

**Proposed LBR – 10 CFR Part 37
(RATS ID 2013-1)**

CDPH-RHB
August 4, 2016

Existing regulations cited within the LBR begin at Page 3.

Proposed LBR:

Commencing March 19, 2016, the licensee shall comply with Title 10, Code of Federal Regulations (10 CFR), Part 37 except as follows:

(1) 10 CFR sections 37.1, 37.3, 37.7, 37.9, 37.11(a) & (b), 37.13, 37.73(a), (b), (d), & (e), 37.105, 37.107, and 37.109 are excluded.

(2) The terms “fingerprint orders” and “government agency” found in 10 CFR 37.5 are excluded.

(3) Except as follows, any reference to the United States Nuclear Regulatory Commission (NRC) or any component thereof shall be deemed to be a reference to the Department:

(A) 10 CFR 37.27. Licensees shall comply with all submittals and processes specified in 10 CFR 37.27 by submitting and corresponding directly to NRC as required by 10 CFR 37.27. In lieu of the address given in 10 CFR 37.27(c), licensees shall submit fingerprint cards or records to Director, Division of Facilities and Security, U.S. NRC, 11545 Rockville Pike, Rockville, Maryland 20852-2738, ATTN: Criminal History Program, Mail Stop T-03B46M; and

(B) 10 CFR 37.71. The reference to NRC in subdivisions (a) and (b) shall be deemed to include both the NRC and the Department, as applicable. The reference to NRC in subdivision (c) shall be deemed to be a reference to the appropriate jurisdictional entity (e.g. NRC, Department, or some other Agreement State) when a licensee transfers radioactive material to a licensee of that jurisdiction.

(4) In lieu of section 30210.1, the licensee shall comply with 10 CFR 30.41(d) as referenced in 10 CFR 37.71.

(5) Any reference to the below identified federal term found within 10 CFR 37.5 shall be deemed to be a reference to the below identified Department term that is defined as specified in the following table:

Federal term found within 10 CFR 37.5	Department term
Act	“Act” as defined in title 17, California Code of Regulations (17 CCR), section 30100.
Agreement State	“Agreement State” as defined in 17 CCR 30100.
Becquerel	“Becquerel” as defined in 10 CFR 20.1005 incorporated by reference in 17 CCR 30253.
Byproduct material	“Radioactive material” as defined in 17 CCR 30100.
Curie	“Curie” as defined in 10 CFR 20.1005 incorporated by reference in 17 CCR 30253.
License	“License” as defined in 17 CCR 30100.

**Proposed LBR – 10 CFR Part 37
(RATS ID 2013-1)**

CDPH-RHB
August 4, 2016

Person	"Person" as defined in 17 CCR 30100.

(6) In lieu of complying with 10 CFR 37.101 and 37.103, the licensee shall instead comply with 17 CCR 30293.

(7) Reports of events or notifications required in 10 CFR 37.41, 37.45, 37.57, 37.77(a) - (d), and 37.81 shall be submitted to the Department in lieu of NRC as follows:

CDPH
Radiologic Health Branch
Radioactive Material Licensing
ATT: Increased Controls Program
MS 7610
PO Box 997414
Sacramento, CA 95899-7414

Telephone notification shall be made to the local RHB Inspection Office. Local RHB Inspection Office telephone numbers are:

Northern California:	(510) 620-3416 or (510) 620-3419
Southern California:	(714) 524-1409 or (714) 524-1203
Los Angeles County:	(213) 351-7897 or (213) 351-7387
San Diego County:	(858) 694-3621 or (858) 694-3616

**Proposed LBR – 10 CFR Part 37
(RATS ID 2013-1)**

CDPH-RHB
August 4, 2016

Existing Regulations Cited in LBR

Barclays Official California Code of Regulations

**Title 17. Public Health
Division 1. State Department of Health Services
Chapter 5. Sanitation (Environmental)
Subchapter 4. Radiation
Group 1. General
Article 1. Definitions**

§ 30100. General Definitions.

As used in subchapter 4:

(a) “Act” means the “Radiation Control Law,” Health and Safety Code, Division 104, Part 9, chapter 8, sections 114960 et seq.

(b) “Agreement State” means any state with which the United States Atomic Energy Commission or Nuclear Regulatory Commission has entered into an effective agreement under section 274b of the Atomic Energy Act of 1954, Title 42, United States Code, section 2021(b) (formerly section 274(b)).

(c) “Decommission” means to remove safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.

(d) “Department” means the California Department of Public Health.

(e) “Depleted uranium” means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

(f) “Hazardous radioactive material,” as used in section 33000 of the California Vehicle Code and 114820(d) of the Health and Safety Code means any “highway route controlled quantity” of radioactive material as such material is defined in title 49, Code of Federal Regulations, section 173.403.

(g) “Human use” means the internal or external administration of radiation or radioactive materials to human beings.

