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§ 30104. Exemptions.

17 CA ADC § 30104

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Title 17. Public Health

Division 1. State Department of Health Services

Chapter 5. Sanitation (Environmental)

Subchapter 4. Radiation

Group 1. General

Article 2. Exemptions and Enforcement (Refs & Annos)

17 CCR § 30104

§ 30104. Exemptions.

(a) The Department may, upon application by any user, or upon its own initiative, grant such exemptions from the requirements of this regulation as it determines are authorized by law and will not result in undue hazard to health, life or property. Applications for exemptions shall specify why such exemption is necessary.

(b) Before granting an exemption, the Department shall determine that there is reasonable and adequate assurance that:

(1) the doses to any individual in any controlled area will not exceed those specified in Section 30265;

(2) the dose to the whole body of any individual in an uncontrolled area will not exceed 0.5 rem in a year;

(3) The deposition of radioactive material in the body of any individual will not likely result in a greater risk to the individual than would be expected from the dose specified in Section 30104 (b)(1) or (2), as appropriate, based on guidance from such bodies as the International Commission on Radiological Protection, and the National Council on Radiation Protection and Measurements; and

(4) there is no significant hazard to life or property.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 115060, 115235, 131050, 131051 and 131052, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 30345 to article 2 (section 30104) filed 11-25-85; effective thirtieth day thereafter (Register 85, No. 48).

2. Change without regulatory effect of subsection (b)(3) (Register 87, No. 4).

3. Change without regulatory effect amending subsections (b) and (b)(3) filed 11-1-91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 5).

4. Repealer and new Note filed 6-15-2015; operative 6-15-2015. Submitted to OAL for filing and printing only pursuant to Health and Safety Code section 100425 (Register 2015, No. 25).

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§ 30194. Approval of Applications and Specific Terms and Conditions for Specific Licenses.

17 CA ADC § 30194

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Article 4. Licenses (Refs & Annos)

17 CCR § 30194

§ 30194. Approval of Applications and Specific Terms and Conditions for Specific Licenses.

(a) An application for a new specific license or for renewal or amendment of an existing license will be approved if the Department determines that:

(1) the applicant or his specified personnel are qualified by reason of training and experience to use radioactive material of the kinds and quantities and for the purposes requested, in such a manner as to provide reasonable and adequate assurance of protection to health, life, and property;

(2) the applicant's equipment, facilities, proposed uses and procedures are such as to provide reasonable and adequate assurance of protection to health, life, and property;

(3) the issuance of the license will not jeopardize the health and safety of the public;

(4) the applicant satisfies all applicable requirements of the Act and regulations thereunder.

(b) Prior to issuing, amending or renewing a license pursuant to the provisions of this subchapter, the Department may inspect at any reasonable time the place of business, or premises and facilities of any applicant in order to verify information contained in the application or to obtain additional information for the purpose of completing the application.

(c) No license or any right under a license shall be assigned or otherwise transferred unless approved in advance by the Department. The request for transfer of a license shall include the identity and technical and financial qualifications of the proposed transferee, and the financial assurance for decommissioning information required by section 30195.1.

(d) Each licensee shall restrict possession of licensed material to the locations and conditions of the use authorized in the license.

(e) Each specific license shall expire on the expiration date specified as a condition of the license. However, the license shall continue to be valid if a timely application for renewal is filed. An application for renewal shall be timely if filed at least 30 days prior to the expiration date. The existing license shall not expire until the department has taken final action on the timely filed application for renewal.

(f) Applications and documents submitted shall be made available for public inspection except where the applicant identifies portions of the application as "trade secret" and the Department finds that the information is "trade secret" pursuant to provisions of the Public Records Act and Evidence Code Section 1060.

(g) As provided by Section 30195.1, certain applications for specific licenses filed under Group 2 shall contain a proposed decommissioning funding plan or a certification of financial assurance for decommissioning.

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

HISTORY

1. Amendment filed 7-8-87; operative 8-7-87 (Register 87, No. 29).

2. New subsection (g) filed 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 10-16-95 order, including amendment of Note, transmitted to OAL 2-9-96 and filed 3-25-96 (Register 96, No. 13).

4. Amendment section heading, subsections (c) and (g) and Note filed 12-30-2014; operative 4-1-2015 (Register 2015, No. 1).

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17 CCR § 30194, 17 CA ADC § 30194

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§ 30195. Special Requirements for Issuance of Specific Licenses.

