

August 31, 2006

Donald A. Flater, Chief
Bureau of Radiological Health
Iowa Department of Public Health
Lucas Office Building - 5th Floor
321 East 12th Street
Des Moines, IA 50319

Dear Mr. Flater:

On September 30, 2003, we sent you the results of our review of the final changes to the Iowa regulations which were submitted to the NRC by letter dated August 1, 2003. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 30, 31, and 32, and the requirements of the General License (GL) amendment identified in the enclosed State Regulation Status (SRS) Data Sheet. The review we conducted omitted a specific review of Sections 10 CFR Parts 31.5 and 31.6. The text of these sections was not revised by the GL amendment, but the compatibility designations were changed from Compatibility Categories C and D respectively, to Category B.

As noted in the September 28, 2005 All Agreement States letter [STP-05-072](#), NRC staff will continue to review Agreement State GL Device proposed and final rules, but will hold in abeyance any determination on those rules and compatibility of those rules, if the Agreement State has the essential elements of the NRC's rule and is more restrictive than the NRC's rule. For Agreement States without a GL Device rule or a GL Device rule less restrictive than the NRC rules, the staff will factor this determination into results of the NRC's review of the State's proposed and final rules and the compatibility findings during Integrated Materials Performance Evaluation Program (IMPEP) reviews.

We discussed our re-review of the GL Amendment with you on August 21, 2006. As a result of our re-review against the Compatibility Category B designation, we have no comments. We determined that Iowa's GL amendment is neither more restrictive nor less restrictive, but is equivalent to the NRC's rule. This letter, including the SRS Data Sheet, is posted on the STP website: <http://www.hsrp.ornl.gov/nrc/rulemaking.htm>.

Please note that we have limited our review to regulations required for compatibility and/or health and safety. 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.

Mr. Donald A. Flater

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August 31, 2006

If you have any questions regarding the re-review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me, or Monica Orendi at (301) 415-3938 or by e-mail at MLO1@nrc.gov.

Sincerely,

Dennis K. Rathbun, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

If you have any questions regarding the re-review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me, or Monica Orendi at (301) 415-3938 or by e-mail at MLO1@nrc.gov.

Sincerely,

IRA By KNSchneider For

Dennis K. Rathbun, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

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STATE REGULATION STATUS

State: Iowa

Tracking Ticket Number: 6-16

[1 Amendment reviewed identified by a ★ at the beginning of the equivalent NRC requirement]

Date: August 31, 2006

| NRC Chronology Identification | FR Notice (State Due Date) | RATS ID | Proposed (P) / Final (F) ¹ Rule / License Condition (LC) ML # ⁵ | NRC Review / Y, N ² / Date / ML # ⁵ | Final State Regulation ¹ (Effective Date) |
|--|---|---------|---|---|--|
| Safety Requirements for Radiographic Equipment-Part 34 | 55 FR 843; (1/10/94) | 1991-1 | | | superceded by 1997-5 |
| ASNT Certification of Radiographers-Part 34 | 56 FR 11504; (none) | 1991-2 | | | Not required 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; (1/1/94) | 1991-3 | F P | N 11/6/97 Y 3/5/01 | 10/6/96 |
| 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 | | | superceded by 2002-2 |
| 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 ⁴ |
| Definition of Land Disposal and Waste Site QA Program-Part 61 | 58 FR 33886; (7/22/96) | 1993-3 | | | Not applicable SECY-95-112 ⁴ |
| 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 SECY-95-112 ⁴ |
| Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70 | 59 FR 36026; (8/15/97) | 1994-3 | | | |

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|--|--|---------|---|---|--|
| 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 | P ML003692594 F | N 3/21/00 ML003694911 Y 1/14/00 ML003683660 | |
| Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20 | 60 FR 7900; (3/13/98) | 1995-2 | F | Y 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 ML003683660 | |
| Performance Requirements for Radiography Equipment-Part 34 | 60 FR 28323; (6/30/98) | 1995-4 | P ML003692594 | Y 3/21/00 ML003694911 | |
| Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20 | 60 FR 36038; (8/14/98) | 1995-5 | F ML003683660 | N 1/14/00 ML003683660 | |
| Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70 | 60 FR 38235; (11/24/98) | 1995-6 | F ML003683660 | N 1/14/00 ML003683660 | |
| Medical Administration of Radiation and Radioactive Materials-Parts 20, 35 | 60 FR 48623; (10/20/98) | 1995-7 | F ML003683660 | N 1/14/00 ML003683660 | |
| 10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71 | 60 FR 50248; 61 FR 28724 (4/1/99) | 1996-1 | F ML033640452 | N 2/04/04 ML040360241 | |
| 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 ML003683660 | N 1/14/00 ML003683660 | |
| Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20 | 61 FR 65120; (1/9/00) | 1997-1 | F ML003683660 | N 1/14/00 ML003683660 | |
| 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 | F ML033640452 | N 2/04/04 ML040360241 | |

