating responsibilities. It would promulgate rules and regulations, establish the state licensing and registration system, develop programs and procedures to evaluate radiation hazards, and conduct necessary field investigations. If it is desired that the jurisdiction of the Agency include all matters relating to radiological health and safety, the state could consider appropriate reorganization of the affected agencies. Rules and regulations developed by the Agency could be reviewed by the Radiation Advisory Board, if the state feels such review is desirable.

The Commission on Radiation Protection, the third proposed approach, would be an arm of the State Department of Health. Its membership would include representatives of state agencies concerned with control of ionizing radiation. The Commission would have sole authority to formulate and promulgate rules and regulations concerning ionizing radiation. It is anticipated that under this approach enforcement and licensing responsibility

would lie essentially with the Department of Health. To the extent that other state agencies develop programs or policies relating to sources of ionizing radiation, such policies and programs would be reviewed by the Commission and only the Commission would be authorized to implement them through appropriate rules or regulations.

The duties of the Radiation Advisory Board will vary depending upon the administrative approach adopted by the individual state. The Board would serve as a general advisory group to whatever administrative agency is decided upon, as well as being in a position to make recommendations to the Governor and/or the legislature. The Board would be composed of highly competent individuals from whom the state could obtain valuable assistance and guidance. Board members, experts in the various disciplines concerned with radiation, as well as representatives of labor, industry and agriculture, would be appointed by the Governor.

When used in conjunction with the Coordinator, the Board would assist the Coordinator in resolving conflicts that exist among the rules and regulations of the various state agencies. If used in conjunction with a Radiation Control Agency, the Board could review the rules and regulations of the Agency and of other state agencies, if other agencies exercise rule-making authority to assure consistency. In this situation the Board's review would be of the same nature as the review of the Coordinator, i.e. general advisory or specific recommendation for gubernatorial action. If desired, the Board could be used with the Commission. In this event the Board's functions would be purely advisory, as all affected state agencies would be represented on the Commission and only the Commission would have authority to make rules and regulations therefore eliminating the need for a review for consistency purposes.

Alternative provisions authorizing licensing and registration programs are contained in the suggested act.²³ The first alternative is a general authorization for such programs, while the second alternative is rather detailed. The requirements set forth in the second alternative would, of course, be contained in the rules and regulations promulgated pursuant to the first alternative. Which

²³ Committee of State Officials, *op. cit. supra* note 1, § 6.

alternative a state adopts may well depend on the attitude of the courts of the state toward the delegation of rule-making power to regulatory agencies.

The licensing of source, special nuclear and byproduct materials is required by the act. The licensing authority extends to other sources of ionizing radiation presently under the regulatory jurisdiction of the state; it is not limited to those sources which may be the subject of a federal-state agreement. The type of licensing authorized by the act, general and special licenses, follows the procedure presently used by the AEC.²⁴

For more hazardous materials, or uses, specific licensing and pre-evaluation would be required. In such instances the regulating agency would review the plans for the proposed activity in order to insure that the health and safety of the public or any individual is not endangered thereby. If the material or use is such that no danger is presented, the state may consider the general license procedure appropriate under which no pre-evaluation is made, but the source and user are nevertheless subject to state regulation. In actual operation specific licensing with pre-evaluation would be required for the manufacture of an instrument containing a radiation source. Where such instruments are in common use and do not present a health hazard the user would not have to apply for a specific license. He would still be subject to the general radiation protection standards promulgated by the regulating agency pursuant to the general licensing provision. Similarly, registration of sources presenting little or no hazard is authorized.

Both alternatives permit the state regulatory agency to recognize a license granted by another state or the federal government where appropriate. This provision is designed to facilitate those uses of sources of ionization which require the crossing of state lines. In such instances the state might want the user to register with the regulatory agency so that the agency is informed of his whereabouts and can perform appropriate inspections even though formal licensing would be unnecessary.

Users of sources of ionizing radiation will be required to maintain appropriate records.²⁵ Records relating to transfer, and

²⁴ 10 C.F.R. §§ 30.20, 40.20 (1959).

