



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

February 8, 1993

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

Dear Mr. Flater:

We have reviewed the draft of the rules in proposed new Chapter 45 of Title 641 of the Iowa Administrative Code, which you submitted. These proposed rules adopt revised standards for Industrial Radiography using radioactive materials ("agreement materials") subject to the agreement between the Nuclear Regulatory Commission and the State of Iowa. The proposed rules also cover non-agreement materials and machine radiation sources. Our comments in these latter cases are editorial only.

The rules were reviewed in comparison to the equivalent Suggested State Regulations and the NRC regulations in 10 CFR Part 34. Most of the NRC regulations in 10 CFR Part 34 are Division 2 compatibility requirements, except for the definitions in 34.2 which are Division 1. There are two Division 1 comments regarding the definitions of "radiographer" and "sealed source," and one Division 2 comment regarding the safety requirements for equipment manufactured after January 10, 1992. These, along with several editorial comments, are attached.

The rule pertaining to radiographer certification was compared to the draft of the NRC certification rule, as sent to the Agreement States in the All Agreement States letter SP-92-139 dated September 10, 1992. Since this document is only a working draft, there is no requirement for compatibility. We note, however, that there are significant differences between the draft NRC rule and your rule. You may wish to address these differences in comments to NRC on the proposed NRC rules.

If you have any questions regarding this correspondence, please contact me at (708) 790-5669.

Sincerely,

James L. Lynch
James L. Lynch
State Agreements Officer

Attachment: As stated
cc w/attachment:

A. B. Davis, RIII
H. Miller, RIII
V. Miller, OSP
C. Maupin, OSP
D. Blanton, OSP

9306250260 930503
PDR COMMS NRCC
CORRESPONDENCE PDR

REVIEW OF IOWA PROPOSED RULES

on

INDUSTRIAL RADIOGRAPHY

<u>Rule Number</u>	<u>Division</u>	<u>Comment</u>
45.1(2) - "Radiographer"	1	The definition does not contain the concept that a radiographer is an individual who is responsible to the licensee for assuring compliance with the requirements of the regulations and license conditions. The definition of "radiographer" in SSR Section E.3 should be used instead.
45.1(2) - "Sealed source"	1	Remove the words "or matrix."
45.1(3)"a"	ed	Add the word "are" after the word "individuals" in the second line.
45.1(10)"b"(2) 45.1(10)"b"(3)	ed	The text of these subsections should start with the word "unless."
45.1(12)"b"(6)	ed	The word "to" should be inserted after the word "assigned."
45.1(16)	ed	This section has a subsection "a" but no subsection "b." It is not clear whether this numbering is a matter of style, or if the text of an intended subsection "b" is missing. This also occurs in other sections of the rules.
45.2(6)"b"(3)	ed	Add the word "and" after the word "conducted."
45.3(1)"a"(2) 45.3(4)"e"	2	These rules require industrial radiography equipment <u>used</u> after January 10, 1992, to meet the new safety requirements. They are more restrictive than the NRC or SSR rules which require only equipment <u>manufactured</u> after that date to meet the rule. Since suitable equipment may not be available to all licensees, enforcement of the state rules may be difficult.
45.3(2)"a"	ed	It appears that the reference to 45.3(6) <u>Operating and Emergency Procedures</u> may be incorrect and that 45.1(14) <u>Access control</u> is the intended reference.
45.3(3)"b"	ed	It appears that the reference to 45.1(15) should be to 45.3(3)"c". See SSR part E.103(b) and (c).

45.3(4)"a"	ed	The second sentence, which starts with the words "This publication ...", is a notice which the NRC must place in its rule. It may not be meaningful to include the statement in a state rule.
45.3(6)"a"(1)	ed	The chapter number of the chapter referenced was omitted.
45.3(7)"c"(3)	ed	This statement is incomplete, there appears to be text missing.
45.3(8)"b"	ed	This statement is incomplete, there appears to be text missing.