



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

July 11, 2013

Ms. Pamela Henderson, Deputy Director
Division Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs (FSME)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

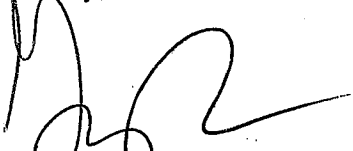
Dear Ms. Henderson:

In response to your letter of July 3, 2013 (ML13162A553), enclosed for your review is the revised legally binding requirement (LBR) addressing the below NRC amendment. The changes to the LBR, as recommended by NRC, are highlighted and underlined.

RATS ID	Title	State Section
2011-2	Licenses, Certifications, and Approvals for Materials Licensees	17 CCR 30194; LBR; & 30345.3

If you have any questions, please feel free to contact me at (916) 440-7942 or Phillip Scott of my staff at (916) 440-7978 or phillip.scott@cdph.ca.gov.

Sincerely,



Gonzalo Perez
Branch Chief
Radiologic Health Branch

Enclosure

cc: Kathleen Schneider

Radiologic Health Branch, MS 7610, PO Box 997414, Sacramento, CA 95899-7414
(916) 327-5106

Internet Address: www.cdph.ca.gov/rhb

Proposed Part 36 LBR – 2005-NRC-Approved (ML051810407):

The licensee shall comply with title 10, Code of Federal Regulations, Part 36 except as follows:

(a) Sections 36.1(a), 36.5, 36.8, 36.11, 36.13, 36.15, 36.17, 36.19, 36.91, and 36.93 are excluded.

(b) Any reference to the Commission or NRC shall be deemed to be a reference to the Department of Health Services (DHS).

(c) Any reference to the following NRC regulations shall be deemed a reference to the identified section(s) in title 17, California Code of Regulations (17 CCR):

<u>NRC Regulation (10 CFR)</u>	<u>DHS regulation (17 CCR)</u>
Part 19	30254 and 30255
30.35(g)	30256(a)
30.50	30295
30.51	30293
30.41	30210.1

Differences between NRC and proposed LBR

1. Items excluded in subsection (a) apply only to applicants. This proposed LBR would be placed into existing licenses.
2. References within Part 36 to 10 CFR 30.33 is equivalent to 17 CCR 30194
3. 17 CCR sections referenced in the proposed LBR are attached.

Current Part 36 LBR – 2013 (Amended per July 3, 2013 NRC letter.)

The licensee shall comply with title 10, Code of Federal Regulations, Part 36 except as follows:

(a) Sections 36.1(a), 36.5, 36.8, 36.11, 36.13, 36.15, 36.17, 36.19, 36.91, and 36.93 are excluded.

(b) Paragraph (2) of the term "Commencement of Construction" found in section 36.2 is excluded.

(c) Paragraph (9)(ii) of the term "Construction" found in section 36.2 is excluded.

(d) Any reference to the Commission or NRC shall be deemed to be a reference to the California Department of Public Health (CDPH).

(e) Any reference to the following NRC regulations shall be deemed a reference to the identified section(s) in title 17, California Code of Regulations (17 CCR):

<u>NRC Regulation (10 CFR)</u>	<u>CDPH regulation (17 CCR)</u>
Part 19	30254 and 30255
30.35(g)	30256(a)
30.50	30295
30.51	30293
30.41	30210.1

Differences between NRC and proposed LBR

1. Items excluded in subsection (a) apply only to applicants. This LBR is specified in existing licenses and new licenses.
2. References within Part 36 to 10 CFR 30.33 is equivalent to 17 CCR 30194
3. 17 CCR sections referenced in the LBR are attached.