



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

December 20, 2017

Angela Leek, Chief  
Bureau of Radiological Health  
Iowa Department of Public Health  
Lucas State Office Building, 5<sup>th</sup> Floor  
321 East 12<sup>th</sup> Street  
Des Moines, IA 50319-0075

Dear Ms. Leek:

We have reviewed the proposed revisions to the Iowa regulations in the Iowa Administrative Code received by our office on November 14, 2017. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2015-2, 2015-3, 2015-4 and 2015-5; and Revised Final Regulations to 10 CFR Part 34 provisions not associated with a RATS ID, as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Randal Dahlin on December 18, 2017.

As a result of our review, we have five comments that have been identified in the enclosure. 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 the Iowa regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final Iowa regulations. However, we have determined that if your proposed regulations were adopted, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

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 NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS.

The SRS Data Sheet summarizes our knowledge of the status of other Iowa regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

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 Michelle Beardsley, State Regulation Review Coordinator, at (267) 884-2305 ([Michelle.Beardsley@nrc.gov](mailto:Michelle.Beardsley@nrc.gov)) or Jim Lynch at (630) 829-9661 ([James.Lynch@nrc.gov](mailto:James.Lynch@nrc.gov)).

Sincerely,

**/RA/  
PMichalaks for KWilliams**

Kevin Williams, Deputy Director  
Division of Material Safety, State, Tribal  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:

1. Compatibility Comments
2. Iowa SRS Data Sheet

**COMPATIBILITY COMMENTS ON IOWA PROPOSED REGULATIONS**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	39.5	Part 71	2015-3	Various	<p><b>Packaging and Transportation of Radioactive Material</b></p> <p>Iowa adopted 10 CFR Part 71 by reference but did not identify exemptions for areas that remain under NRC jurisdiction, and for references that need to be changed from NRC to the State.</p> <p>Iowa needs to list exemptions in 39.5 as indicated above to meet the various Compatibility Category designations assigned to 10 CFR Part 71.</p>
2	45.1(2)	34.3	N/A	B	<p><b>Definitions: Radiographer's assistant</b></p> <p>Iowa's rule requires direct supervision by a radiographer trainer (instructor) rather than by a radiographer. This requirement is more restrictive than 10 CFR 34.3.</p> <p>Iowa needs to modify the definition to have the same supervision requirements as 10 CFR 34.3 in order to meet the Compatibility Category B designation assigned to 10 CFR 34.3.</p> <p><b>COMMENT STANDS from NRC Letter dated March 12, 2015/ML14363A207.</b></p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
3	45.3(6)c	34.41(a)	N/A	B	<p><b>Conducting industrial radiography operations</b></p> <p>Iowa uses the term “radiographer trainer” instead of “radiographer,” as stated in 10 CFR 34.41(a).</p> <p>Iowa needs to use the same terminology as stated in 10 CFR 34.41(a) in order to meet the Compatibility Category B designation assigned to 10 CFR 34.41.</p> <p><b>COMMENT STANDS from NRC Letter dated March 12, 2015/ML14363A207 .</b></p>
4	45.1(10)a	34.43(c)	N/A	B	<p><b>Training</b></p> <p>The Iowa rule is missing a specific requirement to train radiographer’s assistants in applicable DOT transportation regulations. The rule also adds a requirement for a “trainee status card.” It appears that the terms “radiographer’s assistant” and “trainee” are equivalent which can cause confusion as written.</p> <p>Iowa needs to add a specific requirement for radiographer assistants’ training in transportation regulations and clarify the terms regarding trainees and radiographer’s assistant as noted above, in order to meet the Compatibility Category B designation assigned to 10 CFR 34.43.</p> <p><b>COMMENT STANDS from NRC Letter dated March 12, 2015/ML14363A207.</b></p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
5	45.1(13)	34.46	N/A	B	<p><b>Supervision of radiographer's assistants</b></p> <p>Iowa's rule requires direct supervision of radiographer's assistants by a radiography instructor rather than a radiographer as required by 10 CFR 34.46.</p> <p>Iowa needs to modify the supervision requirement in order to meet the Compatibility Category B designation assigned to 10 CFR 34.46.</p> <p><b>COMMENT STANDS from NRC Letter dated March 12, 2015/ML14363A207.</b></p>