17 CA ADC § 30195

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Group 2. Licensing of Radioactive Materials

Article 4. Licenses (Refs & Annos)

17 CCR § 30195

§ 30195. Special Requirements for Issuance of Specific Licenses.

In addition to the requirements set forth in Section 30194, specific licenses for certain specialized uses will be issued only if the following conditions are met:

(a) For human use of radioactive material limited to medical purposes, the applicant submits documentation demonstrating that they are capable of complying with the regulations governing the medical use of radioactive material in title 10, Code of Federal Regulations, Part 35 (10 CFR 35) (January 1, 2013), which is hereby incorporated by reference with the exceptions listed at subsections (a)(1) through (a)(15) below, and upon issuance of a license maintains compliance with said regulations:

(1) Title 10, Code of Federal Regulations, sections 35.1, 35.5, 35.7, 35.8, 35.10, 35.11(c), 35.12, 35.13, 35.14, 35.15, 35.18, 35.19, 35.26, 35.65, 35.4001, and 35.4002 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 "Department" as defined in section 30100 of this regulation.

(3) Any reference to 10 CFR 35, section 35.5 shall be deemed to be a reference to section 30293 of this regulation.

(4) Any reference to "Person" in 10 CFR 35 shall be deemed to be a reference to the term "Person" as defined in section 114985 (c) of the Health and Safety Code.

(5) Any reference to "Licensee" in 10 CFR 35 shall be deemed to be a reference to the term "User" as defined in section 30100 of this regulation.

(6) Any reference to "Byproduct material" in 10 CFR 35 is replaced by the term "Radioactive Material" as defined in section 30100 of this regulation.

(7) The definition of the term "Agreement State" in 10 CFR 35, section 35.2 is replaced by the definition of the term "Agreement State" as defined in section 30100 of this regulation.

(8) The definition of the term "Sealed source" in 10 CFR 35, section 35.2 is replaced by the definition of the term "Sealed source" as defined in section 30100 of this regulation.

(9) The definition of the term "Dentist" in 10 CFR 35, section 35.2 is modified to mean an individual possessing a current and valid license to practice as a dentist pursuant to the California Dental Practice Act specified in Business and Professions Code Section 1600 et seq.

(10) The definition of the term "Pharmacist" in 10 CFR 35, section 35.2 is modified to mean an individual possessing a current and valid license to practice as a pharmacist pursuant to the California Pharmacy Law specified in Business and Professions Code Section 4000 et seq.

(11) The definition of the term "Podiatrist" in 10 CFR 35, section 35.2 is modified to mean an individual possessing a current and valid license to practice as a podiatrist pursuant to California Business and Professions Code sections 2460 et seq.

(12) The definition of the term "Physician" in 10 CFR 35, section 35.2 is modified to mean an individual possessing a current and valid license to practice as a physician and surgeon or as an osteopathic physician and surgeon pursuant to the California Medical Practice Act specified in Business and Professions Code Section 2000 et seq.

(13) The reference to section 19.12 found in 10 CFR 35, section 35.27(b)(1) shall be deemed to be a reference to section 30255 of this regulation.

(14) The date January 1, 2011 is substituted for the date October 24, 2002 found in 10 CFR 35, section 35.57(a)(1) and (b)(1). Subdivisions (a)(2) and (b)(2) of 10 CFR 35, section 35.57 are replaced by the following:

(A) "An individual identified as a Radiation Safety Officer, an authorized medical physicist, or an authorized nuclear pharmacist, and physicians, dentists, or podiatrists identified as authorized users for the medical use of radioactive material on a license or an NRC or Agreement State license or a permit issued by a Department, NRC or Agreement State broad scope licensee or NRC master material license permit or by an NRC master material license permittee of broad scope before January 1, 2011 who perform only those medical uses for which they were authorized, need not comply with the training requirements of 10 CFR 35, sections 35.50, 35.51, or 35.55, and subparts D through H of 10 CFR 35, respectively."

(15) Nothing in this incorporation by reference shall be construed to authorize the Department to approve of specialty boards or medical specialty boards for meeting training requirements specified in 10 CFR 35.

(b) For use of multiple quantities of types of radioactive material for research and development or for processing for distribution:

(1) The applicant has a radiation safety committee of at least three members which must evaluate all proposals for, and maintain surveillance over, all uses of radioactive material. Committee members shall be knowledgeable and experienced in pertinent kinds of radioactive material use and in radiation safety.

(2) The applicant has a radiation safety officer, who is a member of the radiation safety committee, and who is supported by a staff of a size and degree of competence appropriate to deal with radiation safety problems that might be encountered.

