

Additional Excerpts to Supplement Initial Submittal

Title 17, California Code of Regulations

Division 1, Chapter 5

Subchapter 4. Radiation

§ 30210. Transfer of Radioactive Material.

(a) A licensee may only transfer radioactive material in accordance with this section.

(b) Except as otherwise provided in the license and subject to subsection (c), any licensee may transfer radioactive material:

(1) To the Department;

(2) To the U.S. Department of Energy;

(3) To the agency of any Agreement State that regulates radioactive material pursuant to an agreement with the United States Nuclear Regulatory Commission (NRC) under section 274 of the Atomic Energy Act of 1954, Title 42, United States Code, section 2021(b) (formerly section 274(b));

(4) To any person exempt, as specified in Article 3 of this Group, from the licensing requirements of this regulation, to the extent permitted under such exemption;

(5) To any person in an Agreement State, subject to the jurisdiction of that State, who has been exempted from the licensing requirements and regulations of that State, to the extent permitted under such exemption;

(6) To any person licensed or authorized to receive radioactive material by the Department, the NRC, or any other Agreement State; or

(7) As otherwise authorized by the Department in writing pursuant to Health and Safety Code section 115060(c).

(c) Before transferring radioactive material to a specific licensee of the Department, the NRC, or an Agreement State, the licensee transferring the material shall verify by one of the following methods that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred:

(1) The transferor may have in his possession, and read, a current copy of the transferee's specific license;

(2) The transferor may have in his possession a written certification by the transferee that he is authorized by license to receive the type, form, and quantity of radioactive material to be transferred, specifying the license number, issuing agency and expiration date;

(3) For emergency shipments, the transferor may accept oral certification by the transferee that he is authorized by license to receive the type, form, and quantity of radioactive material to be transferred, specifying the license number, issuing agency and expiration date, only if the oral certification is confirmed in writing within 10 days;

(4) The transferor may obtain other sources of information, compiled by a reporting service from official records of the NRC or the licensing agency of an Agreement State, as to the identity of licensees and the scope and expiration dates of licenses; or

(5) When none of the methods of verification described in paragraphs (1) to (4), inclusive, are readily available, or when a transferor desires to verify that information received by one of those methods is correct or up-to-date, the transferor may obtain and document confirmation from the Department, the NRC or the licensing agency of an Agreement State that the transferee is licensed to receive the radioactive material.

(d) This section does not authorize the commercial distribution of radioactive material other than those items listed in sections 30192 through 30192.7, except when such distribution is authorized by a specific license.

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.

§ 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.

§ 30257. Bankruptcy Notification.

(a) Each general licensee required to register pursuant to sections 30192.1(d)(1) or 30192.6(c)(1), and each specific licensee, shall notify the Department in writing immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (Bankruptcy) of the United States Code (11 U.S.C.) by or against:

- (1) The licensee;
 - (2) An entity (as that term is defined in 11 U.S.C. 101 (15)) controlling the licensee or listing the license or licensee as property of the estate; or
 - (3) An affiliate (as that term is defined in 11 U.S.C. 101 (2)) of the licensee.
- (b) The notification to the Department shall indicate:
- (1) The bankruptcy court in which the petition for bankruptcy was filed; and
 - (2) The date of the filing of the petition.

Note: Authority cited: Sections 114975, 115000 and 131200, Health and Safety Code. Reference: Sections 114965, 114970, 115060, 115175, 115205, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

§ 30293. Records.

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

- (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, except that if the source of

radiation is source material, as defined in Health and Safety Code section 114985(e), the user shall retain each record of transfer until the Department terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(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, or source material in an unsealed form, or special nuclear material shall forward the following records to the Department:

(1) Records of disposal of licensed material made under Title 10, Code of Federal Regulations (10 CFR 20), sections 20.2002, 20.2003, 20.2004, 20.2005, incorporated by reference in section 30253;

(2) Records required by 10 CFR 20 section 20.2103(b)(4), incorporated by reference in section 30253; and

(3) If the specific license authorized possession of special nuclear material, records required by section 30256(a).

(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, or source material in an unsealed form, or special nuclear material 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 10 CFR 20 sections 20.2002, 20.2003, 20.2004, 20.2005, incorporated by reference in section 30253;

(2) Records required by 10 CFR 20 section 20.2103(b)(4), incorporated by reference in section 30253; and

(3) If the specific license authorized possession of special nuclear material, records required by section 30256(a).

(g) Prior to license termination, each licensee shall 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, 115230 and 115235, Health and Safety Code.