**STATE REGULATION STATUS**

State: Iowa

Tracking Ticket Number: 18-08

Date: 12/20/2017

[ 5 amendment(s) reviewed identified by a \* at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 <b>(Superceded by 1997-5)</b>	01/10/1994	Not Required	Not Required	Iowa has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 <b>(Superceded by 1997-5)</b>	none	Not Required	Not Required	Iowa has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183	01/01/1994	Final	No Comments 11/06/1997	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40 and 70 56 FR 64980	10/15/1994	Final ML071970162	No Comments 09/24/2007 ML072670007	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 <b>(Superceded by 2002-2)</b>	01/27/1995	Not Required	Not Required	Iowa has adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628	10/25/1996	Final ML071970162	No Comments 09/24/2007 ML072670007	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Not Applicable <sup>i</sup>	Not Applicable	Iowa does not have any licensees subject to these regulations. (See SECY-95-112)
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable	Not Applicable	Iowa does not have authority to regulate this material under its Agreement.
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40 and 70 58 FR 68726; 59 FR 1618	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	Iowa does not have authority to regulate this material under its Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40 and 70 59 FR 36026	08/15/1997	Final ML081790082	No Comments 07/07/2008 ML081890129	
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32 and 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final ML071970162	No Comments 09/24/2007 ML072670007	

1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final ML071970162	No Comments 09/24/2007 ML072670007	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20 and 61 60 FR 15649; 60 FR 25983	03/01/1998	Final ML081790082	No Comments 07/07/2008 ML081890129	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 <b>(Superceded by 1997-5)</b>	06/30/1998	Not Required	Not Required	Iowa has adopted Final Regulations equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19 and 20 60 FR 36038	08/14/1998	Final	No Comments 01/14/2000 ML003683660	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40 and 70 60 FR 38235	11/24/1998	Final	No Comments 01/14/2000 ML003683660	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 <b>(Superceded by 2002-2 and 2005-2)</b>	10/20/1998	Final	No Comments 01/14/2000 ML003683660	Iowa has adopted Final Regulations equivalent to RATS IDs: 2002-2 and 2005-2.
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 <b>(Superceded by 2004-1)</b>	04/01/1999	Final ML033640452	No Comments 02/04/2004 ML040360241	Iowa has adopted Final Regulations equivalent to RATS ID: 2004-1.



1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40 and 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record Keeping Requirements Parts 20, 30, 40, 61 and 70 61 FR 24669	06/17/1999	Final	No Comments 01/14/2000 ML003683660	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final	No Comments 01/14/2000 ML003683660	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML033640452	No Comments 02/04/2004 ML040360241	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120	05/29/2000	Final ML033640452	No Comments 02/04/2004 ML040360241	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 <b>(Superceded by 2004-1)</b>	02/10/2000	Final ML033640452	No Comments 02/04/2004 ML040360241	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078) Iowa has adopted Final Regulations equivalent to RATS ID: 2004-1.
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71 and 150 62 FR 28947	06/27/2000	Final ML050320039	No Comments 04/06/2005 ML050960431	

1997-6	Radiological Criteria for License Termination Parts 20, 30, 40 and 70 62 FR 39057	08/20/2000	Final ML033640452	No Comments 02/04/2004 ML040360241	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final	No Comments 01/14/2000 ML003683660	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71 and 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML033640452	No Comments 02/04/2004 ML040360241	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40 and 70 63 FR 29535	07/01/2001	Final ML033640452	No Comments 2/04/2004 ML040360241	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 <b>(Superseded by 2002-2)</b>	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Iowa has adopted Final Regulations equivalent to RATS ID: 2002-2.
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	R <sup>ii</sup> ML003692594  Final ML14336A643	No Comments 03/21/2000 ML003694911  No Comments 01/07/2015 ML14328A559	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36 and 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML033640452	No Comments 2/04/04 ML040360241	

