



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

**Heightened Oversight
California Conference Call Summary
Date of Call: August 2, 2005**

These minutes are presented in the same general order as the items were discussed in the meeting. The participants were as follows:

NRC Attendees

Paul Lohaus, Director, STP
Dennis Rathbun, Deputy Director

Linda McLean RSAO
Len Wert, Division Director, DNMS
Duncan White, RI
Osiris Siurano, STP
Aaron McCraw, RIV
Vivian Campbell, RIV

State of California Attendees

Kevin Reilly, Prevention Services
Larry Barrett, Division of Food, Drug & Radiation
Safety

Ed Bailey, Radiological Health Branch (RHB)
Gary Butner, RHB
Victor Anderson, RHB

NRC staff opened the call with a discussion on the progress made on the revised California Program Improvement Plan (Plan). After the introductions and initial statements, California addressed the questions sent to them by letter dated July 29, 2005. The questions regarded the ten recommendations issued to California during the 2004 IMPEP Review.

Recommendation 1 - Program Resources

The California staff confirmed that the fee rule was promulgated under "emergency rulemaking." The rule will have to go through the normal review process to become a permanent effective rule. The staff is on track in completing the review process in the required 120 days.

With the availability of increased fees the Branch can begin to hire replacement and new staff. In the Agreement State program, there are currently ten vacancies, two supervisor positions and eight openings in inspection and licensing. Three job offers are out now. The State's goal is to have all vacancies filled in 60-90 days.

Recommendation 2 - Location/Security of licensed material

The California staff said that all of the licensees and material mentioned in the IMPEP report have been accounted for. Additional delinquent/unaccounted for licensees have been identified. The California staff stated that they have initiated a program to better coordinate

actions of the Licensing, and the Inspection, Enforcement, and Compliance Section to ensure that licensees and licensed material are accounted for throughout the life of the license. In addition, some of the lost licensees are being turned over to investigators that are available to the Branch.

Recommendation 3 - Prompt issuance of inspection reports

The California staff indicated that only three inspections out of 187 inspections this year, were issued over 30 days. The Branch has made good progress in the timeliness of issuance of inspection reports.

Recommendation 4 - Incident and Allegation files being used as a reference for license reviewers

The California staff stated that a procedure is in place to allow review of incident and allegation files by license reviewers. The procedure has not been fully implemented; therefore, progress on this recommendation will be reported in the next Plan update.

Recommendation 5 - Closing of events reported to Nuclear Material Events Database (NMED)

All but 10 of the 172 reportable events that were identified as needing to be closed have been closed. In total about 400 events have been closed in NMED. A question was raised concerning the SA-300 procedure criteria for closing events involving lost sources. The question was: should an event be left opened or should it be closed if the source has never been recovered? STP will review the procedure and clarify the requirement as necessary. This recommendation is considered closed.

Recommendation 6 - Prompt reporting of events to NMED

This recommendation was not discussed.

Recommendation 7 - Tracking of incidents and allegations for proper disposition

The Branch established a procedure (RH 5010, "Matter Requiring Investigation/Inspection") and a database to track events. The procedure requires that a form (Form 5010) be completed upon first notice of an event. The California staff stated that additional follow-up to assure closure of the events in the database is necessary.

Recommendation 8 - Adoption of NRC amendments

The California staff reviewed the progress of all the outstanding amendments. NRC staff noted that progress had been made in the adoption of some of the overdue amendments. NRC offered assistance to help expedite the regulations through the process. The State declined assistance at this time.

Recommendation 9 - Develop a process for tracking/incorporating/evaluating SS&D defects and incidents for possible revaluation of SS&D sheets.

The State reported that they are still working to address this recommendation and will provide updated information at the next call.

Recommendation 10 - Reevaluation of the NOVA R&D model CINDY neutron device.

This recommendation is considered closed in the Plan.

The NRC staff expressed their appreciation for California's efforts to draft a revised and improved Plan. The California staff assured the NRC that program improvements are being given the utmost management attention and maximum resource allocation that is possible at this time.

The next call is scheduled for the first week in November 2005.