(3) The applicant furnishes a detailed statement of the qualifications, duties, authority, and responsibilities of the radiation safety committee and of the staff radiation safety group.

(c) Except as provided in paragraphs (1), (2), and (3), for use of radioactive material in the form of a sealed source or in a device that contains the sealed source, the application either identifies the source or device by the manufacturer and model number by which the source or device was registered with either the Department, pursuant to section 32.210 of title 10, Code of Federal Regulations, Part 32 (10 CFR 32.210), incorporated by reference in section 30196, the U.S. Nuclear Regulatory Commission (NRC), or an Agreement State other than this state; or provides the information identified in 10 CFR 32.210(c), incorporated by reference in section 30196:

(1) For sources or devices manufactured before October 23, 2012 that are not registered with the Department under 10 CFR 32.210, incorporated by reference in section 30196, or with an Agreement State, and for which the applicant is unable to provide all categories of information specified in 10 CFR 32.210(c), the applicant provides:

(A) All available information identified in 10 CFR 32.210(c), incorporated by reference in section 30196, regarding the source, and, if applicable, the device; and

(B) Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information shall include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience of the applicant, and the results of a recent leak test;

(2) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with 10 CFR 32.210(g)(1), incorporated by reference in section 30196, the applicant may supply only the manufacturer, model number, and radionuclide and quantity; and

(3) If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.

(d) An application from a medical facility or educational institution to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to licensees in its consortium, as defined in section 30195.4(b), that are authorized for medical use pursuant to subsection (a), includes:

(1) A request for authorization for the production of PET radionuclides, or evidence of an existing license issued by the Department, the NRC under 10 CFR 30, or an Agreement State other than this State for a PET radionuclide production facility within its consortium from which it receives PET radionuclides;

(2) Evidence that the applicant is qualified to produce radioactive drugs for medical use by meeting one of the criteria in 10 CFR 32.72(a)(2), incorporated by reference in section 30196;

(3) Information identified in 10 CFR 32.72(a)(3), incorporated by reference in section 30196 regarding the PET drugs to be noncommercially transferred to members of its consortium; and

(4) If the applicant is a pharmacy, in addition to satisfying the requirements in paragraphs (1), (2), and (3), the applicant shall also provide identification of all individuals authorized to prepare the PET radioactive drugs and documentation that each individual meets the requirements of an authorized nuclear pharmacist as specified in 10 CFR 32.72(b)(2), incorporated by reference in section 30196.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115060, 115165, 115235, 131050, 131051 and 131052, Health and Safety Code.

HISTORY

1. Repealer and new subsection (e) filed 10-12-72; effective thirtieth day thereafter (Register 72, No. 42).
2. Repealer of subsection (e) filed 7-7-86; effective thirtieth day thereafter (Register 86, No. 28).
3. Change without regulatory effect amending subsection (d) filed 11-1-91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 5).
4. Repealer of subsections (a)-(b)(2), new subsections (a)-(a)(15), subsection relettering and amendment of Note filed 10-13-2010; operative 1-1-2011 (Register 2010, No. 42).
5. Editorial correction of subsection (a)(14) (Register 2010, No. 45).
6. Amendment subsections (a), (a)(14) and (a)(14)(A), repealer of subsections (c)-(c)(2) and new subsections (c)-(d)(4) filed 12-30-2014; operative 4-1-2015 (Register 2015, No. 1).

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§ 30195.1. Special Requirements for Issuance of Specific Licenses-Financial Surety for Decommis...

17 CA ADC § 30195.1

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Group 2. Licensing of Radioactive Materials

Article 4. Licenses (Refs & Annos)

17 CCR § 30195.1

§ 30195.1. Special Requirements for Issuance of Specific Licenses-Financial Surety for Decommissioning.

(a) The regulations governing financial assurance for decommissioning in Title 10, Code of Federal Regulations (10 CFR), section 30.35 (January 1, 2007) and Appendices A through E of 10 CFR Part 30 referenced in section 30.35, are hereby incorporated by reference with the following exceptions:

(1) Subsection 30.35(g) is not incorporated by reference.

(2) The phrase "byproduct material" shall include all "radioactive material" as defined in Title 17, California Code of Regulations, section 30100, except source material which shall be governed by subsection (b).

(3) The date "January 1, 1996" is substituted for the date "July 27, 1990."

(4) Any reference to the United States Nuclear Regulatory Commission (NRC) or any component thereof shall be deemed to be a reference to the Department.

(5) Any reference to 10 CFR section 30.37 shall be deemed to be a reference to Section 30194.

