



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



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March 13, 2019

Mr. Kevin Williams, Deputy Director  
Division of Materials Safety, Security, State and Tribal Programs (MSST)  
Office of Nuclear Material Safety and Safeguards (NMSS)  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Mr. Williams:

Enclosed for your review is a copy of the proposed revisions to the California Radiation Control Regulations addressing changes made in response to comments provided in your letter dated January 28, 2019 (ML19015A145). Because California's IMPEP review is scheduled for October of this year, we are requesting an expedited review of our proposed changes so we can ensure the proposal meets NRC's requirements and our adoption occurs in time for IMPEP. We request a response by April 30, 2019.

Responses to the NRC's comments are enclosed, as cited references. We believe these additional revisions satisfy the compatibility and health and safety categories established in the NMSS Procedure SA-200. Existing regulations referenced in the proposal are enclosed.

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](mailto:phillip.scott@cdph.ca.gov).

Sincerely,

Gonzalo L. Perez,  
Branch Chief  
Radiologic Health Branch

Attachments

cc: Michelle Beardsley

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## **Attachment List**

1. Responses to the January 28, 2019 comments.
2. Title 17, California Code of Regulations, Division 1, Chapter 5, Subchapter 4
3. Revision to Proposed Regulation Text for DPH-16-001.
4. Supplemental Statement of Reasons for DPH-16-001.

## Attachment 1.

### Responses to the NRC's January 28, 2019 comments.

#### Comment 1:

- The phrase "or mirrors" is added for consistency with 10 CFR 40.13(c)(7).

#### Comment 2:

- The word "receipt" (noun form of "receive") is added for consistency with 10 CFR 40.22(a).

#### Comment 3:

- The second sentence is revised. As revised, the Department believes the proposal meets compatibility category C criteria because it is more restrictive, which is allowed under that criteria. These provisions would require the general licensee (GL) to:
  - After notification, consult only with the Department, whereas 10 CFR 40.22(c) allows the GL to either not consult with anyone, or consult with NRC or others of the licensee's choosing. Thus, the revised proposal ensures the Department is consulted with and is the only consultant.
  - Comply with the cited provisions. Under those provisions, the GL must:
    - Ensure radioactive material is properly disposed. Disposal is then verified by the Department. This is more restrictive than 10 CFR 40.22(c) since that provision does not require verification of disposal.
    - Demonstrate that their efforts to eliminate residual contamination were reasonable. Such demonstration is not required under 10 CFR 40.22(c); and
    - Demonstrate, through a submitted radiation survey, that the site is suitable for release, whereas 10 CFR 40.22(c) does not require such demonstration.

Thus, the revised proposal ensures the Department is consulted with and is the only consultant, has verified the material is properly disposed, has determined the GL's efforts are reasonable, and has confirmed through a documented survey that the site is releasable.

#### Comment 4:

- The provision is revised to cite to the equivalent procedures and provisions. The Department believes the revision is now essentially identical to NRC's provision because the action (i.e., comply with the cited provisions to the extent necessary to meet the other cited provisions), for both the proposed revision and 10 CFR 40.22(d), is the same regardless of the version that is read.