

FINAL STATEMENT OF REASONS

No changes to the Initial Statement of Reasons (ISOR) were made. All content of the ISOR are hereby incorporated into the Final Statement of Reasons.

Incorporation by Reference: Federal documents incorporated by reference in section 30195(a) contain extensive definitions and provisions for safe use of radioactive material for medical purposes making it cumbersome, duly expensive and impractical to publish the documents in the California Code of Regulations. Further, the documents are readily available from federal and internet sources.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF APRIL 2, 2010 THROUGH MAY 20, 2010.

This regulation (DPH-05-018) was made available to the public from April 2, 2010 and ended at 5:00 p.m. on May 20, 2010. A request for a public hearing was not received and, thus, no public hearing was held. The written proceeding produced comments as follows.

List of Commenters during 45-day Proceeding (Written testimony)

1. Shelley L. Becker, RSO, Medical Health Physicist

Summary of comments and responses

Note: The first digit of the number designation identifies the Commenter as listed on page one. The digit(s) after the decimal point indicate the identified comment from that commenter.

- 1.1. The state of CA is the only state to have a 3 facility rule on being an RSO. This could produce shortages of qualified Radiation Safety Officers. The NRC as well as other states do not impose limits on this position. I would recommend that the state of CA follow in the NRC footsteps and lift the limits regarding the RSO.

Response: CDPH does not have a rule that limits the number of facilities (i.e. licensees) for which a person can function as RSO. Further, the proposed regulation also does not include such a provision. CDPH has, on a case-by-case basis, limited licensees from using a person as RSO who is also an RSO for another licensee or a number of licensees. The reasons for such limitations include, but are not limited to: the inability of a person functioning as RSO to effectively ensure radioactive material is used appropriately; the licensee's compliance history; and the similarities of radioactive material usage between licensees. Each specific case is analyzed to ensure each licensee's RSO meets current requirements, is familiar with the licensed activities, can properly oversee the licensee's radiation protection program, and can ensure protection to health, life, and property. Therefore, the comment is rejected.

ALTERNATIVES DETERMINATION

The Department has determined that, because the radiation control program must maintain compatibility with the regulations of the United States Atomic Energy Commission, the predecessor to the United States Nuclear Regulatory Commission (Health & Saf. Code, § 115230), and according to the agreement, the state is to use its "best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials..." (Health & Saf. Code, § 115235, art. V) no alternative considered by the Department would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

IMPOSITION OF LOCAL MANDATE

The proposed regulations do not impose a mandate on local agencies or school districts.

IMPACT ON BUSINESS

The Department has made a determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.