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Iowa Department of Public Health
Advancing Health Through the Generations

Chester J. Culver
Governor

Patty Judge
Lt. Governor

Thomas Newton, MPP, REHS
Director

May 14, 2007

Scott W. Moore, Deputy Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Moore:

Enclosed is a copy of the proposed revision to the Iowa Radiation Machines and Radioactive Materials Rules. The proposed rules will be available for public comment after June 1, 2007, with a request for comments by June 26, 2007. We request NRC's comments by June 26, 2007. Proposed revisions are identified by item number and underlined/strikeout text.

Item 7 adds a definition, Category D, from 10CFR35.2.

Item 8 rescinds a rule that is duplicated elsewhere.

Items 10 and 11 are amended to meet compatibility H&S for 10CFR35.643.

Item 13 corrects the reference to require adherence to 10 CFR 35.57 as per the NRC letter dated February 23, 2007.

Item 14 rescinds this rule as per the NRC letter dated February 23, 2007.

Items 9, 12, 15, 13 and 16 correct a reference.

Item 17 rescinds a rule that is outdated and now covered under 41.2(78).

Item 36 clarifies language.

We believe adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) procedure SA-200 except for number 1 above.

If you have any questions, please feel free to contact me or Dan McGhee at 515-281-0411.

Sincerely,

Charlene Craig
Bureau of Radiological Health
515-281-0415; email: ccraig@idph.state.ia.us

cc: Jim Lynch, Region 3
Kathleen Schneider, State Regulation Review Coordinator

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 136C.3, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 38, "General Provisions for Radiation Machines and Radioactive Materials," Chapter 39, "Registration of Radiation Machine Facilities, Licensure of Radioactive Materials and Transportation of Radioactive Materials," Chapter 41, "Safety Requirements for the Use of Radiation Machine and Certain Uses of Radioactive Materials"; Chapter 42, "Minimum Certification Standards for Diagnostic Radiographers, Nuclear Medicine Technologists, and Radiation Therapists," Chapter 45, "Radiation Safety Requirements for Industrial Radiographic Operations," and Chapter 46, "Minimum Requirements for Tanning Facilities," Iowa Administrative Code.

The following paragraphs itemize the proposed changes.

Item 3 corrects language to cover all entities possessing radioactive materials or machines that might need surveillance activities

Item 7 adds a definition required to meet Nuclear Regulatory Commission compatibility.

Items 8, 14, and 17 rescind a subrule that is no longer in effect.

Items 9, 12, 13, 15, 16, and 18 correct references.

Items 10 and 11 change language in order to meet Nuclear Regulatory Commission compatibility.

Item 36 add language to clarify who is qualified as a trainer of industrial radiographers.

These rules are subject to waiver pursuant to the Department's exemption provision contained at 641—38.3(136C). For this reason, the Department has not provided a specific provision for waiver of these particular rules.

Any interested person may make written suggestions or comments on these proposed amendments prior to the close of business on June 26, 2007. Such written materials should be directed to Chief of Bureau of Radiological Health, Iowa Department of Public Health, Lucas State Office Building, 5th Floor, 321 East 12th Street, Des Moines, Iowa 50319; fax (515)281-4529; or E-mail ccraig@idph.state.ia.us.

A public hearing will be held on June 26, 2007, at 8:30 a.m. in the fifth floor Conference Room #523, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who plans to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department to advise of specific needs.

These amendments are intended to implement Iowa Code chapters 136C, and 136D.

The following amendments are proposed.

ITEM 7. Amend subrule **41.2(2)**, definitions, by adopting **new** definition in order:

"Unit dosage" means a dosage prepared for medical use for administration as a single dosage to a patient or human research subject without any further manipulation of the dosage after it is initially prepared.

ITEM 8. Rescind and reserve subrule 41.2(18), paragraph "g."

ITEM 9. Amend subrule **41.2(59)**, paragraph "a," subparagraph (7), as follows:

(7) A licensee shall retain a copy of the procedures required by ~~41.2(59)"b"~~ **41.2(59)"a"(2)** until the licensee no longer possesses the teletherapy unit.

ITEM 10. Amend subrule **41.2(59)**, paragraph "b," subparagraph (6), as follows:

(6) A licensee shall retain a record for three years of each spot check required in ~~41.2(59)"b"(4) and a copy of the procedures required by 41.2(59)"b"(2)~~. The record must include:

ITEM 11. Amend subrule **41.2(59)**, paragraph "c," subparagraph (7), as follows:

(7) A licensee shall retain a record for three years of each spot check required by ~~41.2(59)"c"(3) and (4) and a copy of the procedures required in 41.2(59)"c"(2)~~. The record must include:

ITEM 12. Amend subrule **41.2(65)**, the introductory paragraph, as follows:
41.2(65) Training for radiation safety officer. Except as provided in ~~41.2(66)~~ 41.2(75), the licensee shall require an individual fulfilling the responsibilities of the radiation safety officer as provided in 41.2(8) to be an individual who:

ITEM 13. Amend subrule **41.2(68)**, the introductory paragraph, as follows:
41.2(68) Training for imaging and localization studies. Except as provided in ~~41.2(76)~~ 41.2(75), the licensee shall require the authorized user of unsealed radioactive material specified in 41.2(33) to be a physician who:

ITEM 14. Rescind and reserve subrule 41.2(76).

ITEM 15. Amend subrule **41.2(77)**, as follows:
41.2(77) Recentness of training. The training and experience specified in 41.2(65) to ~~41.2(79)~~ 41.2(78) and 41.2(81), 41.2(82), and 41.2(89) shall have been obtained within the seven years preceding the date of application or the individual shall have had related continuing education and continuing applicable experience since the required training and experience were completed.

ITEM 16. Amend subrule **41.2(78)**, the introductory paragraph, as follows:
41.2(78) Training for an authorized nuclear pharmacist. Except as provided in ~~41.2(79)~~ 41.2(75), the licensee shall require the authorized nuclear pharmacist to be a pharmacist who:

ITEM 17. Rescind and reserve subrule 41.2(79).

ITEM 36. Amend subrule **45.1(10)**, paragraph "c," subparagraph (2), as follows:
(2) Has one year of documented experience as an industrial radiographer and possesses a current I.D. card issued at least one year prior to the application for a trainer card, and