(h) “Installation” means the location where one or more reportable sources of radiation are possessed.

(i) “License,” except where otherwise specified, means a license issued pursuant to group 2, Licensing of Radioactive Material.

(j) “Other official agency specifically designated by the Department” means an agency with which the Department has entered into an agreement pursuant to section 114990 of the Health and Safety Code.

(k) “Person” means any individual, corporation, partnership, limited liability company, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing,

**Proposed LBR – 10 CFR Part 37
(RATS ID 2013-1)**

CDPH-RHB
August 4, 2016

other than the United States Nuclear Regulatory Commission, the United States Department of Energy, or any successor thereto, and other than Federal Government agencies licensed by the United States Nuclear Regulatory Commission, under prime contract to the United States Department of Energy, or any successor thereto.

(l) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received by that individual (e.g., film badges, pocket chambers, pocket dosimeters, film rings, etc.).

(m) "Possess" means to receive, possess, use, transfer or dispose of radioactive material pursuant to this regulation.

(n) "Possessing a reportable source of radiation" means having physical possession of, or otherwise having control of, a reportable source of radiation in the State of California.

(o) "Radiation" (ionizing radiation) means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(p) "Radiation machine" means any device capable of producing radiation when the associated control devices are operated, but excluding devices which produce radiation only by the use of radioactive material.

(q) "Radioactive material" means any material which emits radiation spontaneously.

(r) "Registrant" means any person who is registering or who has registered with the Department pursuant to group 1.5, Registration of Sources of Radiation.

(s) "Reportable sources of radiation" means either of the following:

(1) Radiation machines, when installed in such manner as to be capable of producing radiation.

(2) Radioactive material contained in devices possessed pursuant to a general license under provisions of sections 30192.1 and 30192.6.

(t) "Research and development" means theoretical analysis, exploration, experimentation or the extension of investigative findings and scientific or technical theories into practical application for experimental or demonstration purposes, including the experimental production and testing of models, prototype devices, materials and processes; but shall not include human use.

(u) "Sealed source" means any radioactive material that is permanently encapsulated in such manner that the radioactive material will not be released under the most severe conditions likely to be encountered by the source.

(v) "Source of radiation" means a discrete or separate quantity of radioactive material or a single radiation machine.

(w) "Special nuclear material" means:

(1) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Department declares by rule to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or

**Proposed LBR – 10 CFR Part 37
(RATS ID 2013-1)**

CDPH-RHB
August 4, 2016

(2) Any material artificially enriched by any of the foregoing, but does not include source material.

(x) “Specific license” means a license or the equivalent document issued to a named person by the Department or by the Nuclear Regulatory Commission or by any other Agreement State.

(y) “This regulation” means: California Code of Regulations, Title 17, Division 1, Chapter 5, Subchapter 4.

(z) “User” means any person who is licensed to possess radioactive material or who has registered as possessing a reportable source of radiation pursuant to groups 1.5 and 2 of this subchapter, or who otherwise possesses a source of radiation which is subject to such licensure or registration.

(aa) “Worker” means any individual engaged in activities subject to this regulation and controlled by a user, but does not include the user.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 114965, 114970, 114985, 115060, 131050, 131051 and 131052, Health and Safety Code.

§ 30253. Standards for Protection Against Radiation.

(a) The regulations governing standards for protection against radiation in title 10, Code of Federal Regulations, part 20, (10 CFR 20) sections 20.1001 through 20.2402 and Appendices A through G, (January 1, 2013) are hereby incorporated by reference with the following exceptions:

(1) Title 10, Code of Federal Regulations, sections 20.1001, 20.1002, 20.1006, 20.1007, 20.1008, 20.1009, 20.1401, 20.1402, 20.1403, 20.1404, 20.1405, 20.1406, 20.1905(g), 20.2106(d), 20.2203(c), 20.2206, 20.2302, 20.2401, and 20.2402, and Appendix D are not incorporated by reference.

(2) Any references to the United States Nuclear Regulatory Commission (NRC) or any component thereof shall be deemed to be a reference to the California Department of Public Health.

(3) The definition of the term “Byproduct material” in 10 CFR 20, section 20.1003 is replaced by the definition of the term “radioactive material” as defined in section 30100 of this regulation.

(4) The definition of the term “License” in 10 CFR 20, section 20.1003 is replaced by the definition of the term “License” as defined in section 30100 of this regulation.

(5) The definition of the term “Licensed material” in 10 CFR 20, section 20.1003 is modified to mean any radioactive material (including source material, special nuclear material, or byproduct material) received, possessed, used, transferred or disposed of under a general or specific license issued by the NRC, or by any other Agreement State or by any state that has been either provisionally or finally designated as a Licensing State by the Conference of Radiation Control Program Directors, Inc. With respect to

**Proposed LBR – 10 CFR Part 37
(RATS ID 2013-1)**

CDPH-RHB
August 4, 2016

dose limits and reporting requirements, the term “Licensed material” is to be construed broadly in context to include any source of ionizing radiation subject to the requirements of this regulation.

