

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 136C.3, the Department of Public Health hereby amends 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 40, “Standards for Protection Against Radiation,” Chapter 41, “Safety Requirements for the Use of Radiation Machines and Certain Uses of Radioactive Materials,” and Chapter 45, “Radiation Safety Requirements for Industrial Radiographic Operations,” Iowa Administrative Code.

The following paragraphs summarize the changes:

Items 1, 33, 43, 45 and 59 amend rules to reflect current federal regulations.

Items 42, 46, 52, 56, 57 and 61 amend rules to correct errors discovered by staff.

Items 47, 48, 49, 50, 51, 53, 54, 55 and 58 amend rules to reduce the regulatory burden on licensees.

The remaining items amend rules to meet United States Nuclear Regulatory Commission (USNRC) compatibility requirements pursuant to the stipulations of the state of Iowa’s status as a USNRC agreement state.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 28, 2014, as **ARC 1470C**. Comments were received from two members of the regulated community. One individual commented in support of Items 28, 46, 49, 50, 51, 52 and 53. This individual also provided comment concerning the intent of the term “intervals not to exceed” as used in Item 48. After Bureau of Radiological Health staff provided clarification, the individual commented in support of Item 48. Based on the other individual’s comments, language in Item 58, subparagraph 41.3(18)“f”(6), was changed from stating “performed at intervals recommended by the manufacturer” to “performed at intervals not to exceed one week or at longer intervals as recommended by the manufacturer.” Subparagraph 41.3(18)“f”(6) now reads as follows:

“(6) Therapeutic radiation machines subject to 41.3(18) shall have safety quality assurance checks of each external beam radiation therapy machine performed at intervals not to exceed one week or at longer intervals as recommended by the manufacturer;”

In addition, the effective date of these amendments has been inserted throughout the amendments, where appropriate.

These amendments were adopted by the State Board of Health on September 10, 2014.

After analysis and review of this rule making, no impact on jobs in Iowa has been found.

These amendments are intended to implement Iowa Code chapter 136C.

These amendments will become effective on November 5, 2014.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 38 to 41, 45] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 1470C**, IAB 5/28/14.

[Filed 9/10/14, effective 11/5/14]

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[For replacement pages for IAC, see IAC Supplement 10/1/14.]