1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML033640452	No Comments 02/04/2004 ML040360241	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	Iowa does not have authority to regulate this material under its Agreement.
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML033640452	No Comments 02/04/2004 ML040360241	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML033640452	No Comments 02/04/2004 ML040360241	
2000-2	New Dosimetry Technology Parts 34, 36 and 39 65 FR 63750	01/08/2004	Final ML033640452	No Comments 02/04/2004 ML040360241	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31 and 32 65 FR 79162	02/16/2004	Final ML13364A205	No Comments 02/20/2014 ML13364A196	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML033640452	No Comments 02/04/2004 ML040360241	

2002-2	Medical Use of Byproduct Material Parts 20, 32 and 35 67 FR 20249	10/24/2005	Final ML081790082	No Comments 07/07/2008 ML081890129	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40 and 70 68 FR 57327	12/03/2006	Final ML071970162	No Comments 09/24/2007 ML072670007	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML071970162	No Comments 09/24/2007 ML072670007	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML071970162	No Comments 09/24/2007 ML072670007	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML081790082	No Comments 07/07/2008 ML081890129	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	Proposed ML053550019  License Condition ML052520149	No Comments 01/19/2006 ML060200518  No Comments 09/14/2005 ML052570342	
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Final ML081790082	No Comments 07/07/2008 ML081890129	

2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Final ML071970162	No Comments 09/24/2007 ML072670007	
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Final ML081790082	No Comments 07/07/2008 ML081890129	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML092170036	No Comments 09/16/2009 ML092310395	
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32 and 150 72 FR 58473	12/17/2010	Final ML092170036	No Comments 09/16/2009 ML092310395	
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61 and 150 72 FR 55864	11/30/2010	Final ML102280251	No Comments 09/15/2010 ML102420351	
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML080310554	No Comments 02/13/2008 ML080440168	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043	02/15/2011	Final ML102280251	No Comments 09/15/2010 ML102420351	

2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML102280251	No Comments 09/15/2010 ML102420351	
2011-1	Decommissioning Planning Parts 20, 30, 40, and 70 76 FR 35512	12/17/2015	Final ML14282A082	No Comments 11/7/2014 ML14281A780	
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70 and 150 76 FR 56951	11/14/2014	Final ML13364A205	No Comments 02/20/2014 ML13364A196	
2012-1	Change of Compatibility of Parts 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Final ML13364A205	No Comments 02/20/2014 ML13364A196	
2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Final ML14175A525	No Comments 08/13/2014 ML14171A424	
2012-3	Technical Corrections Parts 30, 34, 40 and 71 77 FR 39899	08/06/2015	Final ML14282A082	No Comments 11/7/2014 ML14281A780	
2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015	Final ML14282A082	No Comments 11/7/2014 ML14281A780	
2013-1	Physical Protection of Byproduct Material, Parts 20, 30, 32, 33, 34, 35, 36, 37, 39 and 71 78 FR 16922	03/19/2016	Final ML14175A525	No Comments 08/13/2014 ML14171A424	

2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40 and 70 78 FR 32310	08/27/2016	Final ML14282A082	No Comments 11/7/2014 ML14281A780	
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018	Final ML17303A899	No Comments 11/02/2017 ML17303A632	
*2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73 and 150 79 FR 58664, 80 FR 3865	01/28/2018	Proposed ML17319A200	No Comments 12/20/2017 ML17319A199	
*2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018 *extended to 08/15/2020 See STC 17-060	Proposed ML17319A200	Comments 12/20/2017 ML17319A199	
*2015-4	Miscellaneous Corrections Parts 37 and 40 80 FR 45841	09/02/2018	Proposed ML17319A200	No Comments 12/20/2017 ML17319A199	
*2015-5	Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150 80 FR 74974	12/31/2018	Proposed ML17319A200	No Comments 12/20/2017 ML17319A199	
*N/A	Part 34 provisions not associated with a specific RATS ID	N/A	Final ML14363A294  Revised Final ML17319A200	Comments 03/12/2015 ML14363A207  Comments 12/20/2017 ML17319A199	

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- i IMPEP Team: verify that Iowa does not have any licensees subject to these regulations during each review.
  - ii R stands for proposed changes to a final rule.