²⁵ Committee of State Officials, *op. cit. supra* note 1, § 8.

storage of sources and levels of exposure would, under the regulations, be similar to existing AEC requirements. The most important departure from AEC record requirements, spelled out in the suggested act, concerns employee exposure records where personnel monitoring is called for. Under AEC regulations a user is required to furnish an employee with his exposure record at the termination of the employment and when the employee is over exposed.²⁶ This is also set forth in the act. In addition the user is required to furnish such records to such employees annually—under AEC regulations, the latter records are furnished on request only.²⁷ Fulfillment of these requirements will permit the employee to be fully informed about matters of vital importance to him, particularly if, at a later date, he develops an illness or injury that might have been caused by his exposure to ionizing radiation. In such a case the exposure records would supply necessary information to a workmen's compensation board upon which the board would have to determine whether the injury or illness is related to the employment.

A survey of state Attorneys General, conducted by the Council of State Governments, revealed that in at least three-fourths of the states the Governor lacked the authority to enter into an agreement with the AEC permitting the state to assume regulatory responsibilities as authorized by the federal act. In order to meet this need the suggested act contains a provision authorizing the Governor to enter into such an agreement.²⁸

The federal act authorizes the AEC to conduct training programs for, and joint facilities inspections with, state officials.²⁹ The suggested act provides the enabling legislation pursuant to which state regulating agencies could participate in such programs.³⁰ In addition the act permits the state agencies to participate in interstate programs in furtherance of the purposes of this act.³¹

A special section has been included in the act to insure that the regulations of local governments within the state are con-

²⁶ 10 C.F.R. §§ 20.404, 20.405 (Supp. 1961).

²⁷ 10 C.F.R. § 20.406 (Supp. 1961).

²⁸ Committee of State Officials, *op. cit. supra* note 1, § 9.

²⁹ 42 U.S.C. § 2021(i) (Supp. II, 1959-60).

³⁰ Committee of State Officials, *op. cit. supra* note 1, § 10.

³¹ *Ibid.*

sistent with the state-wide program.³² This is of extreme importance. The problems presented in highly developed urban communities can be extremely complex. Such communities often have efficient and competent health and other departments. In such instances the local government might well be in a position to protect the health and safety of its citizens more effectively than the state agency; therefore the suggested act would permit the local government to exercise this responsibility provided the local program is not inconsistent with the state program.

Appropriate enforcement provisions, i.e. inspection, prohibited uses and penalties,³³ are provided for. In view of the dangers that are associated with improper use or handling of nuclear materials the regulating agencies are authorized to institute injunction proceedings,³⁴ and, in emergency situations or where repeated violations occur, impounding is authorized.³⁵ Such extreme enforcement powers are necessary because of the grave dangers to life and property that might flow from use of nuclear materials. Finally, provision is made for judicial review of agency action, and certain limited procedural requirements are set forth.³⁶

The suggested act, when adopted by the individual state, with modifications to meet its particular needs, will not, of itself, provide a regulatory program that will meet the requirements of Public Law 86-373. Implementing regulations as well as an adequate enforcement staff will be necessary. Training programs of the AEC, the Public Health Service and colleges and universities should be able to provide the needed personnel. In order to assist the states in drafting the implementing regulations, the Council of State Governments has been working closely with the staffs of the AEC and the Public Health Service to develop model regulations. Preliminary drafts were ready early this year and distributed widely for comments.³⁷ When all comments have been received, the procedure followed prior to the promulgation of the

³² *Id.* § 11.

³³ *Id.* §§ 7, 14 and 16 respectively.

³⁴ *Id.* § 13.

³⁵ *Id.* § 15.

³⁶ *Id.* § 12.

³⁷ Council of State Governments, Proposed State Regulation Standards for Protection Against Radiation (Feb. 1961); Council of State Governments, Proposed State Licensing and Registration Regulation (April 1961). Copies of both proposals are available from the Council of State Governments, 1025 Connecticut Ave., N.W. Washington 6, D.C.

suggested act—though in abbreviated form—will be utilized to prepare final proposals. These suggested regulations should be of great value to interested states.

Despite the need for a regulatory program affecting sources of ionizing radiation presently under the jurisdiction of the AEC, the states recognize that there are many areas affected by radiation over which they have sole or primary jurisdiction that demand attention. Recognition of this fact by state officials is evident in that all state officials who reviewed the suggested act endorsed the principle that its scope extend to all sources of ionizing radiation.

