



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 3, 2015

Mr. Gonzalo L. Perez, Chief
Radiologic Health Branch
Division of Food, Drug and Radiation Safety
California Department of Health Services
P.O. Box 997414, MS-7610
Sacramento, CA 95899-7414

Dear Mr. Perez:

We have reviewed the California revised legally binding requirements addressing the Physical Protection of Byproduct Material requirements in 10 CFR 37, received by our office on October 2, 2015. These requirements were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of the two amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the legally binding requirements with Phillip Scott on November 2, 2015.

As a result of our review, we have no comments. We have determined that California's legally binding requirements meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

The SRS Data Sheet summarizes our knowledge of the status of other California regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

Additionally, please note that NRC has previously issued certain Security Orders to 12 California licensees. We have not listed the names of the licensees in this letter because that information is Official Use Only and cannot be made publicly available. Because the NRC-issued Orders are still legally binding, they must be rescinded by NRC concurrent with California's promulgation of final regulations. Accordingly, close coordination is needed between NRC and your office to ensure there are no conflicts, duplications, or gaps regarding the security-related requirements for these licensees. Please contact Adelaide Giantelli, Chief, Source Management and Protection Branch, NMSS (Adelaide.Giantelli@nrc.gov) for information regarding the affected California licensees and for coordination with rescission of the NRC-issued Orders and California's imposition of the legally binding requirements on these licensees.

G. Perez

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If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at (610) 337-6942 (Michelle.Beardsley@nrc.gov).

Sincerely,

*/RA/
DWhite for PHenderson*

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure:
California SRS Data Sheet

STATE REGULATION STATUS

State: California

Tracking Ticket Number: 16-01

Date: 11/03/2015

[2 amendment(s) reviewed identified by a * at the beginning of the equivalent NRC requirement.]

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|----------------------|--|--|
| 1991-1 | Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superseded by 1997-5) | 01/10/1994 | Not Required | Not Required | California has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-2 | ASNT Certification of Radiographers Part 34 56 FR 11504 (Superseded by 1997-5) | none | Not Required | Not Required | California has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-3 | Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183 | 01/01/1994 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1991-4 | Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980 | 10/15/1994 | Final | No Comments 04/01/1998 | |
| 1992-1 | Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superseded by 2002-2) | 01/27/1995 | Final ML103050179 | No Comments 01/05/2011 ML103340424 | |
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566 | none | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |

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|---------|---|-----------------------------|----------------------------------|--|--|
| 1993-1 | Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628 | 10/25/1996 | Final ML112970300 | No Comments 01/20/2012 ML113330808 | |
| 1993-2 | Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715 | 07/01/1996 | License Condition ML051670371 | No Comments 07/01/2005 ML051810407 | |
| 1993-3 | Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886 | 07/22/1996 | Not Applicable ¹ | Not Applicable | California does not have any licensees subject to these regulations (See SECY-95-112) |
| 1994-1 | Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618 | none | Final | No Comments 04/01/1998 | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1994-2 | Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220 | 07/01/1997 | Not Applicable | Not Applicable | California does not have authority to regulate this material under its Agreement. |
| 1994-3 | Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026 | 08/15/1997 | | | |
| 1995-1 | Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322 | 01/01/1998 | Final | No Comments 11/16/1999 | |

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|---------|--|-----------------------------|--|--|---|
| 1995-2 | Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900 | 03/13/1998 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1995-3 | Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983 | 03/01/1998 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1995-4 | Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5) | 06/30/1998 | Not Required | Not Required | California has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1995-5 | Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038 | 08/14/1998 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1995-6 | Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235 | 11/24/1998 | Final | No Comments 04/01/1998 | |
| 1995-7 | Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2) | 10/20/1998 | Final ML103050179 Final ML103550423 | No Comments 01/05/2011 ML103340411 No Comments 02/14/2011 ML110120070 | Part 35 only Part 20 only |

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|---------|---|-----------------------------|--|--|--|
| 1996-1 | Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1) | 04/01/1999 | Final ML091240053 | No Comments 06/11/2009 ML091470300 | California has adopted Final Regulations equivalent to RATS ID: 2004-1 |
| 1996-2 | One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109 | 02/15/1999 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1996-3 | Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669 | 06/17/1999 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1997-1 | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120 | 01/9/2000 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |
| 1997-2 | Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662 | 02/27/2000 | Final ML111740220 | No Comments 08/24/2011 ML112130149 | |
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120 | 05/29/2000 | Final ML103050179 Final ML103550423 | No Comments 01/05/2011 ML103340411 No Comments 02/14/2011 ML110120070 | Part 35 only Part 20 only |

