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**BY-LAWS OF**  
**THE DELAWARE AUTHORITY ON RADIATION PROTECTION**

ARTICLE I. NAME AND LOCATION.

Section 1. Name – The name shall be the Authority on Radiation Protection, hereinafter referred to as “the Authority”.

Section 2. Location – The place of normal business of the Authority shall be within the state of Delaware.

ARTICLE II. PURPOSE, DUTIES AND RESPONSIBILITIES.

Section 1. Purpose – The purpose of the Authority is set forth in Title 16, Section 7404 of the Delaware Code. The Authority is to ensure integrity, accountability and transparency regarding decisions of the Authority which impact the citizens of Delaware.

Section 2. Duties and Responsibilities – The duties and responsibilities of the Authority, as set forth in Title 16, Chapter 74 of the Delaware Code are to:

- (1) Protect the public health and safety to institute and maintain a regulatory program for sources of ionizing radiation so as to provide for (i) compatibility with the standards and regulatory programs of the federal government, (ii) a single, effective system of regulation within the State, and (iii) a system consonant insofar as possible with those of other states;

- 20 (2) Institute and maintain a program to permit development and utilization of  
21 sources of ionizing radiation for peaceful purposes consistent with the health  
22 and safety of the public; and
- 23 (3) Encourage the constructive uses of radiation, and to prohibit and prevent  
24 exposure to ionizing radiation in amounts which are or may be detrimental to  
25 health.

26 ARTICLE III. MEMBERS AND COMPENSATION

27 Section 1. Members – The Authority shall consist of the following members in  
28 accordance with Title 16, Section 7404 of the Delaware Code:

- 29 (1) The Secretary of the Department of Health and Social Services or the  
30 Secretary's duly authorized designee;
- 31 (2) The Secretary of the Department of Natural Resources and Environmental  
32 Control or the Secretary's duly authorized designee;
- 33 (3) The Lead Administrator of the Office of Radiation Control in the Division of  
34 Public Health, Department of Health and Social Services; and
- 35 (4) Twelve (12) other persons who shall be appointed by the Governor for a three  
36 year term, to include:
- 37 a) One (1) appointee from the Medical Society of Delaware;
- 38 b) One (1) appointee from the Delaware State Osteopathic Medical Society;
- 39 c) One (1) appointee from the Delaware State Dental Society;

- 40 d) One (1) appointee from the staff or faculty of the University of Delaware  
41 or Delaware State University;
- 42 e) One (1) appointee that is a non-medical member from industry; and
- 43 f) Seven (7) members of the public who need not fall into any of the other  
44 categories for membership on the Authority, but who have an interest in  
45 radiation protection.

46 Each non-public member shall have had training in one (1) or more of the  
47 following fields: radiology, nuclear medicine, radiation oncology,  
48 radiation physics, health physics or related sciences with specialization in  
49 ionizing radiation, provided however, that not more than two (2) persons  
50 shall be specialists in any one (1) of the above named fields.

51 Section 2. County Representation – Each county shall be represented by at least two  
52 (2) members.

53 Section 3. Public Members - Public members are intended to represent the interests  
54 of the community with respect to applications of peaceful uses of radiation  
55 and the public health. The Authority Nominating Committee will  
56 recommend possible nominees for non-affiliated public members  
57 including officials of private or public health or environmental agencies,  
58 members of other local non-governmental bodies, or persons active in  
59 medical, occupational health, or environmental concerns in the community  
60 for consideration of the full Authority. Other possibilities for non-

61 affiliated public members are teachers from local schools, real estate  
62 agents, members of local churches, charitable organizations or local  
63 support groups. These are people who are often willing to volunteer their  
64 time and who generally have a broad perspective on the communities in  
65 which they live. The determination of qualities in a public member is not  
66 always a straightforward matter, and good judgment is key. However, the  
67 Authority will make every effort to exercise good faith to identify non-  
68 affiliated public member nominees within the criteria provided in these  
69 Bylaws.

70 Section 4. Compensation – No member of the Authority shall receive any salary,  
71 compensation, or emolument for his or her services on behalf of the  
72 Authority.

73 Section 5. Removal of Member from Committee – The Authority, after conferring  
74 with the Delaware Public Integrity Commission, may request the  
75 resignation of any member whose activities it deems inconsistent with the  
76 objectives or purposes of the Authority.

77 Section 6. Resignation – A member of the Authority may resign by submitting  
78 written notice of resignation to the Chair.

79 ARTICLE IV. LEAD ADMINISTRATOR OF THE OFFICE OF RADIATION  
80 CONTROL.

81 The Lead Administrator of the Office of Radiation Control shall have the following  
82 duties and responsibilities as it pertains to the Authority:

- 83 (1) Issue meeting notices and agendas;
- 84 (2) Keep minutes of all meetings of the Authority, maintain those minutes as a  
85 history of the meetings of the Authority and distribute the minutes to members  
86 of the Authority prior to the next meeting;
- 87 (3) Assist the Chairperson in the preparation of the agenda for meetings;
- 88 (4) Keep a current roster of members of the Authority and any other records  
89 related to the history or duties of the Authority;
- 90 (5) Report on radiation control program activities and answer questions;
- 91 (6) Conduct the general correspondence of the Authority;
- 92 (7) Prepare position papers, regulatory amendment documents, or other  
93 official documents generated by the Authority; and
- 94 (8) Perform any other duties delegated by the Secretary of the Department of  
95 Health and Social Services.