Furthermore, health and safety matters narrowly conceived are not the only state laws that are affected by the peaceful development of nuclear energy, for example—workmen's compensation laws will have to be modified to insure that workers who are injured because of their employment in a nuclear activity are adequately protected.

Some individuals have questioned the ability of the states to assume the regulatory responsibilities permitted under Public Law 86-373. They point out that many states have failed to exercise such responsibility with respect to x-ray, radium and other sources of ionizing radiation not within the regulatory jurisdiction of the Federal Government. But this is not an indictment of the states—responsibility of this type was not exercised by the Federal Government until the passage of the Atomic Energy Act of 1954—it is merely recognition that it was not until the early or middle 1950's that this nation appreciated the dangers associated with sources of ionizing radiation. Along with such appreciation has come recognition by the states of their responsibility.³⁸ As our knowledge in this field becomes greater and as technically qualified personnel are more readily found, state programs will expand to meet the growing needs of the nation.

As a final point, the federal-state program in the nuclear field should be viewed in its proper perspective with regard to overall

³⁸ See Joint Committee on Atomic Energy, Congress of the United States, Selected Materials on Federal-State Cooperation in the Atomic Energy Field, ch. 4 (March 1959); Atomic Industrial Forum, Inc., State Activities in Atomic Energy—A Forum Survey (July 1958). Current state legislative sessions have produced much legislation in the atomic energy field. To note a few: Idaho (S.B. 64); Indiana (S.B. 198); New Hampshire (H.B. 4); New York (S.B. 127); Tennessee (H.B. 24 and H.B. 28); Texas (S.B. 68); and Washington (S.B. 427).

matters of federal-state relations. There are many problems facing the nation with which only the Federal Government can deal. These problems are of vital concern, not only to the citizens of the United States, but often to people throughout the world; therefore, it would seem appropriate for the states to assume as much responsibility as they can to make certain that undue burdens are not placed upon the Federal Government. In addition, there are many domestic problems in which both the states and the Federal Government have a vital concern, and it behooves both to work together in resolving such problems. The newly developed program for regulation of the peaceful development of atomic energy is but one instance of such cooperation, there are many others. A brief mention of two such programs of cooperation seems appropriate.

In 1958 Congress enacted the Bonner Act.³⁹ This act provides for the federal numbering of motor boats. It permits the United States Coast Guard to approve a state numbering program thus eliminating the need for the federal numbering. Thus far forty⁴⁰ state programs have been approved by the Coast Guard.⁴¹ Most states have gone beyond the specific requirements of the federal act and have incorporated many other safety features into their numbering program.⁴² This program was developed in a manner very similar to that utilized in developing the suggested Radiation Control Act.⁴³ In what is perhaps a more demanding field, there is now pending before Congress two compact proposals which call for active federal-state participation in regional planning and development of water resources. Planning and development of such resources are essential to the future of the nation.⁴⁴ The Delaware River Compact provides for active cooperation in both planning and the implementation of the plans and contains provisions for sharing operating and construction costs. The North-

³⁹ Federal Boating Act of 1958, Public Law 85-911, 72 Stat. 1754.

⁴⁰ Records of the United States Coast Guard, Washington, D. C.

⁴¹ See Outboard Boating Club of America, Digest of State Motorboat Laws (Dec. 1960).

⁴² Council of State Governments, Suggested State Legislation-Program for 1959, at 53 (1959). See also Bonner & Herbert, *An Exercise in Federal-State Relations*, State Government (Winter 1959).

⁴³ Delaware River Basin Compact, S. 856 and H.R.J. Res. 225, 87th Cong., 1st Sess. (1961); Northwestern Water and Related Land Resources Compact, S. 374 and H.R. 30, 87th Cong., 1st Sess. (1961).

⁴⁴ See reports and hearings of the U. S. Senate Select Committee on National Water Resources of the 86th Congress.

eastern Compact would establish a central planning agency to coordinate federal, state and local programs and projects.

The Suggested State Radiation Control and Public Law 86-373, when viewed in the above context, take on even greater significance, and, as such, all parties should try to insure that the program envisioned is successful.