

Compatibility maintenance with Nuclear Regulatory Commission (NRC) regulations and
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**TITLE 17, California Code of Regulations
 Division 1, Chapter 5, Subchapter 4.0
 Group 2. Licensing of Radioactive Materials
 Article 4. Licenses**

Amend Section 30194 to read as follows:

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

(a) through (f) *No change to text.*

(g) Each specific licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85 contamination, respectively, in accordance with Title 10, Code of Federal Regulations, Part 35 (10 CFR 35), section 35.204, incorporated by reference in section 30195(a). The licensee shall record the results of each test and retain each record for three years after the record is made. The licensee shall report the results of any test that exceeds the permissible concentration listed in 10 CFR 35, section 35.204(a) at the time of generator elution, in accordance with 10 CFR 35, section 35.3204, incorporated by reference in section 30195(a).

(g)(h) *No change to text.*

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.

Amend Section 30195 to read as follows:

§ 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:

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(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~~2021), 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

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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.”~~The following 10 CFR 35 provisions shall read or are revised as indicated:

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(A) Section 35.50(c)(3) shall read “Has experience with the radiation safety aspects of the types of use of byproduct material for which the individual is seeking simultaneous approval both as the Radiation Safety Officer and the authorized user on the same new medical use license or new medical use permit issued by a Commission master material licensee. The individual must also meet the requirements in paragraph (d) of this section.”

(B) Section 35.55(a)(1) shall read “Have graduated from a pharmacy program accredited by the Accreditation Council for Pharmacy Education (ACPE) (previously named the American Council on Pharmaceutical Education) or have passed the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination.”

(C) Section 35.57 shall read or is revised as indicated:

1. The date July 1, 2022 is substituted for the date January 14, 2019 found in subdivisions (a)(1) and (b)(1), and for the date October 24, 2005 found in subdivisions (a)(2) and (a)(3).

2. Subdivision (b)(2) shall read “Physicians, dentists, or podiatrists not identified as authorized users for the medical use of byproduct material on a license issued by the Commission or an Agreement State, a permit issued by a Commission master material licensee, a permit issued by a Commission or an Agreement State broad scope licensee, or a permit issued in accordance with a Commission master material license of broad scope on or before July 1, 2022, need not comply with the training requirements of subparts D through H of this part for those materials and uses that these individuals performed on or before July 1, 2022, as follows:”.

(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) through (d)

No change to text.

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.

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Amend Section 30195.2 to read as follows:

§ 30195.2. Special Requirements for Issuance of Specific Licenses—Emergency Plans.

(a) In addition to meeting the requirements set forth in sections 30194, 30195, 30195.1 and 30195.3, specific licenses shall be issued only if the requirements specified in subsection (b) are met.

(b) The regulations governing application for specific licenses in Title 10, Code of Federal Regulations, section 30.32, subsection (i) (10 CFR 30.32(i)) (January 1, ~~2013~~2021) including section 30.72 referenced in 10 CFR 30.32(i), are hereby adopted by reference with the following exceptions:

(1) The phrase “radioactive material” as defined in ~~Title 17, California Code of Regulations,~~ section 30100 is substituted for the phrase “byproduct material.”

(2) Any reference to the Nuclear Regulatory Commission or any component thereof shall be deemed to be a reference to the Department as defined in section 30100.

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

Amend Section 30196 to read as follows:

§ 30196. Special Requirements for Issuance of Specific Licenses to Manufacture or Transfer Certain Items Containing Radioactive Material.

(a) The regulations governing manufacturing or initially transferring items containing radioactive material for sale or distribution in Title 10, Code of Federal Regulations (10 CFR), Part 32 (10 CFR 32) (January 1, ~~2013~~2021) are hereby incorporated by reference with the following exceptions:

(1) Title 10, Code of Federal Regulations, sections 32.1, 32.3, 32.8, 32.11, 32.12, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, 32.21a, 32.22, 32.23, 32.25, 32.26,

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32.27, 32.28, 32.29, 32.101, 32.102, 32.103, 32.110, 32.301, and 32.303 and NRC Form 653 referenced in section 32.52 are not incorporated by reference.

(2) Any reference to “byproduct material” in 10 CFR 32 is replaced by the term “radioactive material” as defined ~~Title 17, California Code of Regulations (17 CCR), in~~ section 30100.

(3) Any reference 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.

(4) Any reference to the term “Agreement State” shall be deemed to be a reference to the term “Agreement State” as defined in ~~17 CCR~~ section 30100.

