



Iowa Department of Public Health

Thomas J. Vilsack
Governor

Sally J. Pederson
Lt. Governor

Mary Mincer Hansen, R.N., Ph.D.
Director

January 31, 2006

Janet R. Schlueter, Director
Office of State and Tribal Programs
Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike, 3rd Floor
Rockville, MD 20852

STP
05 FEB - 2 PM 3:21

RE: "Increased Controls for Certain Radioactive Materials (IC's)"

Dear Ms. ^{Janet} Schlueter:

The purpose of this correspondence is to ask for your assistance. It seems to us that there are some areas of confusion surrounding the specific applicability of the "Increased Controls for Certain Radioactive Materials (IC's)." Questions about including portable gauge licensees--during the classes in Albuquerque, in some conference calls, and in e-mail correspondence--indicate to us a lack of understanding of this applicability or non-clarity in the terms used in discussing the IC's. We would like your assistance in resolving this apparent confusion or lack of knowledge to forestall any future IMPEP or compatibility issues. One method of assistance, which is perfectly acceptable, is an indication that this concern is isolated to our program in Iowa and is not an issue for any other Agreement State or the NRC.

It is possible that this issue stems from the programmatic jargon used to describe more than one area in radiation control. For example, to many people in Agreement States, the term "Groups" refers to categories of licensees. Using this term; i.e., Groups I-IV, in conjunction with implementing the IC's, has lead to confusing conversations debating whether or not portable gauge licensees are subject to them. According to the IC's themselves and to the IAEA Code of Conduct, these controls apply to licensees who possess certain isotopes in quantities greater than specified activities. The IC's, then, refer to "aggregated" amounts isotopes and not categories of licenses. In this light, the discussion of applicability to portable gauges becomes irrelevant.

Promoting and protecting the health of Iowans

Lucas State Office Building, 321 E. 12th Street, Des Moines, IA 50319-0075 • 515-281-7689 • www.idph.state.ia.us
DEAF RELAY (Hearing or Speech Impaired) 711 or 1 800-735-2942

SISP Review Complete

RIDS: SPD3

STP-006 Y complete

Janet R. Schlueter, Director
January 31, 2006
Page 2 of 3 pages

In addition to the confusing conversations, some individuals have offered "interpretations of what the Commission meant." Although these interpretations were consistent with the applicability of the IC's, they did nothing in relieving the misconceptions. Furthermore, Agreement States can not function on interpretations. These have a habit of becoming requirements during IMPEP reviews. It would be disadvantageous to both NRC and the Agreement States for conflict to generate over interpretations.

Our concern lies not in the here and now, during the implementation of the IC's, but rather in the future, during the day-to-day routine of administering the IC's. Implementing the IC's, as noted by many in both NRC and the Agreement States, is one of the greatest examples of cooperation between the two groups. We hope that this cooperation will not fall by the wayside because of unclear and confusing jargon.

We ask you to re-affirm, in some published venue applicable both to the Agreement States and the NRC, the exact, in the written word of the Commission, applicability of the IC's. We suspect that this action will preclude many needless conversations and allow everyone to proceed with both the implementation and administration of these important controls.

Sincerely,



Donald A. Flater, Chief
Iowa Bureau of Radiological Health
515/281-3478-Office
515-281-4529-Fax
dflater@idph.state.ia.us

DAF/rk

cc: L. Bolling/NRC
J. Lynch/NRC Region III
All State Radiation Control Programs/CRCPD