



SUSAN FANELLI
Acting Director

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



GAVIN NEWSOM
Governor

August 23, 2019

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

Dear Mr. Williams:

Enclosed for your review is the revised proposed legally binding requirement (LBR) addressing NRC's guidance in RCPD 18-009 regarding quality assurance programs for the use of Type B packages, other than industrial radiography use.

The revision addresses NRC's comments specified in its letter dated July 19, 2019 (ML19196A257). The date by which the comments are needed is October 18, 2019.

We believe that adoption of the LBR satisfies the compatibility and health and safety categories established in the NMSS Procedure SA-200. Existing regulations referenced in the proposed LBR are attached for the reviewers assistance.

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,

for
Gonzalo L. Perez,
Branch Chief
Radiologic Health Branch

Attachment

cc: Michelle Beardsley

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

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



Revised Proposed LBR

Before the use of any package for shipment of licensed material subject to Title 10, Code of Federal Regulations, Part 71 (10 CFR 71), Subpart H, which is incorporated, in part, by reference in Title 17, California Code of Regulations, Section 30373, the licensee shall ensure that a current User Quality Assurance Program (QAP) is approved and on file with the California Department of Public Health (CDPH). Pursuant to 10 CFR 71.106, the licensee shall submit any revisions to the approved QAP [~~Revision xx, dated xxx~~] for prior approval when changes reduce commitments in the program description as approved by the CDPH, and changes to the QAP [~~Revision xx, dated xxx~~] that do not reduce the commitments shall be submitted every 24 months.