

**Excerpts from Title 17, California Code of Regulations
As of July 10, 2019**

§ 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, 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.

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(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

(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.

§ 30105. Deliberate Misconduct.

(a) A user, applicant for a license or registration, employee of a user or applicant, or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any user or applicant for a license or registration, who knowingly provides to any

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user, applicant, contractor, or subcontractor, any components, equipment, materials, or other goods or services that relate to a user's or applicant's activities subject to this regulation, shall not:

(1) Engage in deliberate misconduct, as defined in subsection (c), that causes or would have caused, if not detected, a user or applicant to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Department; or

(2) Deliberately submit to the Department, a user, an applicant, or a user's or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the Department.

(b) A person who violates subsection (a) shall be subject to enforcement action in accordance with the Act.

(c) For the purposes of subsection (a), deliberate misconduct by a person means an intentional act or omission that the person knows:

(1) Would cause a user or applicant to be in violation of any rule, regulation, or order, or any term, condition, or limitation, or any license or registration issued by the Department; or

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a user, applicant, contractor, or subcontractor.

Note: Authority cited: Sections 100170, 100275, 115000, 115230 and 115235, Health and Safety Code. Reference: Sections 114965, 114970, 115000, 115215, 115230 and 115235, Health and Safety Code.

§ 30373. Transportation Regulations.

(a) Except as authorized in a general license or a specific license, or as exempted in this subchapter, a licensee may not deliver radioactive material to a carrier for transport, or transport radioactive material. Licensees authorized to receive, possess, use or transfer radioactive material shall, if they deliver radioactive material to a carrier for transport, transport radioactive material outside the site of usage as specified in the specific license, or transport radioactive material on public highways, comply with, as appropriate to the mode of transport, title 10, Code of Federal Regulations, part 71 (10 CFR 71) and Appendix A (as of January 1, 2016), which is hereby incorporated by reference with the following exceptions:

(1) 10 CFR 71, sections 71.0 through 71.3, 71.6, 71.7, 71.9 through 71.12, 71.14(b), 71.16, 71.18, 71.19, 71.24, 71.25, 71.31 through 71.45, 71.51 through 71.81, 71.85(a)-(c), 71.91(b), 71.93, 71.95, 71.99, 71.100, 71.101(c)(2), (d), (e), and (f), 71.103(c) through (f), and 71.107 through 71.131 are not incorporated by reference;

(2) Any references to the United States Nuclear Regulatory Commission or any component thereof shall be deemed to be a reference to the "Department" as defined in section 30100, except for:

(A) The reference found in the definition of "certificate of compliance" in 10 CFR 71.4 and any reference, within the provisions incorporated by reference in subsection (a), to a certificate of compliance, a certificate holder or applicant for a certificate of compliance; and

(B) References found in 10 CFR 71.5(b), 71.17(c)(3) and (e), 71.88(a)(4) and 71.97(c), (c)(3)(iii) and (f);

(3) The terms "Close reflection by water," "Containment system," "Maximum normal operating pressure," "Optimum interspersed hydrogenous moderation," "Spent nuclear fuel or spent fuel," and "State" found in 10 CFR 71.4 are not incorporated by reference;

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(4) When the term “licensed material” is used within the material incorporated by this section, it shall 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.;

(5) Federal Department of Transportation regulations as of January 1, 2016, referenced in 10 CFR 71.5, are hereby incorporated by reference;

(6) Notwithstanding paragraph (1), 10 CFR 71.85(a) through (c) is incorporated by reference only for the purpose of requiring the licensee, as specified in 10 CFR 71.85(d), to ascertain that the determinations specified in 10 CFR 71.85(a) through (c) have been made. This paragraph may not be construed to incorporate by reference 10 CFR 71.85(a) through (c) so as to establish, imply, or otherwise infer any authority over or control of a certificate holder, as defined in 10 CFR 71.4, by the Department;

(7) Title 10, CFR section 71.8 is substituted with section 30105 of this subchapter; and

(8) Title 10, CFR section 71.13 is substituted with subsection (c) of this section.

(b) Persons are exempt from this regulation to the extent that they transport any radioactive material or offer any radioactive material to a carrier for transportation where such transportation is subject to the exclusive jurisdiction of the United States Federal Government.

(c) Physicians are exempt from the requirements of this section to the extent that they transport radioactive material for use in the practice of medicine. However, any physician operating under this exemption shall possess a specific license issued pursuant to section 30195 authorizing human use of radioactive material.

Note: Authority cited: Sections 114765, 114820, 115000 and 131200, Health and Safety Code.

Reference: Sections 114740, 114765, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.