



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

February 28, 2006

**Heightened Oversight
California Conference Call Summary**
Date of Call: February 9, 2006

This summary is presented in the same general order as the items were discussed on the conference call. The participants were as follows:

NRC Attendees

Janet Schlueter, Director
State and Tribal Programs (STP)
Linda McLean RSAO
John Zabko, STP
Kathleen Schneider, STP
Osiris Siurano, STP
Aaron McCraw, STP

State of California Attendees

Larry Barrett, Division of Food, Drug & Radiation
Safety
Ed Bailey, Radiological Health Branch (RHB)
Gary Butner, RHB
Phillip Scott, RHB
Robert Cabral, RHB
Victor Anderson, RHB

The purpose of the conference call was to discuss the updated Program Improvement Plan (the Plan) and the status of the ten recommendations issued to California during the 2004 IMPEP review. NRC staff opened the call with introductions and initial statements. After the introductions, California addressed questions regarding the updated Plan, submitted to NRC on January 27, 2006. NRC acknowledged the progress that has been made on the recommendations.

Recommendation 1 - Program Resources

Status: RHB received approval for an additional nine positions. RHB has conducted interviews for three of the nine approved positions. Three applicants have been offered employment. Inspection, Compliance, and Enforcement section has three vacant positions: two for the south offices and one in the Berkeley office. Two applicants have been interviewed for the south office. Next week other applicants are scheduled to be interviewed. The licensing section also has three vacant positions. Offers have been made to two applicants. They should start in approximately 30 days. At the current staffing level, the department is about 85 percent staffed. This recommendation remains open

Recommendation 2 - Location/Security of licensed material -

Status: All of the licensees and material mentioned in the IMPEP report have been accounted for, with one exception. The exception is a licensee that moved to Oregon. The State has asked Oregon for assistance in finding the licensee. Oregon has been working with their general counsel to work out the legal issues for retrieving the gauge. This recommendation remains open

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Recommendation 3 - Prompt issuance of inspection reports - This recommendation is considered closed in the Plan

Recommendation 4 - Incident and Allegation files being used as a reference for license reviewers This recommendation is considered closed in the Plan

Recommendation 5 - Closing of events reported to Nuclear Material Events Database (NMED) This recommendation is considered closed in the Plan

Recommendation 6 - Prompt reporting of events to NMED -This recommendation is considered closed in the Plan

Recommendation 7 - Tracking of incidents and allegations for proper disposition This recommendation is considered closed in the Plan

Recommendation 8 - Adoption of NRC amendments

Status: The California staff reviewed the progress of all the outstanding amendments. Two regulation packages have been completed. Eight regulation packages are in various stages of completion as follows:

One regulation package was out for public comment in January 2006, and is being prepared for final submittal to the Agency, Prevention Services; four packages are in different departments within the Agency; and four packages are still in the Radiological Health Branch.

The State has made little progress in the adoption of these amendments; however, the State said that they are committed to concentrating their efforts on the regulations, and are giving the utmost management attention to adopting the regulations. An administrative assistant position has been approved and will be added to the regulation section to help with the process. This recommendation remains open.

Recommendation 9 - Develop a process for tracking/incorporating/evaluating SS&D defects and incidents for possible revaluation of SS&D sheets. This recommendation is considered closed in the Plan

Recommendation 10 - Reevaluation of the NOVA R&D model CINDY neutron device. This recommendation is considered closed in the Plan.

Other topics discussed.

The follow-up IMPEP Review scheduled for March 27-31, 2006, was discussed. 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.

Due to the staff vacancies, RHB discussed the status of their Inspection program. Inspections have been timely. RHB stated that only nine inspections have been or will be conducted past

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the due date, but only by a couple of days. They have accomplished this through use of overtime and sending inspectors to other regional offices to help out. RHB acknowledged that they have been struggling to keep up with the inspections.

