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

SUSAN FANELLI
Acting Director

GAVIN NEWSOM
Governor

July 9, 2019

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

Dear Mr. Williams:

Enclosed for your review is a 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. This request is made at the behest of the Agreement State Programs Branch. The date by which the comments are needed is September 9, 2019.

The proposed LBR addresses Part 71 provisions recently reviewed, without resultant comment, pursuant to NRC's letter dated May 20, 2019 addressing RATS ID 2012-2, 2012-3, 2013-1, 2015-3, 2015-5 and 2018-2 (ML 19085A266).

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,

Gonzalo L. Perez,
Branch Chief
Radiologic Health Branch

Attachment

cc: Michelle Beardsley

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 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.

{Note: italicized text in brackets [] will be replaced with text referencing licensee's QAP.}