



KAREN L. SMITH, MD, MPH  
Director and State Public Health Officer

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



EDMUND G. BROWN JR.  
Governor

March 18, 2016

To: Radioactive Materials Licensees Subject to 10 CFR Part 37

Subject: Request for Information Regarding Implementation of 10 CFR Part 37

In order to facilitate the implementation of 10 CFR Part 37 (Part 37) the Radiologic Health Branch (RHB) intends to amend radioactive materials licenses to show the names of current Reviewing Officials (ROs) and the dates of their most recent trustworthy and reliable (T&R) approval. The listing of RO names/dates on licenses will be informational, and will not restrict licensees from using other ROs as long as the other ROs have been approved and certified to the RHB in accordance with the requirements in Part 37.23(b)(2). This will allow ROs who have been properly certified to the RHB to perform RO functions before license amendments are issued showing their names on licenses.

In order for the listing of RO names/dates on licenses to be meaningful, RHB is requesting on a one-time basis that the names of current ROs who were approved as T&R under the Security Orders based on a background investigation that included finger printing and a criminal history check, and the date of each ROs most recent T&R approval, be provided to us within 30 days of your receipt of this letter. These RO names/dates may be submitted to the RHB by the individual who routinely corresponds with the RHB regarding the licensee's radioactive materials license, instead of under oath or affirmation as is required for ROs approved as T&R subsequent to March 18, 2016. We are also requesting that when an RO ceases serving in an RO capacity, licensees notify us in a similar manner so we may remove the name from the license. Submit the names/dates to the following address:

CDPH Radiologic Health Branch  
Radioactive Material Licensing  
ATTN: Radioactive Materials Security Program  
MS 7610  
PO Box 997414  
Sacramento, CA 95899-7414

Note that the above request to provide RHB with the names/dates for ROs is not to include any ROs who were approved based on a background investigation that did not include fingerprinting and a background investigation. Commencing March 19, 2016, any such ROs can no longer perform RO functions until they have been certified to us under oath or affirmation indicating that the RO is deemed trustworthy and reliable in accordance with the requirements in Part 37.23(b)(2), which requires fingerprinting and a criminal history check. Similar re-certification is required in accordance with Part 37.25(c) every 10 years.  
Implementation of 10 CFR Part 37



Page 2  
March 18, 2016

The individual who certifies the T&R of the RO to RHB in accordance with Part 37.23(b) (2) or Part 37.25(c) must be the individual who has evaluated the background information and made the T&R determination. Additionally, this individual needs to be a member of management that has the ability to make binding legal requirements and to sign official documents on behalf of the licensee. Except in the case of a company owner who is certifying himself/herself as the RO, the certification must be made by a company certifying official other than the RO.

Included with this letter is an RHB Information Notice containing information you may find useful in your implementation of Part 37. You can find additional helpful information on the implementation of Part 37 on our website at <http://www.cdph.ca.gov/rhb> under "What's New".

Should you have questions concerning this letter, please contact Ira Schneider at (916) 440-7976 or by email at [ira.schneider@cdph.ca.gov](mailto:ira.schneider@cdph.ca.gov).

Sincerely,



Gonzalo L. Perez, Chief  
California Department of Public Health  
Radiologic Health Branch

Enclosure: Information Notice 16-01



KAREN L. SMITH, MD, MPH  
Director and State Public Health Officer

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



EDMUND G. BROWN JR.  
Governor

**Information Notice 16-01**

March 18, 2016

To: Radioactive Materials Licensees Subject to 10 CFR Part 37 (Part 37)

Subject: Information Regarding Implementation of Part 37

This Notice is intended to provide information to assist licensees in their implementation of Part 37, which will become effective for California licensees March 19, 2016.

Much has stayed the same in Part 37 compared to the previous Security Orders; however, there have also been many changes. These changes are discussed in the document “10 CFR Part 37 Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material Implementation Plan” (Part 37 Implementation Plan). Two other helpful documents to guide implementation of Part 37 are NUREG-2155, Rev 1 – Implementation Guidance for 10 CFR Part 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material” and NUREG-2166 Physical Security Best Practices for the Protection of Risk Significant Radioactive Materials. These documents are all publically available on the Nuclear Regulatory Commission (NRC) website at <http://www.nrc.gov/security/byproduct/10-cfr-part-37.htm> and also on the California Department of Public Health – Radiologic Health Branch (CDPH-RHB) website at <http://www.cdph.ca.gov/certlic/radquip/Pages/RHB-RadioactiveMaterialsLicensing-HotTopics.aspx>.

Most of the changes from the Security Orders to Part 37 were to administrative aspects of Part 37, such as the need for: formal security plan and implementing procedures; annual reviews of both the access authorization program and the physical security program; initial and 12-month refresher training for individuals authorized unescorted access; and 12-month coordination with LLEA, as well as administrative changes involving the background investigation (BI) and trustworthiness and reliability (T&R) processes, including: signed consent for BI; verification of true identity; 7-year BI history check; fingerprinting and criminal history check of all reviewing officials; and certification of reviewing officials to CDPH-RHB under oath or affirmation. There are additional administrative changes noted in the Part 37 Implementation Plan.

Part 37 contains a lesser number of changes to the physical security aspects of the Orders. The physical security changes include: immediate detection of unauthorized removal of category 1 sources; verification of category 2 source presence weekly; alarm system maintenance and testing program; License Verification System use; “coordination” instead of “pre-arranged plan” with LLEA; and security event reporting, among others.

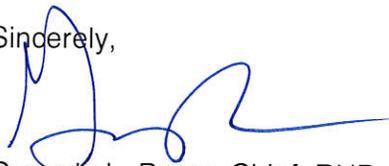
Information Notice 16-01  
Page 2  
March 18, 2016

Based on the NRC's two years of experience inspecting implementation of Part 37 by their licensees, the most frequently cited noncompliances by NRC have been for failure to develop a written security plan, and for failure to develop and maintain written access authorization and physical security procedures. Please pay particular attention to these aspects of your program, as well as the physical security changes noted above.

Part 37 requires telephone reporting for certain events. While appropriate business hour phone contact information is shown in your license condition related to Part 37, no phone contact information is shown for non-business hours or if no one is available during business hours to take your call. In those circumstances you will need to make the reports/notifications to the California Office of Emergency Services - State Warning Center at (800) 852-7550 or (916) 845-8911. At our next amendment of your license, this notification information will be incorporated in your license.

If you have questions concerning this Information Notice, please contact Robert Greger at (714) 831-7203 or by email at [robert.greger@cdph.ca.gov](mailto:robert.greger@cdph.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gonzalo L. Perez', with a long horizontal flourish extending to the right.

Gonzalo L. Perez, Chief, RHB  
California Department of Public Health  
Radiologic Health Branch