

**SUPPLEMENT TO THE INITIAL STATEMENT OF REASONS
DPH-20-017
15-Day Public Availability**

The California Department of Public Health (Department) has instituted additional changes to these proposed regulations as discussed below.

Only the following changes are proposed:

Section 30195(a)(14): This provision is amended to address NRC's final rule published at 86 FR 43397 (Aug. 9, 2021) and corrections to that final rule at 86 FR 47209 (Aug. 24, 2021). The NRC made grammatical and spelling corrections, and a name change to a cited organization in 10 CFR 35.50(c)(3), 35.55(a)(1) and 35.57(b)(2). However, because this proposal would adopt by reference the 2021 edition of 10 CFR 35, the NRC's changes will not be reflected in that adopted edition. Subsection (a)(14) is amended to address these changes by revising the initially proposed language for consistency with NRC's changes.

Section 30220:

- **Subsection (a)(4)(C):** This provision is amended to address NRC's final rule published at 86 FR 43397 (Aug. 9, 2021) and corrections to that final rule at 86 FR 47209 (Aug. 24, 2021). The mailstop number used for mailing fingerprint cards for purposes of 10 CFR Part 37 requirements has changed due to NRC organizational restructuring. The NRC designates 10 CFR 37.27 as a compatibility category B, requiring agreement states to adopt an essentially identical provision. However, because this proposal would adopt by reference the 2021 edition of Part 37, the NRC's changes will not be reflected in that adopted edition.
- **Subsection (a)(8):** This provision is added to address NRC's final rule published at 86 FR 67839 (Nov. 30, 2021). The mathematical formula found in Appendix A of 10 CFR 37 was revised to make the expression mathematically reflect that an indefinite number of nuclides may be included in the calculation, consistent with the explanations in the Note to Appendix A. NRC designates Appendix A as a compatibility category B, requiring Agreement States to adopt an essentially identical provision. However, because this proposal would adopt by reference the 2021 edition of Part 37, the NRC's changes will not be reflected in that adopted edition.
 - **To ensure the displayed mathematical formula is presented clearly, the formula has not been double underlined. The formula is a proposed addition for purposes of the 15-day public comment period. Though the formula is not double underlined, the**

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**Department's intent is to adopt the revised formula as published in
the cited Federal Register as required by NRC.**

Section 30253(a)(1): This provision is amended to address NRC's final rule published at 86 FR 43397 (Aug. 9, 2021) and corrections to that final rule at 86 FR 47209 (Aug. 24, 2021). Section 20.2207(h) of 10 CFR 20 expired January 31, 2009 and NRC removed the provision from 10 CFR 20. However, § 20.2207(h) remains in the January 2021 edition of 10 CFR 20, being incorporated by reference in this provision, though it is an expired provision. The expired provision is listed in subsection (a)(1) to clarify that it is no longer adopted by reference.

Section 30373(a)(1): This provision is amended to address NRC's final rule published at 85 FR 65656 (Oct. 16, 2020) that removed and "reserved" section 71.97(c)(3)(i) of 10 CFR 71. The NRC uses this editorial method (e.g., "reserved") to indicate no provision exists in that specified structural position allowing existing structural designations of provisions to remain unchanged. Since Department regulations do not use that editorial method, this proposal includes section 71.97(c)(3)(i) in those provisions not incorporated by reference for clarity.