

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 72

IRAQI RADIOACTIVE SOURCE REGULATORY AUTHORITY

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant United Nations Security Council resolutions, including Resolutions 1483 and 1511 (2003),

Furthering paragraph 1 of Resolution 1483, appealing to member states and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq,

Noting that United Nations Security Council Resolution 687 (1991) decides that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facility related to the above,

Noting that United Nations Security Council Resolution 707 (1991) permits Iraq to use (radioactive) isotopes for medical, agricultural or industrial purposes,

Noting further the adoption of the Law of Administration for the State of Iraq for the Transitional Period on March 8, 2004,

Recalling that on September 8, 2003, the Board of Governors of the International Atomic Energy Agency approved a revised Code of Conduct on the Safety and Security of Radioactive Sources, IAEA/CODEOC/2004.

Recognizing that uses of ionizing radiation introduce important benefits in medicine, industry, agriculture, and related research, but that radiation exposure carries with it the potential to produce harmful effects in people and the environment, and

Determining to establish a national organization to regulate the use of radioactive sources and other radioactive materials in order to protect the health, security, and safety of human beings while permitting the beneficial uses of ionizing radiation,

I hereby promulgate the following:

Section 1 Establishment

- 1) The Iraqi Radioactive Source Regulatory Authority (hereinafter “the IRSRA”) is hereby established. The IRSRA shall be an independent agency.

- 2) The IRSRA shall have authority to regulate radioactive sources and all activities associated with exposure or the potential exposure to ionizing radiation from radioactive sources and radioactive waste, except those radioactive source activities and radioactive sources which are expressly excluded herein.
- 3) The IRSRA shall not have responsibility for radiological environmental monitoring or for regulating cleanup and remediation of the environment.
- 4) In carrying out its responsibilities, the IRSRA shall follow, to the extent practicable, the guidance in the International Atomic Energy Agency's Code of Conduct on the Safety and Security of Radioactive Sources and any revisions thereto.
- 5) All references herein to the Administrator of the CPA shall refer to the head of the Iraqi government following transfer of full governance authority to the Iraqi Interim Government.

Section 2 Purpose

The IRSRA shall promulgate and enforce regulations to allow for beneficial uses of radioactive sources, to provide for adequate protection of human beings against the harmful effects of ionizing radiation, and to ensure the safety and security of radioactive sources. The IRSRA shall also investigate technical issues associated with low level radioactive waste disposal.

Section 3 Definition of Radioactive Source

A radioactive source is radioactive material that is either permanently sealed in a capsule or closely bonded and in a solid form. For purposes of this Order, the term radioactive source will also be considered to include commercial radioisotopes in liquid form. The term will also include any radioactive material released if a sealed radioactive source is leaking or is broken or if a spill occurs in the case of liquid radioisotopes. For purposes of this Order, radioactive sources do not include nuclear material encapsulated for disposal, or nuclear material within the nuclear fuel cycles of research and power reactors.

Section 4 Chairman and Management Staff

- 1) The Chairman of the IRSRA shall initially be appointed by the Administrator of the CPA, after consultation with the Iraqi Interim Government, for a fixed term of

two years. Thereafter, Chairmen of the IRSRA shall be appointed by the head of government for fixed terms of five years. The Chairman of the IRSRA shall be responsible for the overall management and operation of the IRSRA and shall report directly to the Administrator of the CPA.

- 2) The IRSRA shall be organized into such Divisions as necessary and appropriate to carry out its functions. Each Division shall be headed by a Division Manager reporting directly to the Chairman. Prior to transfer of full governance authority to the Iraqi Interim Government, Division Managers will be appointed by the Administrator of the CPA. Following transfer of full governance authority to the Iraqi Interim Government, Division Managers will be appointed by and serve at the pleasure of the Chairman.

Section 5 Budget and Funding

- 1) The IRSRA shall coordinate with the Ministry of Finance regarding its budget.
- 2) Following transfer of full governance authority to the Iraqi Interim Government, resources for staffing and staff training, acquisition and maintenance of facilities and equipment, and inspection costs for IRSRA shall be provided through the national fiscal process and reviewed annually.

Section 6 Salary and Employment Conditions

- 1) The IRSRA shall have the power to hire, employ and discharge personnel in accordance with Iraqi law, as amended by CPA Orders, Regulations, and Memoranda. Such hiring and employment shall be consistent with CPA Order Number 1 and any authorized implementation thereof.
- 2) Salaries of IRSRA personnel shall conform to the salary structure applicable to Iraqi national government employees.