(6) The date "January 1, 1998" is substituted for the date "November 24, 1995."

(7) The date "January 1, 2010" is substituted for the date "December 2, 2004."

(8) The date "July 1, 2010" is substituted for the date "June 2, 2005."

(9) The date "January 1, 2011" is substituted for the date "December 2, 2005."

(10) The reference to 10 CFR section 20.303 found in the Note of Appendix B of 10 CFR Part 30 shall be deemed a reference to 10 CFR section 20.2003.

(11) Provisions relating only to power reactor licensees found in the following appendices are not incorporated:

(A) Appendix A, II.A.1.(ii);

(B) Appendix A, II.A.1.(iv);

(C) Appendix A, II.A.2.(ii);

(D) Appendix A, II.A.2.(iv);

(E) Appendix C, II.A(1); and

(F) Appendix C, II.A(2).

(b) The regulations governing financial assurance for decommissioning in 10 CFR section 40.36 (January 1, 2007) are hereby incorporated by reference with the following exceptions:

(1) Subsection 40.36(f) is not incorporated by reference.

(2) The date "January 1, 1996" is substituted for the date "July 27, 1990."

(3) Any reference to the NRC or any component thereof shall be deemed to be a reference to the Department.

(4) Any reference to 10 CFR section 40.43 shall be deemed to be a reference to Section 30194.

(5) The date "January 1, 1998" is substituted for the date "November 24, 1995."

(6) The date "January 1, 2009" is substituted for the date "December 2, 2004."

(7) The date "July 1, 2009" is substituted for the date "June 2, 2005."

(8) Appendix A referenced in section 40.36 is not incorporated by reference.

(c) The following persons shall be exempt from the requirements of this section:

(1) Persons authorized to possess no more than 1,000 times the quantity specified for each licensed material specified in Appendix B to Part 30 of Title 10, Code of Federal Regulations;

(2) Persons authorized to possess hydrogen-3 contained in hydrogen gas in a sealed source;

(3) Persons authorized to possess radioactive noble gases in sealed sources with no radioactive daughter product with half-life greater than 30 days; or

(4) Persons authorized to possess no more than 10 mCi of source material in any form and source material in any quantity in a non-dispersible form.

Note: Authority cited: Sections 115000, 115091, 131055 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115060, 115091, 115092 and 115235, Health and Safety Code.

HISTORY

1. New section filed 7-7-86; effective thirtieth day thereafter (Register 86, No. 28).

2. Amendment of subsection (c) filed 7-12-89; operative 8-11-89 (Register 89, No. 28).

3. Renumbering of former section 30195.1 to new section 30195.3 and new section filed 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 10-16-95 order, including amendment of subsection (c)(1) and Note, transmitted to OAL 2-9-96 and filed 3-25-96 (Register 96, No. 13).

5. Amendment of subsections (a) and (b), new subsections (a)(5), (a)(6), (b)(4) and (b)(5), and amendment of Note filed 9-9-97; operative 10-9-97 (Register 97, No. 37).

6. Amendment of subsections (a), (a)(2), (a)(4)-(5), (b) and (b)(3)-(4), new subsections (a)(7)-(11)(F) and (b)(6)-(8) and amendment of Note filed 12-30-2008; operative 1-29-2009 (Register 2009, No. 1).

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§ 30205. Modification, Suspension, Revocation and Termination of Licenses.

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Subchapter 4. Radiation

Group 2. Licensing of Radioactive Materials

Article 4. Licenses (Refs & Annos)

17 CCR § 30205

§ 30205. Modification, Suspension, Revocation and Termination of Licenses.

- (a) All licenses shall be subject to modification, suspension, or revocation by regulations or orders issued by the department.
- (b) Any license may be modified, suspended, or revoked by the department:
- (1) for any material false statement in the application or in any required report;
 - (2) because of conditions revealed by any means which would warrant refusal to grant such a license on an original application;
or
 - (3) for violation of any terms and conditions of the Act, of the license, or of any relevant regulation or order of the department, including non-payment of license fee pursuant to Sections 30230-30232 of this regulation.
- (c) Prior to the institution of proceedings to modify, suspend, or revoke a license, facts or conduct which may warrant such action shall be called to the attention of the licensee in writing and the licensee shall be accorded reasonable opportunity to demonstrate or achieve compliance, except in cases of willful violation or those in which the public health or safety requires otherwise.
- (d) A specific license may be terminated by mutual consent between the licensee and the department.