(5) Any reference to the below identified federal regulation cited within 10 CFR 32 shall be deemed to be a reference to the below identified Department regulation in this subchapter:

Federal regulation cited within 10 CFR 32	Department regulation within this subchapter
§ 30.34(h)	§ 30257
§ 30.33	§ 30194
§ 30.36	§ 30256
§ 30.51	§ 30293
§31.2	§ 30190
§ 31.5	§ 30192.1
§ 31.7	§ 30192.2
§ 31.8	§ 30192.3
§ 31.10	§ 30192.4
§ 31.11	§ 30192.5
10 CFR 20 (any section)	§ 30253

(6) Any reference within 10 CFR 32 to sections found in 10 CFR 35 shall be deemed to be a reference to ~~47 CCR~~ section 30195(a) except that 10 CFR 35.65(a) (January 1, ~~2013~~2021) cited within 10 CFR 32.74(a)(3) is incorporated by reference in this section for the purpose of issuing a specific license pursuant to this section. Section 35.65(a) of 10 CFR is not incorporated by reference for purposes of issuing a specific license pursuant to ~~47 CCR~~ section 30195(a).

Note: Authority cited: Sections 114975, 115000, 115091 and 131200, Health and Safety Code.
Reference: Sections 114965, 114970, 115060, 115091, 115092, 115235, 131050, 131051 and 131052, Health and Safety Code.

Group 2. Licensing of Radioactive Materials
Article 6. Physical Protection of Radioactive Material

Amend Section 30220 to read as follows:

§ 30220. Special Requirements for Issuance of Specific Licenses — Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.

(a) In addition to meeting the requirements set forth in sections 30194, 30194.1, 30195, 30195.1, 30195.2, 30195.3 and 30196, specific licenses shall be issued only if the applicant submits documentation demonstrating that it is capable of complying, and following issuance of the license will continue to comply, with the regulations governing the physical protection of category 1 and category 2 quantities of radioactive material in Title 10, Code of Federal Regulations (10 CFR), Part 37 and Appendix A of 10 CFR Part 37 (January 1, ~~2016~~2021), which are hereby incorporated by reference with the following exceptions.

(1) Title 10, CFR sections 37.1, 37.3, 37.7, 37.9, 37.11(a) & (b), 37.13, 37.105, 37.107, and 37.109 are not incorporated by reference.

(2) The term “government agency” found in 10 CFR 37.5 is not incorporated by reference.

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(3) Part 73, as referenced in sections 37.21, 37.25, and 37.27 of 10 CFR 37, is not incorporated by reference, except that a licensee may meet the applicable provision by compliance with Part 73 as referenced.

(4) 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) Section 37.5 of 10 CFR 37. The reference to the NRC found in the term “fingerprint orders” shall be deemed to include both the NRC and the Department, as applicable. The term “agreement state” found within the definition of “fingerprint orders” shall be as defined in paragraph (6);

(B) Section 37.25 of 10 CFR 37, subject to paragraph (3). The reference to the NRC found in the definition of “security orders” in Section 37.25(b)(2) shall remain a reference to the NRC;

(C) Section 37.27 of 10 CFR 37, subject to paragraph (3). Licensees shall comply with all submittals and processes specified in 10 CFR 37.27 by submitting and corresponding directly to the NRC as required by 10 CFR 37.27, except that “Mail Stop T-07D04M” shall be used in lieu of “Mail Stop T-8B20” found in § 37.27(c); and

(D) Section 37.71 of 10 CFR 37. Any reference to the NRC shall be deemed to include the NRC, the Department, and any Agreement State, as applicable, except that any reference to “NRC's license verification system” remains a reference to the NRC.

(5) Reference to 10 CFR 30.41(d) found in 10 CFR 37.71 shall be deemed to be a reference to section 30210(c) ~~of this subchapter.~~

(6) For purposes of this section, 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:

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<i>Federal term found within 10 CFR 37.5</i>	<i>Department term</i>
Act	“Act” as defined in section 30100.
Agreement State	“Agreement State” as defined in section 30100.
Becquerel	“Becquerel” as defined in 10 CFR 20.1005 incorporated by reference in section 30253.
Byproduct material	“Radioactive material” as defined in section 30100.
Curie	“Curie” as defined in 10 CFR 20.1005 incorporated by reference in section 30253.
License	“License” as defined in section 30100.
Person	“Person” as defined in section 30100.

(7) Title 10, CFR sections 37.101 and 37.103 are substituted with section 30293.