Section 7 Authority and Functions

- 1) The IRSRA is empowered to:
 - a) prepare laws and orders for approval by the Administrator of the CPA governing radioactive sources and activities associated therewith, and radioactive waste disposal. This shall include establishing radiation protection and radiation safety requirements in all areas except those involving long-term

radiological environmental monitoring and cleanup or remediation of the environment;

- b) issue regulations that govern the life cycle management of radioactive sources, as required to provide for public health, safety or security;
- c) define radioactive sources that are excluded from regulatory requirements on the basis of their being not amenable to regulatory control;
- d) establish and promulgate an application procedure and issue licenses (authorizations) for the possession and use of radioactive sources; grant exemptions and maintain appropriate records relating to applications, licenses and exemptions;
- e) define in the regulations and authorizations the specific obligations to be placed on those who possess radioactive sources including, but not limited to the following:
 - i. financial conditions;
 - ii. inventory controls;
 - iii. appropriate radioactive source container markings;
 - iv. appropriate radiological work practices and work area controls;
 - v. use of traceable radioactive source identification markings;
- f) conduct announced and unannounced inspections to assess radiation safety conditions and to assess compliance with applicable regulations and other requirements specified in authorizations to use radioactive sources,
- g) take such action as necessary to enforce compliance with regulatory requirements and authorizations, and to protect the health and safety of workers and the public and to impose sanctions for non-compliance with IRSRA requirements subject to the maximum specified by the Administrator of the CPA or, following transfer of full governance authority, the government of Iraq;
- h) levy fees for authorizations and inspections; all proceeds from fees shall be deposited in the general operating account of the IRSRA;

- i) levy fines for non-compliance with applicable regulations and authorizations; all proceeds from fines shall be deposited in the general operating account of the Ministry of Finance;
 - j) respond to reports of orphan sources and assist in radiological emergencies;
 - k) advise other governmental authorities and organizations on matters within the competence of the IRSRA;
 - l) promote and carry out research on radiation safety issues of regulatory concern;
 - m) maintain contact for information exchange and cooperation with regulatory bodies of other countries and relevant international organizations, most importantly the IAEA; and
 - n) establish appropriate mechanisms to insure substantive public participation in the regulatory process, and to inform the public about the radiation safety aspects of regulated practices.
- 2) Duly authorized officials of the IRSRA and Ministry of the Environment are permitted access to premises and facilities in which radioactive sources are located in order to obtain information about the status of radiation safety and to verify compliance with regulatory requirements.
- 3) The IRSRA is authorized to engage consultants to serve as individual expert advisers or as members of its advisory committees as may be useful and appropriate for the IRSRA to discharge its responsibilities.
- 4) The IRSRA is authorized to communicate directly with CPA authorities, or following transfer of full governance authority, Iraqi government officials, in all cases in which this is considered necessary to exercise effectively the functions of the IRSRA.

Section 8 Prohibitions

Following transfer of full governance authority to the Iraqi Interim Government, no radioactive source activity shall be adopted or introduced, continued or discontinued or ceased, and no radioactive source shall, as applicable, be designed, manufactured, constructed or assembled, acquired, imported or exported, distributed, sold, loaned or hired, possessed, located, commissioned, used and operated, maintained or repaired, transferred or decommissioned, disassembled or transported, stored or disposed of, except in accordance with the requirements established by the IRSRA, unless the

exposure from such activity is excluded from such requirements, or the activity or the source is exempted by the IRSRA from the requirements of the Regulations, including the requirements of notification and authorization.

Section 9 Relation to Other Laws and Organizations

- 1) In the event that other laws governing occupational, public, medical, or environmental protection and safety under the control of other regulatory bodies also address the use of ionizing radiation, the IRSRA and other such regulatory bodies are encouraged to enter into agreements for cooperation and coordination to avoid gaps or overlap in regulatory control while discharging respective responsibilities. If appropriate agreements cannot be developed to the mutual satisfaction of the agencies involved, the issues will be directed to the Administrator of the CPA for resolution.
- 2) A permanent mechanism for information exchange and cooperation shall be established between the IRSRA and Ministry of the Interior, Department of Border Enforcement, to ensure adequate control over radioactive sources entering and leaving the country and proper identification and authorization of the persons importing or receiving and exporting or sending the radioactive sources.
- 3) A permanent mechanism for information exchange, reporting and cooperation shall be established between the IRSRA and appropriate authorities within the Ministry of the Environment to ensure clear delineation of authority and responsibility in accordance with this order and to ensure free flows of information and effective regulation and application of standards for sources of radiation. Such a mechanism shall be established through written agreement signed between the Chairman of IRSRA and the Minister of the Environment.

Section 10 Regulatory Authority

The IRSRA shall adopt such Regulations, not inconsistent with Iraqi law or any CPA Order, Regulation, or Memorandum, as are necessary to carry out the purposes of the IRSRA.

**Section 11
Entry into Force**

This Order shall enter into force on the date of the signature.

A handwritten signature in black ink, appearing to read "L. Paul Bremer", followed by the number "6115104". The signature is written in a cursive, somewhat stylized font.

L. Paul Bremer, Administrator
Coalition Provisional Authority