

March 21, 2000

Donald A. Flater, Chief
Bureau of Radiological Health
Iowa Department of Public Health
Lucas State Office Building
Des Moines, IA 50319

Dear Mr. Flater:

As requested, we have reviewed the proposed regulations in the Iowa Public Health Department, Notice of Intended Action, which we received on December 21, 1999. The 12 proposed regulations evaluated are identified in the enclosed Regulations Assessment Tracking System (RATS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 20, 30, 34, 35, 71 and 150. We also discussed our review of the regulations with Dan McGhee on February 22, 2000.

As a result of the NRC review we have identified two comments, as enclosed. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted incorporating the comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of State Programs (OSP) Procedure SA-200.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in OSP Procedure SA-201, Review of State Regulations (November 10, 1999), please highlight the final changes and send one copy in a computer readable format, if possible.

We have also summarized on the RATS Data Sheet our knowledge of the status of other Iowa regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Jim Lynch at (630) 829-9661 or JLL2@NRC.GOV.

Sincerely,

/RA/

Frederick C. Combs, Deputy Director
Office of State Programs

Enclosures:
As stated

Distribution:

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Response to Incoming Document: ML003692594

DOCUMENT NAME: C:\ia1299.wpd

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| OFFICE | RIII | OSP | OGC | OSP:DD | | |
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| NAME | JLLynch:gd | SNSalomon | STreby | FCombs | | |
| DATE | 02/24/00 | 03/13/00 | 03/20/00 | 03/13/00 | | |

OSP FILE CODE: SP-AG-9

COMMENTS ON PROPOSED IOWA REGULATIONS
AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES

| State Regulation | NRC Regulation | RATS ID | Category | Subject and Comments |
|------------------|----------------|---------|----------|---|
| 45.1(10)"g" | 34.43(a)(1) | 1997-5 | B | <p>Industrial Radiography Training</p> <p>The proposed modification of 45.1(10)"g" adds a sentence..."Certification by a certifying entity in accordance with 10 CFR 34.43(a)(1) meets the examination requirements of 45.1(10)"f"(2) but not the requirements of 45.1(10)"b"(1)."</p> <p>10 CFR 34.43 allows certification of an individual applicant only in accordance with the criteria in 10 CFR 34 Appendix A. That criteria is equivalent to training requirements in 45.1(10)"b"(1), so this proposed regulation change is not necessary.</p> <p>The proposed regulation change should be deleted to meet the compatibility category.</p> |
| 38.2 | 20.1003 | 1997-6 | A | <p>Definitions</p> <p>"Residual Radioactivity" definition is missing one line from the third sentence: "...routine or accidental releases of..."</p> <p>The phrase should be included to meet the compatibility category.</p> |

**REGULATION ASSESSMENT TRACKING SYSTEM
RATS DATA SHEET**

State: Iowa

Tracking Ticket Number: 0-66

[12 final amendments (date TBD by IOWA) identified by★]

