

**Methodology to Indicate Changes to
DPH-07-008 – Transportation of Radioactive Material
Second 15-Day Public Availability**

The proposed changes for comment that are the subject of this notice are indicated as follows:

- Deletions from the proposed text presented during the second 15-day public comment period are indicated by a shaded double strike-through (~~strike through~~).
- Additions to the proposed text presented during the second 15-day public comment period are indicated by a shaded double underline (underline).

**TITLE 17, CALIFORNIA CODE OF REGULATIONS
DIVISION 1.
CHAPTER 5.
SUBCHAPTER 4.0
GROUP 4. TRANSPORTATION OF RADIOACTIVE MATERIAL
Article 1. Requirements For Transportation Of Radioactive Material**

(3) 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 it outside the site of usage as specified in the specific license, or on public highways, comply~~No person shall transport any radioactive material outside the confines of that person's facility or other authorized location of use, on public highways, or offer any radioactive material to a carrier for transportation, unless that person complies with, appropriate to the mode of transport, title 10, Code of Federal Regulations, part 71 (10 CFR 71) and Appendix A (as of January 1, 2007), which is hereby incorporated by reference with the following exceptions~~applicable requirements of the regulations, appropriate to the mode of transport, of the United States Federal Government in 10 CFR, Part 71 (as effective November 30, 1988) insofar as such regulations relate to the packaging of radioactive material, marking and labeling of the packages, loading

~~and storage of packages, placarding of the transportation vehicle, monitoring requirements and accident reporting.:~~

(1) 10 CFR 71, sections 71.0 through 71.3, 71.6 through 71.13, 71.14(b), 71.16, 71.18, 71.19, 71.24, 71.25, 71.31 through 71.45, 71.51 through 71.81, 71.91, 71.93, 71.95, 71.99, 71.100, 71.101(c)(2), (d), (e), and (f), 71.103(a), (c) through (f), 71.105(b) through (d), 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 the reference found in the definition of "certificate of compliance" in 10 CFR 71.4;

(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 ~~the same as defined in title 10, Code of Federal Regulations, part 20 section 20.1003 incorporated by reference in section 30253,~~ 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.; and

(5) Federal Department of Transportation regulations as of January 1, 2007 referenced in 10 CFR 71.5 are hereby incorporated by reference.

(b) Persons are exempt from this regulation 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 physician operating under this exemption shall possess a specific license issued pursuant to section 30195 authorizing human use of radioactive material.

Note: (1) Authority cited: Sections ~~208, 25611, 25651 and 25811,~~ 114765, 114820, 115000 and 131200, Health and Safety Code.

Reference: Sections ~~25606 and 25611~~114740, 114765, 131050, 131051 and 131052, Health and Safety Code.

Note: (2) Copies of Title 10, Code of Federal Regulations--Energy, and Title 49, Code of Federal Regulations—Transportation, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies can also be obtained at: <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>.