



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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ARLINGTON, TEXAS 76011-8064**

March 15, 2001

Edgar D. Bailey, Chief
Radiological Health Branch
Division of Food, Drug, & Radiation Safety
P.O. Box 942732
Sacramento, CA 94234-7320

Dear Mr. Bailey:

A periodic meeting with California was held on February 21, 2001. The purpose of this meeting was to review and discuss the status of California's Agreement State Program. The NRC was represented by Russell Wise and myself from NRC's Region IV office.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8116 or e-mail mlm1@nrc.gov to discuss your concerns.

Sincerely,

/RA/

M. Linda McLean
Regional State Agreements Officer

Enclosure:
As stated

cc w/encl

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR CALIFORNIA
DATE OF MEETING: February 21, 2001

ATTENDEES:

NRC

M. Linda McLean, Regional State Agreements Officer, Region IV
Russell Wise, Senior Allegations Coordinator, Region IV

State of California

Edgar Bailey, Chief, Radiological Health Branch
Robert Greger, Supervising Health Physicist, Compliance and Enforcement Section
David Wesley, Supervising Health Physicist, Radioactive Materials Licensing Section
Katherine Ewing, Staff Attorney

DISCUSSION:

The following is a summary of the meeting held in Sacramento, California, on February 21, 2001, between representatives of the NRC and the State of California. During the meeting, the topics suggested in a letter dated January 3, 2000, from Mrs. McLean to Mr. Bailey were discussed. The discussion pertaining to each topic is summarized below.

Action on Previous IMPEP Review Findings

The previous Integrated Materials Performance Evaluation Program (IMPEP) review was conducted during the period October 4-8, 1999, with the findings discussed in a meeting between the State and the IMPEP Management Review Board (MRB) on December 20, 1999. The results were issued in a final report dated January 4, 1999. At that time the MRB found that the California radiation control program was adequate to protect public health and safety and compatible with NRC's program.

All IMPEP review findings were recommended for closure during the March 23, 1999, periodic meeting.

Strengths and Weaknesses of the Program

Strengths

The Radiological Health Branch's (Branch) radioactive materials program is comprehensive and diverse. They have approximately 2100 licensees covering all types of material, and approximately 180 staff members. The Branch supervisors are very experienced and are Certified Health Physicists.

The Nuclear Medicine Council which was established about two years ago, is considered a program strength. Council members include individuals in the nuclear medicine community, (e.g., a medical physicist, an oncologist, a radiopharmacist, a health physicist). They meet about every other month. Council discussions include updates in nuclear medicine modalities.

Weaknesses

The adoption of regulations continues to be a program weakness. The process is laborious and it can take up to three years to promulgate new regulations. Other potential weaknesses are not having administrative penalties available, not having a LLRW site within their compact, and the State's difficult hiring process.

State Feedback on NRC's Program

The adoption of the new 10 CFR Part 35 may cause some problems. Although currently not a problem, the lack of funding for NRC courses may be a future issue.

Recent or Pending State Program Changes

There are no legislative changes or changes in progress that will affect compatibility. One supervisor in materials licensing and another supervisor in inspection, compliance, and enforcement retired this past year. The vacancies have been filled.

The status of their inspection program was discussed. The Branch has approximately 45 overdue inspections as of January 2001 (the State has about 2100 licenses). Currently they are two FTE short in the two field offices where most of the overdue inspections are located (Granada Hills and San Diego). Twenty-six inspections are overdue in the Granada Hills office and eight are overdue in the San Diego office. Nonetheless, the Branch believes that they will be able to complete these inspections once they are fully staffed in these locations. The Branch has 20 vacancies, five are in the radioactive materials program.

The Branch has changed on a case-by-case basis from a seven year license renewal system to a ten year renewal. This change will allow additional resources to be put into the licensing backlog. The biggest license backlog is in the sealed source and device registry program.

NRC Program or Policy Changes That Could Impact Agreement States

The All Agreement State letter STP-00-083 on the license termination rule and event reporting was discussed. The Branch believes that they have responded to both letters, but will verify that they have.

A copy of the Region IV organization was provided to the Branch. State assignments between the Regional State Agreements Officers (RSAO) was reviewed.

The revision to NRC regulations on the use of potassium iodide in emergency response was discussed (STP-01-006).

Internal Program Audits or Self Assessments

The Branch is undergoing a business process re-engineering (BPR) process. Program audits and self assessments are included in this process.

Status of Allegations Referred by NRC to the State

There were no allegations forwarded to the State during this review period. Mr. Wise discussed NRC's allegation process and answered questions regarding the handling of allegations.

Compatibility of California Rules and Regulations

The Branch has recently established a new regulations unit. Two new staff members are scheduled to start in March. The Branch will be focusing their efforts on completing the regulations that are due.

The proposed license termination rule has been reviewed by the NRC and was returned to the State with two comments. The State questioned one of the comments regarding the requirement to hold public meetings whenever a licensee submits a decommissioning plan. The State questioned if the NRC had public hearings on all decommissioning plans submitted to the NRC. The question will be forwarded to OSTP.

Nuclear Material Events Database (NMED)

The Branch is not using the NMED database to report events. Since the NMED system is not compatible with their event database, they must retype the information from their database into the NMED format. Because of this they frequently do not make the 30-day reporting requirement. They were told that they could submit the event reports in any format as long as the reports have the required information.

Action Items

The Branch suggested that the levels of compatibility be accessible on the web site - OSTP.

The Branch requested information on the license termination rule and the requirement for public meeting - OSTP.

Schedule for next IMPEP Review

The next IMPEP is scheduled for fiscal year 2003.