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|---------|---|-----------------------------|---|---|---|
| 1997-4 | Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superceded by 2004-1) | 02/10/2000 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078) |
| 1997-5 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947 | 06/27/2000 | R ² ML14139A065 Final ML15012A519 | Comments 08/06/2014 ML14139A060 No Comments 02/09/2015 ML15012A465 | |
| 1997-6 | Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057 | 08/20/2000 | | | This regulation was previously reviewed and found acceptable (See NRC letter ML 020780186), however it was repealed on August 8, 2002, and CA is currently terminating licenses on a case by case basis |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634 | 01/02/2001 | Final ML081080140 | No Comments 05/13/2008 ML081340266 | |
| 1998-1 | Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773 | 02/12/2001 | Final ML060340073 | No Comments 03/09/2006 ML060670437 | |

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|---------|--|-----------------------------|--|--|---|
| 1998-2 | Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535 | 07/01/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1998-3 | License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2) | 07/10/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) |
| 1998-4 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059 | 07/09/2001 | Final ML081160234 | No Comments 06/19/2008 ML081710246 | |
| 1998-5 | Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 39 63 FR 39477; 63 FR 45393 | 10/26/2001 | R ² ML14139A065 License Condition ML051580164 ML061790298 Final ML15012A519 | No Comments 08/06/2014 ML14139A060 No Comments 07/18/2006 ML061990575 No Comments 02/09/2015 ML15012A465 | Part 36 |
| 1998-6 | Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127 | 11/20/2001 | Final ML020030346 | No Comments 03/18/2002 ML020780186 | |

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|---------|--|-----------------------------|---|--|--|
| 1999-1 | Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506 | 06/11/2002 | Not Applicable | Not Applicable | California does not have authority to regulate this material under its Agreement. |
| 1999-2 | Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269 | 10/04/2002 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1999-3 | Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524 | 02/02/2003 | Final ML062210438 | No Comments 08/31/2006 ML062490010 | |
| 2000-1 | Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337 | 05/17/2003 | Final ML070920384 | No Comments 04/23/2007 ML071140038 | |
| 2000-2 | New Dosimetry Technology Parts 34, 36, 39 65 FR 63750 | 01/08/2004 | Final ML081160234 Final ML070920384 License Condition ML051580164 ML061790298 | No Comments 06/19/2008 ML081710246 No Comments 04/23/2007 ML071140038 No Comments 07/18/2006 ML061990575 | Part 34 Part 39 Part 36 adopted by reference |

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|---------|---|-----------------------------|---|--|-------|
| 2001-1 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162 | 02/16/2004 | R ² ML14139A065 License Condition for 32.52 (a) & (b) ML040500440 Final ML15012A519 | No Comments 08/06/2014 ML14139A060 No Comments 03/10/2004 ML040700191 No Comments 02/09/2015 ML15012A465 | |
| 2002-1 | Revision of the Skin Dose Limit Part 20 67 FR 16298 | 04/05/2005 | Final ML062210438 | No Comments 08/31/2006 ML062490010 | |
| 2002-2 | Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249 | 10/24/2005 | R ² ML14139A065 Final ML15012A516 | No Comments 08/06/2014 ML14139A060 No Comments 02/09/2015 ML15012A465 | |
| 2003-1 | Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327 | 12/03/2006 | Final ML090210714 | No Comments 02/06/2009 ML090260305 | |
| 2004-1 | Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697 | 10/01/2007 | Final ML091240053 | No Comments 06/11/2009 ML091470300 | |

