

**641—39.12(136C) Licenses and radiation safety requirements for irradiators.**

**39.12(1)** In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 36, “Licenses and Radiation Safety Requirements for Irradiators,” unless specific exemptions apply.

**39.12(2)** The provisions of 10 CFR Part 36 are hereby adopted by reference and are subject to the following conditions:

*a.* Not adopted by reference are 10 CFR 36.2, paragraph (2) of the definition of commencement of construction, along with 10 CFR 36.5, 36.8, 36.91, and 36.93.

*b.* Where the sentence “The application and one copy must be sent to the appropriate NRC Regional Office listed in appendix D to part 20 of this chapter” appears in 10 CFR 36.11, substitute the phrase “Application must be sent to Iowa HHS.”

*c.* Where the word “NRC” appears in 10 CFR 36.15, 36.51(a)(1) and (a)(2), and 36.83(a)(both mentions), substitute the words “Iowa HHS.”

*d.* Where the words “Any activities undertaken prior to the issuance of a license are entirely at the risk of the applicant and have no bearing on the issuance of a license with respect to the requirements of the Atomic Energy Act of 1954 (Act), as amended, and rules, regulations, and orders issued under the Act” appear in 10 CFR 36.15, substitute the words “Any activities undertaken prior to the issuance are entirely at the risk of the applicant and have no bearing on the issuance of a license by Iowa HHS.”

*e.* Where the words “NRC or an Agreement State” appear in 10 CFR 36.59(c), substitute the words “Iowa HHS, NRC, or an Agreement State.”

*f.* Where the word “Commission” appears in 10 CFR 36.13, 36.13(b)(4) and (f), 36.17(a) and (b), 36.19(a)(both mentions) and (b)(both mentions), 36.53(c), 36.69(a) and (b), and 36.81(a) and (d) and (e), substitute the words “Iowa HHS.”

*g.* Where the words “Commission or an Agreement State” appear in 10 CFR 36.13(g) and 10 CFR 36.59(a)(both mentions), substitute the words “Iowa HHS, NRC, or an Agreement State.”

*h.* For the purpose of this chapter, where 10 CFR 36.8(c)(1) and 36.11 requires “NRC Form 313,” licensees shall use “Iowa HHS Form 313.”

*i.* Where 10 CFR Part 36 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

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