(6) The definition of the term “Licensee” as defined in 10 CFR 20, section 20.1003 is replaced by the definition of the term “User” as set forth in section 30100 of this regulation.

(7) The definition of the term “Person” as defined in 10 CFR 20, section 20.1003 is replaced by the definition of the term “Person” as set forth in section 114985(c) of the Health and Safety Code.

(8) The definition of the term “Radiation (ionizing radiation)” as defined in 10 CFR 20, section 20.1003 is replaced by the definition of the term “Ionizing radiation” as set forth in section 114985(b) of the Health and Safety Code.

(9) The definition of the term “Special nuclear materials” as defined in 10 CFR 20, section 20.1003 is replaced by the definition of the term “Special nuclear material” as set forth in section 114985(f) of the Health and Safety Code.

(10) Reports of transactions and inventories required in 10 CFR 20, section 20.2207 shall be submitted to the National Source Tracking System maintained by NRC as specified in section 20.2207. Methods of reporting specified in section 20.2207(f) are identified on NRC's form, referenced in section 20.2207(f)(4).

(11) Sections 30.35(g), 40.36(f), and 70.25(g), as cited in 10 CFR 20.1501(b), shall be deemed to reference section 30256(a); sections 50.75(g) and 72.30(d), as cited in 10 CFR 20.1501(b), are not incorporated by reference.

(b) The terms defined in 10 CFR 20, section 20.1003, as incorporated by reference, shall apply to this regulation, except that:

(1) The term “Act” as defined in 10 CFR 20, section 20.1003 is limited to the textual material incorporated by reference in subsection (a) above. The meaning of the term “Act” elsewhere in this regulation, is as defined in section 30100 of this regulation.

(2) The term “Department” as defined in 10 CFR 20, section 20.1003 is limited to the provisions incorporated by reference in subsection (a). The meaning of the term “Department” elsewhere in this regulation, is as defined in section 30100 of this regulation.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code.
Reference: Sections 114960, 114965, 114970, 114985, 114990, 115060, 115105, 115110, 115120, 115165, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

§ 30293. Records.

(a) Each user shall keep records showing the receipt, transfer, and disposal of each source of radiation which is subject to licensure or registration pursuant to groups 1.5 and 2 of this subchapter as follows:

**Proposed LBR – 10 CFR Part 37
(RATS ID 2013-1)**

CDPH-RHB
August 4, 2016

(1) The user shall retain each record of receipt of a source of radiation as long as the source of radiation is possessed and for three years following transfer or disposal of the source of radiation.

(2) The user who transferred the source of radiation shall retain each record of transfer for three years after each transfer unless a specific requirement in another part of the regulations in this subchapter dictates otherwise.

(3) The user who disposed of the radioactive material shall retain each record of disposal of the radioactive material until the Department terminates each license that authorizes disposal of the radioactive material.

(b) The user shall retain each record that is required by the regulations in this subchapter or by license condition for the period specified by the appropriate regulation or license condition. If a retention period is not otherwise specified by regulation or license condition, the record shall be retained until the Department terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(c) Records which shall be maintained pursuant to this subchapter may be the original or a reproduced copy or microform if such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by department regulations. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, specifications, shall include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

(d) If there is a conflict between the Department's regulations in this subchapter, license condition, or other written Department approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the regulations in this subchapter for such records shall apply unless the Department, pursuant to 30104, has granted a specific exemption from the record retention requirements specified in the regulations in this subchapter.

(e) Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in an unsealed form, shall, if requested by the Department, forward the following records to the Department:

(1) Records of disposal of licensed material made under Title 10, Code of Federal Regulations, sections 20.2002, 20.2003, 20.2004, 20.2005, incorporated by reference in section 30253; and

(2) Records required by Title 10, Code of Federal Regulations section 20.2103(b)(4), incorporated by reference in section 30253.

(f) If licensed activities are transferred or assigned in accordance with section 30194(c), each licensee authorized to possess radioactive material, with a half-life greater than 120 days, in an unsealed form, shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

**Proposed LBR – 10 CFR Part 37
(RATS ID 2013-1)**

CDPH-RHB
August 4, 2016

(1) Records of disposal of licensed material made under Title 10, Code of Federal Regulations, sections 20.2002, 20.2003, 20.2004, 20.2005, incorporated by reference in section 30253; and

(2) Records required by Title 10, Code of Federal Regulations, section 20.2103(b)(4), incorporated by reference in section 30243.

(g) Prior to license termination, each licensee shall, if requested by the Department, forward the records required by section 30256(a) to the Department.

Note: Authority cited: Sections 100275 and 115000, Health and Safety Code.

Reference: Sections 114965, 114970, 115105, 115110, and 115235, Health and Safety Code.