Date: March 21, 2000

| NRC Chronology Identification | FR Notice (State Due Date) | RATS ID | Proposed/ Final- Comment (Y/N)¹ | NRC Review Date | Final State Regulation² (Effective Date) |
|--|---|--------------------|---|--------------------------------|--|
| Standards for Protection Against Radiation-Part 20 | 56 FR 23360 plus others (1/1/94) | 1991-3 | F-N | 11/6/97 | 10/9/96 |
| Safety Requirements for Radiographic Equipment-Part 34 | 55 FR 843 (1/10/94) | 1991-1 | | | |
| ASNT Certification of Radiographers-Part 34 | 56 FR 11504 (none) | 1991-2 | | | Not required ³ |
| Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70 | 56 FR 64980 (10/15/94) | 1991-4 | | | |
| Quality Management Program and Misadministrations- Part 35 | 56 FR 34104 (1/27/95) | 1992-1 | | | |
| Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30, 35 | 57 FR 45566 (none) | 1992-2 | | | Not required ³ |
| Licensing and Radiation Safety Requirements for Irradiators-Part 36 | 58 FR 7715 (7/1/96) | 1993-2 | | | Not applicable SECY-95-112 |
| Definition of Land Disposal and Waste Site QA Program- Part 61 | 58 FR 33886 (7/22/96) | 1993-3 | | | Not applicable SECY-95-112 |
| Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40 | 58 FR 39628 (10/25/96) | 1993-1 | | | |
| Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70 | 58 FR 68726 59 FR 1618 (none) | 1994-1 | | | Not required ³ |
| Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40 | 59 FR 28220 (7/1/97) | 1994-2 | | | Not applicable |
| Timeliness in Decommissioning Material Facilities- Parts 30, 40, 70 | 59 FR 36026 (8/15/97) | 1994-3 | | | |
| ★Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35 | 59 FR 61767 59 FR 65243 60 FR 322 (1/1/98) | 1995-1 | F-Y P-N | 1/14/00 3/21/00 | |
| Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20 | 60 FR 7900 (3/13/98) | 1995-2 | F-N | 1/14/00 | |
| Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61 | 60 FR 15649 60 FR 25983 (3/1/98) | 1995-3 | F-Y | 1/14/00 | |
| ★Performance Requirements for Radiography Equipment- Part 34 | 60 FR 28323 (6/30/98) | 1995-4 | F-Y P-N | 1/14/00 3/21/00 | |
| Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20 | 60 FR 36038 (8/14/98) | 1995-5 | F-N | 1/14/00 | |
| Clarification of Decommissioning Funding Requirements- Parts 30, 40, 70 | 60 FR 38235 (11/24/98) | 1995-6 | F-N | 1/14/00 | |
| Medical Administration of Radiation and Radioactive Materials-Parts 20, 35 | 60 FR 48623 (10/20/98) | 1995-7 | F-N | 1/14/00 | |
| ★10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71 | 60 FR 50248 61 FR 28724 (4/1/99) | 1996-1 | P-N | 3/21/00 | |

| NRC Chronology Identification | FR Notice (State Due Date) | RATS ID | Proposed/ Final-Comment (Y/N)¹ | NRC Review Date | Final State Regulation² (Effective Date) |
|--|---------------------------------------|----------------|--|------------------------|--|
| One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70 | 61 FR 1109 (none) | 1996-2 | | | Not required ³ |
| Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70 | 61 FR 24669 (6/17/99) | 1996-3 | F-N | 1/14/00 | |
| Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20 | 61 FR 65119 (1/9/00) | 1997-1 | F-N | 1/14/00 | |
| ★Fissile Material Shipments and Exemptions-Part 71 | 62 FR 5907 (none) | 1997-4 | P-N | 3/21/00 | Not required ³ |
| Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150 | 62 FR 1662 (2/27/00) | 1997-2 | | | |
| ★Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35 | 62 FR 4120 (5/29/00) | 1997-3 | F-Y P-N | 1/14/00 3/21/00 | |
| ★Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150 | 62 FR 28948 (6/27/00) | 1997-5 | P-Y | 3/21/00 | |
| ★Radiological Criteria for License Termination-Parts 20, 30, 40, 70 | 62 FR 39057 (8/20/00) | 1997-6 | F-Y P-Y | 1/14/00 3/21/00 | |
| Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30 | 62 FR 63634 (1/2/01) | 1997-7 | F-N | 1/14/00 | |
| ★Deliberate Misconduct by Unlicensed Persons- Parts 30, 40, 61, 70, 150 | 63 FR 1890 63 FR 13773 (2/12/01) | 1998-1 | P-N | 3/21/00 | |
| ★Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70 | 63 FR 29535 (none) | 1998-2 | P-N | 3/21/00 | Not required ³ |
| License Term for Medical use Licenses-Part35 | 63 FR 31604 (none) | | | | Not required ³ |
| ★Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34 | 63 FR 37059 (7/9/01) | 1998-4 | P-Y | 3/21/00 | |
| ★Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36 | 63 FR 39347 63 FR 45393 (10/26/01) | 1998-5 | P-N | 3/21/00 | |
| ★Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20 | 63 FR 50127 (11/20/01) | 1998-6 | P-N | 3/21/00 | |
| Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40 | 64 FR 17506 (6/11/02) | 1999-1 | | | Not applicable |
| Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31 | 64 FR 42269 (none) | 1999-2 | | | Not required ³ |
| Respiratory Protection and Controls to Restrict Internal Exposure-Part 20 | 64 FR 54543 64 FR 55525 (2/2/03) | 1999-3 | | | |

1. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address. N means "No," there are no comments in the review letter.
2. Or other generic Legally Binding Requirement.
3. Not required means these regulations are not required for purposes of compatibility.