

**SUPPLEMENTAL STATEMENT OF REASONS
DPH-16-001, 15-Day Public Availability**

The California Department of Public Health (Department) has instituted additional changes to these proposed regulations, which are discussed below. Additional documents relied upon, identified below, are added to the rulemaking file.

Documents relied upon: The following document is added to the rulemaking file as documents relied upon for purposes of Government Code section 11347.1:

- This document, “Supplemental Statement of Reasons,” dated March 13, 2019 is deemed a document relied upon and designated as **Reference 5**.
- The letter dated January 28, 2019 from the NRC is hereby deemed a document relied upon and designated as **Reference 6**.
- The Department’s letter dated March 13, 2019 to the NRC is hereby deemed a document relied upon and designated as **Reference 7**.

Proposed Text:

Changes to the proposed text are made for the indicated reasons.

Section 30181:

- No additional changes to subsections (a) and (b), paragraphs (1) through (4), (5)(C), and (6) through (8) of subsection (c), subsection (d), paragraph (2) of subsection (e), and subsections (f) and (g) are proposed.
- Subsection (c)(5)(A) and (B): The date of manufacturing is deleted for consistency with the equivalent NRC provision in 10 CFR 40.13(c)(5). NRC designates these provisions as compatibility category B, requiring the provisions to be essentially identical.
- Subsection (e)(1): Due to comments, the phrase “or mirrors” is added for consistency with NRC’s provision in 10 CFR 40.13(c)(7).

Section 30191:

- Subsection (a): Due to comments, the word “receipt” (noun form of “receive”) is added for consistency with NRC’s provision in 10 CFR 40.22(a).
- No additional changes to paragraphs (1) through (4) of subsection (a) are proposed.
- No additional changes to subsection (b) are proposed.
- Subsection (c): Due to comments, the second sentence is revised as recommended. As revised, the Department believes the proposal meets NRC’s designated 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.

- Subsection (d): Due to comments, 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.
- No additional changes to subsection (e) are proposed.