

SUPPLEMENTAL STATEMENT OF REASONS

The California Department of Public Health (Department) has instituted additional changes to these proposed regulations which are discussed below. These changes are either initiated by the Department or in response to public comments that were received during the 45-day public comment period, which ended on May 20, 2010.

Section 30253(a)(1): Currently, under 10 CFR 20.2206, certain licensees must submit an annual report. However, it was noted that the information required under section 20.2206 is reviewed by Department inspectors during inspections that occur every year or every other year. Requiring submittal of the already reviewed information is burdensome, costly, and duplicative. The NRC compatibility category for section 20.2206 is Category NRC (subsections (a)(1), (3), (4) & (5)) and Category D (subsections (a)(2), (a)(6), (a)(7), (b) & (c)). Regulations designated as Category NRC cannot be adopted by a state and regulations designated as Category D are not required to be adopted for purposes of compatibility. Therefore, language is amended to clarify that section 20.2206 is not being incorporated by reference resulting in repealing the annual reporting requirement of section 20.2206. A non-substantive change is made correcting a typographical error in the name of the California Department of Public Health.

Section 30255(b)(6): Reviewing NRC's equivalent regulation, 10 CFR 19.13, many inconsistencies were noted indicating that the current regulation text, including the proposed text, did not meet NRC's compatibility category; namely, Category C, requiring the state to adopt a regulation that meets the essential objective of the NRC regulation. Therefore, language is amended to ensure consistency with 10 CFR 19.13 and the word "worker," as defined in section 30100 of Department regulations, is used for consistency with other Department and NRC regulations. Acronyms are created to reduce the physical length of phrases and are nonsubstantial. Other nonsubstantial grammatical and structural changes are made.

Regarding the date of March 3, 1994 specified in section 30255(b)(6)(B), in 1994, the Department adopted emergency regulations to address major NRC regulatory changes that took effect January 1, 1994. The Department's emergency regulations took effect March 3, 1994 and the regulations became permanent after properly filing a certificate of compliance. Therefore, language is amended to ensure a user understands that the particular report must also include exposure data prior to March 3, 1994, as applicable.

Section 30256 & Form CDPH 5314: It was noted that the Initial Statement of Reasons (ISR), proposed text, and Form CDPH 5314 contained inconsistencies. Thus, the following nonsubstantial changes are proposed:

- Proposed Text, subsections (b) & (h): a capitalization change to the word "Subsection" is made.
- Proposed Text, subsections (b), (c)(4), & (h): "RH" is changed to "CDPH" to reflect the actual acronym used in Department controlled forms.

- Form CDPH 5314:
 - Internet address is changed to reflect a shorter address.
 - Regarding the sentence found in section “A. Materials Data” that is underlined, ISR, page 9, states that it is being reformatted to be in bold and italic font. However, the sentence on the form is underlined and not bolded or in italic font. Therefore, the form is amended to be consistent with the ISR statement.
 - The form number publication date on the bottom left of the form is changed from “(01/09)” to “(06/09)” to reflect the actual publication date.

Initial Statement of Reasons, page 9: The sentence “The form number is changed from RHB 314 (12/95) to RH 5314 (06/09)” found in the first bulleted paragraph regarding section 30256 is deleted and replaced with the sentence “The form number is changed from RHB 314 (12/95) to CDPH 5314 (06/09).”