(8) The mathematical formula for calculations concerning multiple sources or multiple radionuclides found in the Note to Appendix A of 10 CFR 37 shall read as published on November 30, 2021 in Volume 86, Number 227 of the Federal Register at page 67842, which is hereby incorporated by reference.

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.

Group 3. Standards for Protection Against Radiation

Article 1. General

Amend Section 30253 to read as follows:

§ 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~~2021) are hereby incorporated by reference with the following exceptions:

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(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 as defined in section 30100.

(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 subchapter.

(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.

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(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~~subchapter, 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~~subchapter, 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~~subchapter, 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.

**Article 6. Special Requirements for Radiographic Operations in Industrial
Radiography**

Amend Section 30333.2 to read as follows:

§ 30333.2. Personnel Monitoring Control.

(a) Radiographic operations using sealed sources shall not be performed unless, at all times during radiographic operations, all radiographic personnel wear, on the trunk of the body, a direct reading pocket dosimeter, an operating alarm ratemeter, and a personnel dosimeter ~~that requires processing to determine the radiation dose~~ except that at permanent radiographic installations, the wearing of an alarming ratemeter is not required. Each personnel dosimeter shall be assigned to and worn by only one individual.

(b) Film badges shall be replaced at periods not to exceed one month ~~and other personnel dosimeters that require processing to determine the radiation dose~~ and all other personnel dosimeters that require replacement shall be replaced at periods not to exceed three months. All personnel dosimeters shall be evaluated at least quarterly or promptly after replacement, whichever is more frequent. ~~After replacement, personnel dosimeters shall be sent for processing by the users' dosimetry processor meeting the requirements of section 20.1501(c) of title 10, Code of Federal Regulations incorporated by reference in section 30253 as soon as possible but no later than recommended by the dosimetry processor.~~

(c) Pocket dosimeters shall have a range from zero to 200 millirems and be recharged at the start of each shift. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters.

(d) Pocket or electronic personal dosimeters shall be read and exposures recorded at the beginning and end of each shift. A record of these exposures shall be retained for three years after the record is made and indicate, for each dosimeter used, the manufacturers name, model and serial number and name of individual to whom assigned.

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(e) Pocket and electronic personal dosimeters shall be checked at periods not to exceed one year for correct response to radiation and shall read within plus or minus 20 percent of the true radiation exposure. A record of these exposures shall be retained for three years after the record is made and indicate, for each dosimeter used, the manufacturers name, model and serial number.

(f) If an individual's pocket dosimeter is found to be discharged beyond its range or if the individual's electronic personal dosimeter reads greater than 200 millirems and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel dosimeter shall be sent for processing and evaluation within 24 hours. For personnel dosimeters that do not require processing, evaluation of the dosimeter shall be started within 24 hours. The individual may not resume work associated with any source of radiation until the individual's radiation ~~exposure~~dose has been determined. The user's radiation safety officer or his designee shall make this determination and the results shall be kept available for inspection and maintained until the Department terminates the license.

(g) ~~Reports received from the dosimetry processor~~Personnel dosimeter results shall be maintained~~retained for inspection~~ until the Department terminates ~~each~~the license ~~that authorizes the activity that is subject to the recordkeeping requirement.~~

(h) Each alarming ratemeter shall:

(1) Be checked to ensure that the alarm functions properly (sounds) prior to use at the start of each shift;

(2) Be set to give an alarm signal at a preset dose rate of 500 millirems per hour;

(3) Require special means to change the preset alarm function;

(4) Be calibrated at periods not to exceed one year for correct response to radiation; and

(5) Alarm within plus or minus 20 percent of the true radiation dose rate.

(i) Alarming ratemeter calibration records shall be maintained for three years.

(j) If at~~the~~ personnel dosimeter that ~~requires processing to determine the radiation dose~~is required by subsection (a) is lost or damaged during radiographic operations, the

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worker shall cease work immediately until a replacement personnel dosimeter is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter. The radiation safety officer shall perform the calculation. The results with measurements, calculated data, and assumptions made to obtain the calculated exposure and the time period for which the personnel dosimeter was lost or damaged shall be ~~retained for inspection~~ maintained until the Department terminates the license.

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

Amend Section 30336 to read as follows:

§ 30336. Requirements for Shielded-Room Radiography.