Note: Authority cited: Sections 208 and 25811(d), Health and Safety Code. Reference: Sections 25801, 25802, 25815, 25875 and 25876, Health and Safety Code.

HISTORY

1. Amendment of subsection (b)(3) filed 10-12-72; effective thirtieth day thereafter (Register 72, No. 42).
2. New NOTE filed 8-22-84 (Register 84, No. 34).

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§ 30253. Standards for Protection Against Radiation.

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Chapter 5. Sanitation (Environmental)

Subchapter 4. Radiation

Group 3. Standards for Protection Against Radiation

Article 1. General (Refs & Annos)

17 CCR § 30253

§ 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 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.

HISTORY

1. Repealer and new section filed 3-3-94 as an emergency; operative 3-3-94 (Register 94, No. 9). A Certificate of Compliance must be transmitted to OAL by 7-1-94 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 86, No. 28.
2. Certificate of Compliance as to 3-3-94 order transmitted to OAL 6-7-94 and filed 7-14-94 (Register 94, No. 28).
3. Editorial correction deleting History 1 and amending and redesignating History 3 (Register 94, No. 28).
4. Editorial correction of section heading (Register 99, No. 8).
5. Amendment of section and Note filed 10-15-2001; operative 11-14-2001 (Register 2001, No. 42).
6. Change without regulatory effect amending subsection (a)(1) and repealing subsections (a)(10)-(12) filed 8-8-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 32).
7. Amendment filed 7-20-2006; operative 8-19-2006 (Register 2006, No. 29).
8. Amendment of subsections (a)-(a)(3) and (a)(5), new subsection (a)(10), amendment of subsections (b)(1)-(2) and amendment of Note filed 11-9-2010; operative 12-9-2010 (Register 2010, No. 46).
9. Amendment of subsection (a), new subsection (a)(11) and amendment of Note filed 12-30-2014; operative 4-1-2015 (Register 2015, No. 1).

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§ 30256. Vacating Installations: Records and Notice.

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Group 3. Standards for Protection Against Radiation

Article 2. Notices, Instructions, and Reports to Workers; Inspections and Investigations (Refs & Annos)

17 CCR § 30256

§ 30256. Vacating Installations: Records and Notice.

(a) Each person granted a specific license pursuant to Group 2 of this Subchapter shall keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use by the Department. Before licensed activities are transferred or assigned in accordance with 30194(c), licensees shall transfer all records described in this section to the new licensee. In this case, the new licensee shall be responsible for maintaining these records until the license is terminated. If records important to the decommissioning of a facility are kept for other purposes, reference to these records and their locations may be used. The records shall include the following information important to decommissioning:

(1) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records shall include but not be limited to a description of any instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas, as for example, possible seepage into porous materials such as concrete. These records shall include any known information on identification of involved nuclides, quantities, forms, and concentrations.

(2) As-built drawings and modification drawings of structures and equipment in restricted areas where radioactive materials are used or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.

(3) Except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leak) or any radioactive materials having only half-lives of less than 65 days, a list contained in a single document and updated every 2 years, of the following:

(A) All areas designated and formerly designated restricted areas as defined in Title 10, Code of Federal Regulations, Section 20.1003 incorporated by reference pursuant to Title 17, California Code of Regulations, Section 30253;

(B) All areas outside restricted areas that require documentation under (a)(1);

(C) All areas outside of restricted areas where current and previous wastes have been buried as documented under Title 10, Code of Federal Regulations, Section 20.2108 incorporated by reference pursuant to Title 17, California Code of Regulations, Section 30253; and

(D) All areas outside of restricted areas which contain material such that, if the license expired, the licensee would be required to either decontaminate the area to unrestricted release levels or apply for approval for disposal under Title 10, Code of Federal Regulations, Section 20.2002 incorporated by reference pursuant to Title 17, California Code of Regulations, Section 30253.

(4) Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used pursuant to Section 30195.1.

(b) Each person granted a specific license pursuant to Group 2 of this Subchapter shall, no less than 30 days before vacating any installation which may have been contaminated with radioactive material as a result of the licensee's activities, notify the department in writing of intent to vacate. This notice shall be submitted on form CDPH 5314 (06/09), entitled "Certificate of Disposition of Materials," which is incorporated by reference herein, and shall address all requirements specified in subsection (c).

