

October 14, 1999

MEMORANDUM TO: Joseph R. Gray, Associate General Counsel
for Licensing and Regulation

FROM: Frederick C. Combs, Deputy Director **original signed by:**
Office of State Programs

SUBJECT: IOWA COMPATIBILITY ISSUE

An Integrated Materials Performance Evaluation Program (IMPEP) review was performed of the Iowa Agreement State program in August 1999. A question regarding regulation compatibility was raised during the review and is discussed below. I am forwarding this to you in advance of the Management Review Board scheduled for November 9, 1999.

The regulation in question is:

Deliberate Misconduct by Unlicensed Persons (63 FR 1890; January 13, 1998; 63 FR 13773; March 23, 1998) Amendments to 10 CFR 30.10, 40.10, 61.9b, 70.10, and 150.2. Effective February 12, 1998.

The rule has a Compatibility Category C, meaning the State should adopt the essential objectives of the NRC program elements to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis.

The Iowa Department of Public Health informed the review team that they cannot adopt the regulation, or essential objectives, as activities in Iowa covered by the regulation are reserved to the Office of the Attorney General. They indicated that deliberate misconduct cases will be handled on a case-by-case basis in cooperation with the Office of the Attorney General, with which a working relationship has been established.

This matter will be discussed at the Management Review Board. We would appreciate your opinion regarding this issue, by that time.

If you wish further clarification, please call James Lynch, Region III State Agreements Officer at (630) 829-9661 or me at (301) 415-2325.

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

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