



Iowa Department of Public Health
Protecting and Improving the Health of Iowans

Gerd W. Clabaugh, MPA
Director

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Governor

Adam Gregg
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November 16, 2017

Kevin Williams, Deputy Director
Division of Material Safety, State, Tribal and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Williams:

Enclosed is a copy of the **proposed** revisions to the State of Iowa Radiological Health Rules, Iowa Administrative Code (IAC) 641-37(136C) Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material; 641-38(136C) General Provisions for Radiation Machines and Radioactive Materials, 641-39(136C) Licensure of Radioactive Materials, 641-40(136C) Standards for Protection Against Radiation, 641-41(136C) Use of Radionuclides in the Healing Arts, and 641-45(136C) Radiation Safety Requirements for Industrial Radiographic Operations. The proposed revisions will be made available for public comment on January 17, 2018 with a request for comments by February 6, 2018. We request NRC comments by January 26, 2018. The proposed regulations are identified by line-in/line-out text and correspond to the following equivalent amendments to NRC regulations.

These revisions are intended to incorporate RATS ID 2015-2, 2015-3, 2015-4, 2015-5 and comments from the letter dated March 12, 2015 from Pamela J. Henderson to Angela Leek into the Iowa Administrative Code. Please note that only compatibility categories A, B, C, and H&S were considered for these revisions. Several changes in RATS ID 2015-2, 2015-4 and 2015-5 required no change to Iowa rules.

NO ASSOCIATED RATS ID

| <u>ITEM</u> | <u>NRC 10 CFR PART</u> | <u>State Sections</u> |
|-------------|------------------------|-----------------------|
| 1 | N/A | 37.1(4) |
| 4 | 37.41(a)(3) | 37.41(1) "c" |
| 7 | N/A | 38.1(2) |
| 8 | 35.92(a) | 38.2 |
| 9 | N/A | 38.8(8) "b" |
| 10 | N/A | 39.1(3) |
| 12 | N/A | 40.1(5) |
| 14 | N/A | 41.1(1) "b" |
| 15 | N/A | 41.2(1) "b" |
| 16 | N/A | 45.1(1) "b" |

| <u>ITEM</u> | <u>RATS ID</u> | <u>NRC 10 CFR PART</u> | <u>State Sections</u> |
|-------------------------|--|-------------------------------|---|
| 3 | 2015-2 | 37.29(a)(10) | 37.29(1) "j" |
| No change to Iowa Rules | 2015-2 | 37.43(d)(1) | 37.43(4) "a" |
| 6 | 2015-2 | 37.77(f) | 37.77(1) "f" |
| No change to Iowa Rules | 2015-4 | 37.23(b)(2) | 37.23(2) "b" |
| 11 | 2015-4 | 40.61(a)(2) | 39.4(52) "a" |
| No change to Iowa Rules | 2015-5 | 19.17(a) | 40.116(1) |
| No change to Iowa Rules | 2015-5 | 20.1007 | 38.7(1) |
| 13 | 2015-5 | Part 20 Appendix G | Chapter 40 Appendix D |
| 2 | 2015-5 | 37.27(c)(1) | 37.27(3) "a" |
| 5 | 2015-5 | 37.77(a)(1) | 37.77(1) "a" (1) |
| N/A | 2015-5 | 61.7(c) | Iowa is not authorized to license for land disposal |
| N/A | 2015-5 | 71.4 71.97(c)(3)(ii) | 39.5 |
| 17 | Comment 2 & 3 from March 12, 2015 letter | 34.3 | 45.1(2) |
| 22 | Comment 4 from March 12, 2015 letter | 34.35 | 45.3(3) "a" (1) |
| 20 | Comment 6 from March 12, 2015 letter | 34.43(d) | 45.1(10) "d" (3)(13) |
| 19 | Comment 7 from March 12, 2015 letter | 34.43(c) | 45.1(10) "a" (1) |
| 23 | Comment 8 from March 12, 2015 letter | 34.45(a)(7) | 45.3(6) "a" (10) |
| 24 | Comment 10 from March 12, 2015 letter | 34.49 | 45.3(7) "c" (3) |
| 18 | Comment 11 from March 12, 2015 letter | 34.63 | 45.1(4) |
| 21 | Comment 12 from March 12, 2015 letter | 34.79 | 45.1(10) "c" |
| N/A | 2015-3 | All | 39.5 |

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We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200.

The IAC rules may be found at <https://idph.iowa.gov/radiological-health>.

Please note that we have not addressed comments 1, 5 and 9 contained in the letter dated March 12, 2015 from Pamela J. Henderson to Angela Leek. The state of Iowa continues to believe that our more restrictive rules requiring industrial radiographer trainers and trainees to be issued cards does not impose an undue burden on licensees and provides increased confidence that health and safety of the public is protected by requiring trainees (radiographer assistants) to work only under individuals who have worked independently for at least one year. Iowa will be petitioning the Nuclear Regulatory Commission to change the compatibility category for 10 CFR Part 34.3, 10 CFR Part 34.41 and 10 CFR Part 34.46 from a B to a C.

If you have any questions, please feel free to contact me or Randal S. Dahlin of my staff at 515-281-0419 or randal.dahlin@idph.iowa.gov.

Sincerely,



Angela Leek, Chief
Bureau of Radiological Health
(515) 281-3478
angela.leek@idph.iowa.gov

RSD/rd

cc: Michelle Beardsley, State Regulation Review Coordinator