

State of California—Health and Human Services Agency
Department of Health Services



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California
Department of
Health Services

DIANA M. BONTÁ, R.N., Dr. P.H.
Director

June 26, 2002

Mr. Paul H. Lohaus, Deputy Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission, Mailstop 03C10
Washington, D.C. 20555

Dear Mr. Lohaus:

REVIEW OF AGREEMENT STATE REGULATIONS

In review of the State Regulation Status (STS) list and as noted during our annual update meeting held on May 22, 2002 the following items were not submitted for final review by the Nuclear Regulatory Commission (NRC):

- *Safety Requirements for Radiographic Equipment – Part 34: RATS ID 1991-1*
 - Final regulations became effective on July 18, 1994 and were codified as Title 17, California Code of Regulations, section 30333.2.

- *Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] – Parts 30, 40; RATS ID 1993-1*
 - Final regulations became effective on October 16, 1995 and were codified as Title 17, California Code of Regulations, section 30256.

- *Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State - Part 150: RATS ID 1997-2*
 - Reciprocity regulations have been effective since 1965 and amended over the years. The regulations have most recently been amended to grant reciprocity to licensees of CRCPD Licensing States. These regulations are codified in Title 17, California Code of Regulations, section 30225.

Please note that Part 34 regulations were amended by 62 FR 28948 (May 28, 1997) (RATS ID 1997-5). Efforts to adopt regulations addressing that amendment are underway.



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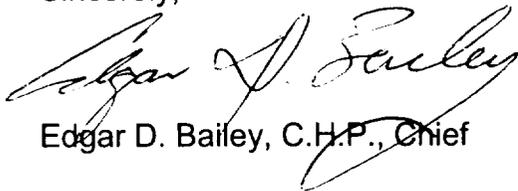
Mr. Paul Lohaus
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A copy of the final regulations that meet the compatibility and health and safety component criteria in Handbook 5.9 and the assigned designations set out in STP Procedure, SA-200 are enclosed. As noted on the STS, NRC had no comments on the proposed regulations when originally submitted.

We believe that any differences noted in a review of California's final regulations and the NRC's regulations are not significant. This is based on Appendix B of STP Procedure SA-201.

Should you have any questions regarding the above regulations, please contact me or Phillip Scott, Senior Health Physicist at (916) 324-3727.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edgar D. Bailey".

Edgar D. Bailey, C.H.P., Chief

cc: Phillip L. Scott, Regulation Unit
Radiologic Health Branch
P.O. Box 942732
Sacramento, CA 94234-7320

§ 30225. Persons Licensed by Other Agencies.

(a) Any person who holds a specific license issued by the United States Nuclear Regulatory Commission, 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., other than this State, may conduct activities of the kind therein authorized within this State for a period not in excess of 180 days in any calendar year without obtaining a specific license from the department, provided that the following conditions are satisfied:

(1) The person maintains an office for directing the licensed activity, and at which radiation safety records are normally maintained, in a location under jurisdiction of the agency which issued the specific license.

(2) The license does not limit the authorized activity to specified installations or locations.

(3) The person provides written notice to the department at least 3 days prior to engaging in such activity. Such notice shall indicate the location, specific time period, and type of proposed possession and use within this state, and shall be accompanied by a copy of the pertinent license. If, for a specific case, the 3-day period would impose an undue hardship on the person, the person may make application to the department to proceed sooner.

(4) The person complies with all applicable regulations of the department and with all the terms and conditions of the license, except such terms and conditions which may be inconsistent with said regulations.

(5) The person supplies such other information as the department may request.

(6) The person pays a fee in accordance with section 30230(d) to the Department prior to the engagement of activities within the state.

(b) Any person who holds a specific license issued by the United States Nuclear Regulatory Commission, 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., other than this State, authorizing the holder to install or service a device described in section 30192.1(a) shall be issued a general license to install or service such device in this State, provided that the following conditions are satisfied:

(1) The person files a report with the department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State identifying each device recipient by name and address, the type of device transferred or installed, and the quantity and type of radioactive material contained in each device.

(2) The device has been manufactured and labeled and is installed and serviced in accordance with applicable provisions of the specific license.

(3) The person assures that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device are affixed and bear a statement that "Removal of this label is prohibited."

(4) The person furnishes to each device recipient in this State to whom he or she transfers such a device or on whose premises he or she installs the device, a copy of Group 1.5 of this subchapter, of section 30192.1(a) and (b) of this regulation, and of sections 30253, 30254, 30293(a)(2) and 30295 of Group 3 of this subchapter.

(c) The department may withdraw, limit, or qualify its acceptance of any license specified in sections 30225(a) or (b) upon determining that such action is necessary to protect health or to minimize danger to life or property.

Title 17, California Code of Regulations

§ 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 his activities, notify the department in writing of intent to vacate. This notice shall be submitted on form RHB 314 (12/95) 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 RHB 314 (12/95), 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 RHB 314 (12/95).

(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.

§ 30333.2. Personnel Monitoring Control.

(a) The licensee shall not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each such individual wears a direct reading pocket dosimeter, an alarm ratemeter, and either a film badge or a thermoluminescent dosimeter (TLD) except that for permanent radiography facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarming ratemeter is not required. Pocket dosimeters shall have a range from zero to at least 200 milliroentgens and shall be recharged at the start of each shift. Each film badge and TLD shall be assigned to and worn by only one individual.

(b) Pocket dosimeters shall be read and exposures recorded daily. The licensee shall retain each record of these exposures for three years after the record is made.

(c) Pocket dosimeters shall be checked at periods not to exceed one year for correct response to radiation. Acceptable dosimeters shall read within plus or minus 30 percent of the true radiation exposure.

(d) If an individual's pocket dosimeter is discharged beyond its range, the individual's film badge or TLD shall be immediately sent for processing.

(e) Reports received from the film badge or TLD processor shall be retained for inspection until the Department terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(f) 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 mR/hr.;

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

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

(g) Acceptable ratemeters shall alarm within plus or minus 20 percent of the true radiation dose rate.