(c) If a licensee does not submit an application for license renewal under section 30194, the licensee shall on or before the expiration date specified in the license:

- (1) Terminate use of radioactive material;
- (2) Remove radioactive contamination to the extent practicable except for those procedures covered by Subsection (d) of this section;
- (3) Dispose of radioactive material in accordance with applicable regulations;
- (4) Submit a completed form CDPH 5314 (06/09), which certifies information concerning the disposition of materials; and
- (5) Conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey, unless the licensee demonstrates that the premises are suitable for release for unrestricted use in some other manner. The licensee shall, as appropriate:
 - (A) Report levels of radiation in units of microrads per hour of beta and gamma radiation at one centimeter and gamma radiation at one meter from surfaces, and report levels of radioactivity, including alpha, in units of disintegrations per minute (or microcuries) per 100 square centimeters removable and fixed for surfaces, microcuries per milliliter for water, and picocuries per gram for solids such as soils or concrete; and
 - (B) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

(d) In addition to the information required under Subsections (c)(4) and (5), the licensee shall submit a plan for completion of decommissioning if the procedures necessary to carry out decommissioning have not been previously approved by the Department and could increase potential health and safety impacts to workers or to the public such as in any of the following cases:

- (1) Procedures would involve techniques not applied routinely during cleanup or maintenance operations; or
- (2) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation; or
- (3) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or
- (4) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

(e) Procedures with potential health and safety impacts shall not be carried out prior to approval of the decommissioning plan.

(f) The proposed decommissioning plan, if required by Subsection (d) of this section or by license condition, shall include:

- (1) Description of planned decommissioning activities;
- (2) Description of methods used to assure protection of workers and the environment against radiation hazards during decommissioning;
- (3) A description of the planned final radiation survey;
- (4) The information required in (a) (3) and any other information required by (a) that is considered necessary to support the adequacy of the decommissioning plan for approval; and
- (5) An updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and plan for assuring the availability of adequate funds for completion of decommissioning.

(g) The proposed decommissioning plan will be approved by the Department if the Department determines that the decommissioning will be completed as soon as is reasonable and that the health and safety of workers and the public will be adequately protected.

(h) Upon approval of the decommissioning plan by the Department, the licensee shall complete decommissioning in accordance with the approved plan. As a final step in decommissioning, the licensee shall again submit the information required in subsection (c)(5) and shall certify the disposition of accumulated wastes from decommissioning by completing form CDPH 5314 (06/09).

(i) If the information submitted under subsection (c)(5) or (h) does not adequately demonstrate that the premises are suitable for release for unrestricted use, the Department shall inform the licensee of the appropriate further actions required for termination of license.

(j) Each specific license continues in effect, beyond the expiration date if necessary, with respect to possession of residual radioactive material present as contamination until the Department notifies the licensee in writing that the license is terminated. During this time, the licensee shall:

(1) Limit actions involving radioactive material to those related to decommissioning; and

(2) Continue to control entry to restricted areas until they are suitable for release for unrestricted use and the Department notifies the licensee in writing that the license is terminated.

(k) Specific licenses shall be terminated by written notice to the licensee when the Department determines that:

(1) Radioactive material has been properly disposed;

(2) Reasonable effort has been made to eliminate residual radioactive contamination, if present; and

(3) A radiation survey has been performed which demonstrates that the premises are suitable for release for unrestricted use; or other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release for unrestricted use.

Note: Authority cited: Sections 114975, 115000, 131051, 131052, 131055 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115060, 115230 and 115235, Health and Safety Code.

HISTORY

1. Renumbering of former section 30298 to section 30256 filed 3-3-94 as an emergency; operative 3-3-94 (Register 94, No. 9). A Certificate of Compliance must be transmitted to OAL by 7-1-94 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 3-3-94 order transmitted to OAL 6-7-94 and filed 7-14-94 (Register 94, No. 28).

3. Amendment of section heading and section filed 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 10-16-95 order, including amendment of subsections (a), (c)(4) and (f)(3), new (f)(4) and subsection renumbering, and amendment of subsection (h) and Note, transmitted to OAL 2-9-96 and filed 3-25-96 (Register 96, No. 13).

5. Amendment of subsection (a) filed 9-9-97; operative 10-9-97 (Register 97, No. 37).

6. Amendment of subsections (b), (c)(4) and (h) and amendment of Note filed 11-9-2010; operative 12-9-2010 (Register 2010, No. 46).

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Article 3.1. Records and Notification (Refs & Annos)

17 CCR § 30293

§ 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:

(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:

(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.

HISTORY

1. New article 3.1 (sections 30293 and 30295) and section filed 9-9-97; operative 10-9-97 (Register 97, No. 37). For prior history, see Register 94, No. 28.

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