



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

Mariannette Miller-Meeks, B.S.N., M.Ed., M.D.
Director

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

December 18, 2013

Pamela J. Henderson, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Ms. Henderson:

The State of Iowa radioactive materials program (RAM) staff has reviewed RATS ID 2011-2 and RATS ID 2012-2 for potential impact on Iowa Administrative Code (IAC) rules. We have determined that these change packages do not impact the State of Iowa for the following reasons:

- In the Agreement between the U.S. Nuclear Regulatory Commission (NRC) and the State of Iowa dated December 11, 1985, the NRC did not discontinue the regulatory authority for byproduct material as defined in section 11e.(2) of the Atomic Energy Act of 1954, as amended.
- Iowa does not have, nor do we expect to have, any specifically licensed irradiators (10 CFR Part 36) or well logging companies (10 CFR Part 39) that would require changes to the licensing requirements in IAC rules. The State of Iowa does have regulatory authority under the agreement with the NRC to regulate byproduct material as defined in section 11e.(1) of the Atomic Energy Act of 1954, as amended. IAC 641-39.1(2) states that “No person shall receive, possess, use, transfer, own, or acquire radioactive material except as authorized in a specific or general license issued pursuant to this chapter or as otherwise provided in these rules”.
- Iowa transportation rules are found in IAC 641-39.5(136C). These rules require in part that all persons who transport radioactive materials comply with the provisions contained in 10 CFR Part 71. The link to IAC 641-39(136C) is shown below.

RAM staff has also reviewed RATS ID 2012-1 which changes the compatibility designation of 10 CFR 31.5 and 31.6 from compatibility category B to compatibility category C. The State of Iowa believes we are in full compliance and compatible with the applicable regulations. In 2007 a change was made to IAC 641-39.4(22) “d” (3) “13”, previously approved by the NRC, which made the State rules more restrictive than the NRC regulation found in 10 CFR 31.5(c)(13)(i). This was noted by the NRC in letters to the State dated July 7, 2008, July 20, 2007, and February 23, 2007. With the change in compatibility category from B to C, we feel that we are fully compatible. The corresponding IAC rules to 10 CFR 31.5 and 31.6 are found in IAC 641-39.4(22) “d” and 39.4(22) “d” (5). The link to IAC 641-39(136C) is shown below.

<https://www.legis.iowa.gov/docs/ACO/IAC/LINC/08-11-2010.Chapter.641.39.pdf>

Page 2

Ms. Pamela J. Henderson, Deputy Director
U. S. Nuclear Regulatory Commission
December 18, 2013

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,

A handwritten signature in black ink, appearing to read "Angela E. Leek", with a long horizontal flourish extending to the right.

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

AEL/rd

cc: Kathleen Schneider