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|---|-------------------------------------|---------|---|---|--|
| Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35 | 62 FR 4120; (5/29/00) | 1997-3 | F ML033640452 | N 2/04/04 ML040360241 | |
| Fissile Material Shipments and Exemptions-Part 71 | 62 FR 5907; (none) | 1997-4 | F ML033640452 | N 2/04/04 ML040360241 | Not required ³ |
| Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150 | 62 FR 28947; (6/27/00) | 1997-5 | F ML050320039 | N 4/06/05 ML050960431 | |
| Radiological Criteria for License Termination-Parts 20, 30, 40, 70 | 62 FR 39057; (8/20/00) | 1997-6 | F ML033640452 | N 2/04/04 ML040360241 | |
| Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30 | 62 FR 63634; (1/02/01) | 1997-7 | F ML003683660 | N 1/14/00 ML003683660 | |
| Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150 | 63 FR 1890; 63 FR 13773 (2/12/01) | 1998-1 | F ML033640452 | N 2/04/04 ML040360241 | |
| Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70 | 63 FR 29535; (none) | 1998-2 | F ML033640452 | N 2/04/04 ML040360241 | Not required ³ |
| License Term for Medical Use Licenses-Part 35 | 63 FR 31604; (none) | 1998-3 | | | 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 ML003692594 | N 3/21/00 ML003694911 | |
| Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36 | 63 FR 39477; 63 FR 45393 (10/26/01) | 1998-5 | F ML033640452 | N 2/04/04 ML040360241 | |
| Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20 | 63 FR 50127; (11/20/01) | 1998-6 | F ML033640452 | N 2/04/04 ML040360241 | |
| Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40 | 64 FR 17506; (6/11/02) | 1999-1 | | | Not applicable SECY-95-112 ⁴ |

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|--|-----------------------------------|---------|---|---|--|
| 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 55524 (2/2/03) | 1999-3 | F ML033640452 | N 2/04/04 ML040360241 | |
| Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39 | 65 FR 20337; (5/17/03) | 2000-1 | F ML032230070 | N 2/04/04 ML040360241 | |
| New Dosimetry Technology-Parts 34, 36, 39 | 65 FR 63750; (1/8/04) | 2000-2 | F ML033640452 | N 2/04/04 ML040360241 | |
| ★Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32 | 65 FR 79162; (2/16/04) | 2001-1 | F ⁷ ML033640452 | N 8/31/06 ML062410041 | |
| Revision of the Skin Dose Limit - Part 20 | 67 FR 16298; (4/5/05) | 2002-1 | F ML033640452 | N 2/04/04 ML040360241 | |
| Medical Use of Byproduct Material - Parts 20, 32, and 35 | 67 FR 20249; (10/24/05) | 2002-2 | F ML033640452 | Y 2/04/04 ML040360241 | |
| Financial Assurance for Materials Licensees – Parts 30, 40, 70 | 68 FR 57327 (12/3/06) | 2003-1 | P ML053550019 | N 01/19/06 ML060200518 | |
| Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments – Part 71. | 69 FR 3697; (10/01/07) | 2004-1 | P ML053550019 | N 01/19/06 ML060200518 | |
| Security Requirements for Portable Gauges Containing Byproduct Material - Part 30 | 70 FR 2001; (7/11/08) | 2005-1 | | | |
| Medical Use of Byproduct Material - Recognition of Speciality Boards - Part 35 | 70 FR 16336; 71 FR 1926 (4/29/08) | 2005-2 | P ML053550019 | N 01/19/06 ML060200518 | |

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|--|----------------------------|---------|---|---|--|
| Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) ⁶ | 70 FR 72128; (12/1/05) | 2005-3 | P ML053550019 LC ML052520149 | N 01/19/06 ML060200518 N 09/14/05 ML052570342 | |
| Minor Amendments - Parts 20, 30, 32, 35, 40, and 70 | 71 FR 15005 (3/27/09) | 2006-1 | | | |

1. Or other generic Legally Binding Requirements.
2. (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.
3. Not required means these regulations are not required for purposes of compatibility.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
5. ADAMS ML Number
6. By letter dated September 2, 2005, from Paul H. Lohaus, Director, Office of State and Tribal Programs, Agreement States were given 90 days to issue legally binding requirements satisfying the requirements of NRC Order EA-05-090.
7. A re-review was completed on this item due to change in compatibility of 31.5 and 31.6. More information can be found in the All Agreement States letter STP 05-072.