Attachment:

California Program Performance Plan - January 27, 2006

Item	Title	Synopsis	NRC Due Date	Anticipated submittal to RHB	Anticipated Completion Date	Status	Completion Date
1	Radiation Control Fee Adjustments (R-3-04E)	Increases fees charged by RHB	N/A	NA	November 2005	Regulations approved and permanent.	Oct. 18, 2005
2	Industrial Radiography Certification (R-25-03)	Establishes certification for industrial use of RAM and X-ray.	06/30/2002	NA	July 2006	With Agency since 7-13-05.	
3	NRC Updates (R-7-04)	Addresses NRC changes for GLD's and registration.	Various dates in past	July 2005	January 2007	Revising to include registration fee.	
4	Well Logging (R-10-04)	electron compensation sources, sealed source performance criteria and tritium neutron generator sources.	Various dates in past	July 2005	June 2006	Public comment period completed. Preparing final submittal.	
5	Deliberate Misconduct (R-15-04)	Addresses NRC adoption of a misconduct rule for unlicensed persons.	02/12/2001	NA	January 2006	Effective Jan. 29, 2006.	Dec. 29, 2005
6	Standards for Protection Against Radiation (R-05-007)	Updates 10 CFR 20 incorporation date from 1999 to 2005.	Various dates in past	NA	July 2006	With Agency since 11-10-05.	
7	Exempt Radioactive Products (R-05-008)	Addresses NRC's 1uCi C-14 product exemption.	01/02/2001	August 2005	August 2006	Preparing for submittal to Agency.	
8	Medical Use of RAM (R-05-018)	Addresses NRC changes to Part 35	4/24/2005 & dates in past	December 2005	December 2006	RML & Regs revising draft as of 10-19-05.	
9	Financial Assurance	Addresses financial surety dollar amounts.	12/03/2006	March 2006	March 2007	First draft underway.	
10	Transportation	Addresses part 71 and 49 CFR.	10/01/2007	January 2006	January 2007	Package under development	

PERFORMANCE IMPROVEMENT PLAN PROGRESS REPORT

January 27, 2006

California Agreement State Program
Radiologic Health Branch
California Department of Health Services

Recommendation	Task	Milestones	Assigned To	Anticipated Completion Date	Status	Actual Completion Date
1. The review team recommends that the State ensure that adequate resources, both funding and staffing, be devoted to the radiation control program.	Increase funding to adequately support program activities.	Develop emergency regulations to increase funding to adequately support program activities.	Reilly /Barrett	May 2005	Regulations became final for fees. This Task is completed.	October 2005
	Identify staff shortages and obtain adequate staff.	(1) Develop proposal to establish nine additional staff in Governor's 2005-06 Budget. (2) Conduct hiring exams for all RHB classifications by April 2005. (3) Conduct hiring interviews and complete hiring for 95% of vacant positions.	Bailey/ Bulner	July 2005	RHL - 24 positions in program, 3 vacancies, 2 hiring actions in progress. ICE - 12 positions in program, 3 vacancies, interviews in progress	
	Identify location of licensed materials known to have existed under a license.	Complete investigation of lost licensees within 90 days.	Anderson/ Bulner	August 2004	Investigations into lost licenses were conducted within 90 days. Currently, one licensee remains unaccounted. Information developed during the investigation indicates licensee relocated to Oregon. The Oregon Office for Radiation Protection Services has been contacted. RHB is waiting for the results of their investigation.	
2. The review team recommends that the Branch enhance its ability to account for the whereabouts and security of licensed materials known to have existed under a license.	Develop procedures to ensure that the location and security of licensed materials are routinely monitored to prevent loss.	Monthly report to Branch management if licensed materials are not located within 30 days using new procedures.	Anderson/ Bulner	August 2005	Procedures have been developed to identify and track lost licensees and staff training is being conducted.	June 2005
	Identify inspection findings that have not been issued to licensees within 30 days.	Within 60 days complete identification of inspection findings that have not been issued to licensees.	Anderson/ Bulner	August 2004	Identification of inspection findings that have not been issued to licensees has been completed.	August 2004
3. The review team recommends that the Branch implement procedures to ensure inspection findings are issued to licensees within 30 days of the completion of routine inspections.						