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|---------|---|-----------------------------|---|--|--|
| 2005-1 | Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001 | 07/11/2008 | License Condition ML062920179 | No Comments 11/09/2006 ML063130004 | |
| 2005-2 | Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926 | 04/29/2008 | R ² ML14139A065 Final ML15012A519 | No Comments 08/06/2014 ML14139A060 No Comments 02/09/2015 ML15012A465 | |
| 2005-3 | Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128 | 12/01/2005 | License Condition ML081280851 | No Comments 05/13/2008 ML081340260 | California chose to revise its IC License Condition at the time of the Fingerprinting Order EA-07-305 License Condition Implementation. The original license condition can be seen at ML053060120. The response letter sent 11/04/2005 can be seen at ML053080246. |
| 2006-1 | Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005 | 03/27/2009 | R ² ML14139A065 Final ML15012A519 | No Comments 08/06/2014 ML14139A060 No Comments 02/09/2015 ML15012A465 | Note: changes to Part 40 and 70 are not required for compatibility. |

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|---------|---|-----------------------------|---|--|-------|
| 2006-2 | National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685 | 02/06/2007 | License Condition ML070360575 | No Comments 02/16/2007 ML070470007 | |
| 2006-3 | National Source Tracking System Part 20 71 FR 65685, 72 FR 59162 | 01/31/2009 | Final ML103550423 | No Comments 02/14/2011 ML110120070 | |
| 2007-1 | Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207 | 10/29/2010 | R ² ML14139A065 Final ML15012A519 | No Comments 08/06/2014 ML14139A060 No Comments 02/09/2015 ML15012A465 | |
| 2007-2 | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473 | 12/17/2010 | R ² ML14139A065 Final ML15012A519 | No Comments 08/06/2014 ML14139A060 No Comments 02/09/2015 ML15012A465 | |
| 2007-3 | Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864 | 11/30/2010 | R ² ML14139A065 Final ML15012A519 | No Comments 08/06/2014 ML14139A060 No Comments 02/09/2015 ML15012A465 | |

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|---------|--|-----------------------------|--|--|------------------------------|
| 2007-4 | Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901 | 06/05/2008 | License Condition ML081280851 | No Comments 05/13/2008 ML081340260 | |
| 2008-1 | Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043 | 02/15/2011 | Final ML103550423 | No Comments 02/14/2011 ML110120070 | |
| 2009-1 | Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901 | 09/28/2012 | Proposed ML14139A0652 Final ML15012A519 | No Comments 08/06/2014 ML14139A060 No Comments 02/09/2015 ML15012A465 | |
| 2011-1 | Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512 | 12/17/2015 | | | |
| 2011-2 | Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951 | 11/14/2014 | Final ML13144A735 License Condition ML13196A091 | No Comments 07/03/2013 ML13162A553 No Comments 08/21/2013 ML13196A080 | Part 36 adopted by reference |

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|---------|---|-----------------------------|---|--|------------------------------------|
| 2012-1 | Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640 | 01/25/2015 | R ² ML14139A0652 Final ML15012A519 | No Comments 08/06/2014 ML14139A060 No Comments 02/09/2015 ML15012A465 | |
| 2012-2 | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194 | 08/10/2015 | | | |
| 2012-3 | Technical Corrections Part 30, 34, 40 and 71 77 FR 39899 | 08/06/2015 | | | |
| 2012-4 | Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666 | 10/23/2015 | Proposed ML14139A0652 Final ML15012A519 | No Comments 08/06/2014 ML14139A060 No Comments 02/09/2015 ML15012A465 | |
| *2013-1 | Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922 | 03/19/2016 | Proposed License Condition ML15216A474 Revised License Condition ML15281A285 | Comments 08/31/2015 ML15216A443 No Comments 11/03/2015 ML15281A277 | Part 37 only. Part 37 only. |

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|---------|---|-----------------------------|---|--|-------|
| 2013-2 | Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, 10 CFR Parts 30, 40, and 70 78 FR 32310 | 08/27/2016 | | | |
| 2015-1 | Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143 | 01/26/2018 | | | |
| *2015-2 | Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865 | 01/28/2018 | Proposed ML15216A474 Revised License Condition ML15281A285 | No Comments 08/31/2015 ML15216A443 No Comments 11/03/2015 ML15281A277 | |
| 2015-3 | Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987 | 07/13/2018 | | | |
| 2015-4 | Miscellaneous Corrections, Parts 37 and 40 80 FR 45841 | 09/02/2018 | | | |
| N/A | 10 CFR 35.13, 35.14, 35.24, 35.27, 35.57 and 35.2024 | | License Condition ML111400455 | No Comments 07/11/2011 ML111740678 | |

¹ IMPEP Team: verify that California does not have any licensees subject to these regulations during each review.

² R stands for revisions to final rule.