(a) and (b) *No change to text.*

(c) A user shall supply personnel dosimeters ~~that require processing to determine the radiation dose to~~ and require the use by every individual who operates, who makes “setups,” or who performs maintenance on a shielded-room radiography unit. Each personnel dosimeter shall be assigned to and worn by only one individual and processed in accordance with section 30333.2(b). Reports received from the dosimetry processor shall be available for inspection and maintained until the Department terminates the user’s registration. If a personnel dosimeter is lost or damaged during radiographic operations, the worker shall immediately cease work using radiation sources until a replacement personnel dosimeter is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter. The radiation safety officer shall perform the calculation. The results with measurements, calculated data, and assumptions made to obtain the calculated exposure and the time period for which the personnel dosimeter was lost or damaged shall be retained for inspection until the Department terminates the user’s registration.

(d) through (i) *No change to text.*

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

Article 7. Radiation Safety Requirements for Well Logging Operations

Amend Section 30348.3 to read as follows:

§ 30348.3. Personnel Monitoring.

(a) The user shall not permit an individual to act as a logging supervisor or logging assistant unless that person wears, at all times during the handling of radiation sources, a personnel dosimeter ~~that requires processing to determine the radiation dose~~. Each personnel dosimeter shall be assigned to and worn by only one individual. Film badges shall be replaced at least monthly and other personnel dosimeters ~~that require replacement shall be replaced~~ at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after replacement, whichever is more frequent. ~~After replacement, personnel dosimeters shall be sent for processing by the users' dosimetry processor meeting the requirements of section 20.1501(c) of title 10, Code of Federal Regulations incorporated by reference in section 30253 as soon as possible but no later than recommended by the dosimetry processor.~~

(b) The licensee shall provide bioassay services to individuals using radioactive materials in subsurface tracer studies if required by the license.

(c) Reports received from the dosimetry processor shall be retained for inspection until the Department terminates each license or registration that authorizes the activity that is subject to the recordkeeping requirement.

Note: Authority cited: Sections 100275, 114975, 115000 and 115060, Health and Safety Code. Reference: Sections 114965, 114970, 115060, 115110, 115230 and 115235, Health and Safety Code.

Group 4. Transportation of Radioactive Material
Article 1. Requirements for Transportation of Radioactive Material

Amend Section 30373 to read as follows:

§ 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~~2021), 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, 71.97(c)(3)(i), 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);

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(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;

(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 (49 CFR parts 107, 171 through 180, and 390 through 397) as of January 1, ~~2016~~2021, 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~~section 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

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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.

Group 5. Participation by Local Health Departments
Article 1. Local Health Departments

Amend Section 30393 to read as follows:

§ 30393. Participation in Control Program.

No change to text.

~~Note: Authority cited: Sections 208, 25651 and 25811, Health and Safety Code. Reference: Sections 25801, 25810, 25875 and 25876, Health and Safety Code.~~

Note: Authority cited: Sections 100275, 114820, 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114990, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

Amend Section 30394 to read as follows:

§ 30394. Application for Participation.

Application shall be made in writing, and shall set forth:

(a) through (c) *No change to text.*

(d) A showing that the radiation control program proposed by the local health department is compatible with standards imposed upon the State by the U.S. Nuclear Regulatory Commission (NRC) pursuant to the agreement contained in the Health and Safety Code, Section ~~25876~~115235, and the general policy statement "Guidelines for NRC Review of Agreement State Radiation Control Programs" (46 FR 59341)~~the Agreement State Program Policy Statement (Vol. 82, Federal Register, commencing at page 48535, October 18, 2017)~~, which is hereby incorporated by reference, and the

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NRC's guidance in Management Directive 5.6., "The Integrated Materials Performance
Evaluation Program (IMPEP)" dated July 24, 2019, which is hereby incorporated by
reference.

~~Note: Authority cited: Sections 208, 25651 and 25811, Health and Safety Code.
Reference: Sections 25801, 25810, 25875 and 25876, Health and Safety Code.~~

Note: Authority cited: Sections 100275, 114820, 114975, 115000, and 131200, Health
and Safety Code. Reference: Sections 114965, 114990, 115230, 115235, 131050,
131051, and 131052, Health and Safety Code.

Amend Section 30395 to read as follows:

§ 30395. Contract Authorizing Participation.

No change to text.

~~Note: Authority cited: Sections 208, 25651 and 25811, Health and Safety Code.
Reference: Sections 25801, 25810, 25875 and 25876, Health and Safety Code.~~

Note: Authority cited: Sections 100275, 114820, 114975, 115000 and 131200, Health
and Safety Code. Reference: Sections 114965, 114990, 115230, 115235, 131050,
131051 and 131052, Health and Safety Code.