Radiologic Health Branch
California Department of Health Services

Recommendation	Task	Milestones	Assigned To	Anticipated Completion Date	Status	Actual Completion Date
	Develop new procedures to monitor inspection findings and ensure they are issued within 30 days.	Monthly report to Branch management if inspection findings are not issued within 30 days using new procedures.		December 2004	Procedures have been developed and implemented to monitor inspection findings and ensure they are issued to licensees within 30 days.	Nov 2004
4. The review team recommends that the incident and allegation history of a licensee be reviewed during evaluation of licensing actions.	Develop procedures and appropriate information technology enhancements to automatically review incident and allegation history during licensing actions.	Complete new searchable database to automatically review 100% of incident and allegation history during licensing actions.	Butner/ Perez	March 2005	New information technology enhancements were made to the database system to allow the review of 100% of incident and allegation histories during licensing actions. This task is complete.	June 2005
5. The review team recommends RHB, in coordination with INEEL, complete and close all reportable incidents in NMED.	Identify reportable incidents that have not been closed in NMED.	Identify all outstanding reportable incidents that have not been closed in NMED within 60 days.	Anderson/ Butner	August 2004	RHB identified nearly 400 open incidents that needed to be closed out. This task is complete	August 2004
	Develop new procedures to monitor reportable incidents in NMED.	Monthly report to Branch management if 95% of reportable incidents are not closed in NMED within 120 days.		January 2005	RHB closed out 98% of the open incidents in the NMED database. RHB has developed new procedures to ensure 95% of new reportable incidents have been closed out within 120 days or the incident is reported to Branch management.	May 2005
6. The review team recommends RHB submit reportable event to NMED within one month of their occurrence in accordance with the "Handbook on Nuclear Event Reporting in the Agreement States."	Establish procedures to submit reportable events to NMED within one month of occurrence.	Develop procedures and appropriate information technology enhancements to automatically review reportable events. Monitor and report to RHB management if reportable events are not submitted to NMED within 30 days of occurrence.	Anderson/ Butner	October 2004	Procedures have been developed and implemented to monitor NMED reporting and ensure they are reported to RHB management if they are not submitted to NMED within 30 days.	March 2005

Radiologic Health Branch
California Department of Health Services

Radiologic Health Branch California Department of Health Services							Actual Completion Date
Recommendation		Task	Milestones	Assigned To	Anticipated Completion Date	Status	
7. The review team recommends RHB establish and implement a system to track incident and allegation investigations to ensure timeliness, proper documentation, appropriate follow up, and closure.	Establish new procedures to track incident and allegation investigations to ensure proper closure.	Develop procedures and appropriate information technology enhancements to automatically review incident and allegations. Monitor and report to RHB management if incident and allegation investigations are not properly closed within 120 days.		Anderson/ Butner	November 2005	New procedures have been developed to track incident and allegation investigations. Information technology enhancements have been completed. The reporting criteria to be used in the new database are under development.	Oct 2005
See Attached for Update and Status							
8. The review team recommends that the Branch develop and implement an action plan to adopt NRC regulations in accordance with the current NRC policy on adequacy and compatibility.							
9. The review team recommends that the Branch formally establish and implement (1) a process to notify the SS&D evaluation program of all defects and incidents involving California administered SS&D sheets; and (2) a procedure for the SS&D evaluation program to investigate reports of defects and incidents for root cause and generic implications for possible subsequent reevaluation of SS&D sheets.	Develop a branch process to notify the SS&D evaluation program of all defects and incidents involving California administered SS&D sheets.	Complete Branch notification process within 10 days of defect or incident.		Perez / Fassell	June 2005	Policy completed and signed by Branch management. This task is completed.	November 2005
	Develop a Branch procedure for the SS&D evaluation program to investigate reports of defects and incidents for root cause and generic implications for possible subsequent reevaluation of SS&D sheets.	Complete SS&D investigations for reports of defects and incidents within 60 days of incident. Report to RHB management any investigations exceeding 120 days.			June 2005	Procedures completed and signed by Branch management. This task is complete.	November 2005

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KALIFORNIA DEPARTMENT OF HEALTH SERVICES
California Department of Health Services
Milestones

Recommendation	Task	Assigned To	Anticipated Completion Date	Status	Actual Completion Date
0. The review team recommends that the State reevaluate the Nova R&D, Inc., Model CINDI neutron device with special attention to the potential exposure received by the general licensed user. If it is determined that the exposure rate exceeds that which is allowed for persons covered under the general license, the device should be reclassified for distribution to persons covered under a specific license and the SS&D evaluation certificate should be amended to reflect any required changes.	Reevaluate the Nova R&D, Inc., Model CINDI neutron device to determine if exposure rate exceeds that which is allowed for general licensing.	Taylor	September 2004	The Nova R&D, Inc., Model CINDI neutron device radiation exposure was assessed and determined that it should be reclassified under a specified license. This task is completed.	Sept 2004

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bcc: (via ADAMS e-mail distribution):

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SUNSI Review Completed: ADAMS: ☒ Yes ☐ No Initials: __mlm__

ADAMS: ☒ Yes ☐ No Initials: __mlm__

☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive

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