96 ARTICLE V. OFFICERS.

97 Section 1. Chair and Vice-Chair – The officers of the Authority shall be a Chair and  
98 a Vice-Chair.

99 Section 2. Duties and Responsibilities – The duties and responsibilities of the Chair  
100 and Vice-Chair shall be as follows:

101           (1)     Chair – The Chair shall preside at all meetings of the Authority except the  
102                     Chair may designate another member to preside at a particular meeting or at a  
103                     certain part of a meeting. In addition to the statutory, biennial requirement,  
104                     the Chair may lead periodic review of the Authority by-laws. The Chair may  
105                     also lead public hearings, and issue approval of regulations amended or  
106                     promulgated by the Authority, as needed. The Chair shall perform such other  
107                     duties as the Authority, from time to time, shall designate.

108           (2)     Vice-Chair – In the absence of the Chair, the Vice-Chair shall have all of  
109                     the duties and responsibilities of the Chair. The Vice-Chair shall perform  
110                     such other duties as the Authority, from time to time, shall designate.

111   Section 3.     Term – The term of office of the Chair and Vice-Chair shall be for one (1)  
112   year and shall begin at the close of the Authority meeting at which they are elected.

113   Section 4.     Election of Officers – The Chair and Vice-Chair shall be elected by the  
114   Authority at the 4<sup>th</sup> meeting of the year. Before the 3<sup>rd</sup> meeting of the year, a committee  
115   of at least three (3) members whose duty it shall be to nominate candidates for the offices  
116   to be filled at the annual meeting shall be convened. The Chair may not serve as a voting  
117   member at meetings of the nominating committee. Before the election, additional  
118   nominations, if any, shall be accepted from the floor.

119   Section 5.     Vacancies – A vacancy in the office of Chair shall be filled by the  
120   advancement of the Vice-Chair, until such time as the Authority can convene to elect a  
121   new Chair.

122 Section 6. Removal from Office – The Chair or Vice-Chair may be removed from  
123 office for cause by a two-thirds vote of the members present at any meeting of the  
124 Authority, after notice of the meeting and agenda has been distributed to the membership.

125 ARTICLE VI. MEETINGS

126 Section 1. Regular Meetings – The Authority shall hold four (4) regular meetings  
127 each calendar year and will hold its election of officers at the 4<sup>th</sup> meeting of the year.

128 Section 2. Special Meetings – The Authority may, and upon written request of a  
129 majority of the members shall, call special meetings at such times and places as may be  
130 determined.

131 Section 3. Notice – Notices of meetings of the Authority on Radiation Protection  
132 shall be distributed to the membership prior to the meeting and shall be posted to the  
133 State Public Meetings webpage at least ten days prior to the meeting date. In addition,  
134 pursuant to Title 29, Section 10004(e)(2) of the Delaware Code, the Authority shall pre-  
135 announce or pre-publish all Executive Sessions; however, such agenda shall be subject to  
136 change to include additional items which arise at the time of the Authority’s regular  
137 meeting.

138 Section 4. Quorum – At all meetings of the Authority a majority of the members  
139 shall constitute a quorum, and the act of the majority of the Authority members  
140 present at any meetings at which there is a quorum shall be the act of the Authority,  
141 except as may be otherwise provided by statute or by these Bylaws. If at any meeting  
142 there is less than a quorum present, official business cannot be performed.

143 Section 5. Voting – Each member of the Authority shall have one (1) vote on matters  
144 brought before the Authority except when the member has a conflict of interest. The  
145 disqualification of a member from voting shall not affect the quorum. All matters shall  
146 be decided by a majority of the members present and voting.

147 Section 6. Conflict of Interest – Members of the Authority shall comply with the  
148 State Ethics Code – Title 29, Chapter 58 of the Delaware Code. A member may not  
149 participate in the review or disposition of any matter in which the member has a conflict  
150 of interest except to respond to questions from another member or any other person with  
151 official responsibility with respect to that matter. A member shall declare the conflict of  
152 interest at the earliest practicable time after learning of such conflict.

153 Section 7. Parliamentary procedure – Parliamentary procedures at all meetings of the  
154 Authority shall be in accordance with the current version of Robert’s Rules of Order  
155 Newly Revised.

156 ARTICLE VII. COMMITTEES

157 With the advice of the Authority members, the Chair shall appoint ad hoc committees to  
158 carry out specific tasks, and may select members from the Authority membership and/or  
159 the community at large to serve on such committees. Ad hoc committee members  
160 selected from the community at large will serve on a voluntary basis and will not have  
161 voting privileges on matters before the Authority. Upon selection of an ad hoc  
162 committee member who is not a member of the Authority, the Chairperson shall notify  
163 the Secretary of the Department of Health & Social Services or the Secretary’s



164 designated representative. The Chair shall be an ex-officio member of all ad hoc  
165 committees and shall be responsible for their task completions. Committee chairpersons  
166 shall be appointed by the Chair of the Authority, and the tasks and products of any such  
167 committee shall be defined by the Chair of the Authority with specific dates established  
168 for reports to the full Authority membership.

169 ARTICLE VIII. AMENDMENT OF BYLAWS These bylaws may be altered,  
170 amended, or repealed and new bylaws may be adopted by a majority (quorum) of the  
171 Authority Members present at any regular or special meeting, provided that no such  
172 action in any way conflicts with the statutory obligations of the Authority, as stated in  
173 Title 16, Chapter 74 of the Delaware Code and provided that written notice shall have  
174 been sent to each member. Such notice shall describe, at least in general terms, the  
175 alterations, amendments, or changes which are proposed to be made to the Bylaws.  
176 Whenever these Bylaws or a provision of these Bylaws is found to conflict with  
177 Delaware law, such provision shall be deemed invalid without affecting the remainder of  
178 the Bylaws.