

August 16, 2006

MEMORANDUM TO: Management Review Board Members:

Martin J. Virgilio, EDO
Janet R. Schlueter, STP
Karen D. Cyr, OGC
Margaret Federline, NMSS

FROM: Osiris Siurano, Health Physicist **/RA/**
Office of State and Tribal Programs

SUBJECT: MINUTES: JUNE 15, 2006, CALIFORNIA FOLLOW-UP IMPEP
REVIEW MRB MEETING

Attached are the minutes of the Management Review Board (MRB) meeting held on
June 15, 2006. If you have comments or questions, please contact me at 415-2307.

Attachment:
As stated

cc: Steve Collins, OAS Liaison, IL
Gary Butner, CA

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JUNE 15, 2006

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

Martin J. Virgilio, DEDMRS, MRB Chair
Karen D. Cyr, MRB Member, OGC
Dennis Rathbun, STP
Aaron McCraw, STP
Jennifer Tobin, STP
Osiris Siurano-Perez, STP

Janet R. Schlueter, MRB Member, STP
Jack Strosnider, MRB Member, NMSS
Kathleen Schneider, Team Leader, STP
William Rautzen, STP, Team Member
Monica Orendi, STP

By videoconference:

Linda McLean, Team Leader, RIV
Chuck Cain, RIV
L. Barrett, CA
V. Anderson, CA
P. Scott, CA
W. Chi, CA
H. Alsworth, CA

By teleconference:

Steve Collins, IL, OAS Liaison
Marion Eddy, NC, Team Member

1. **Convention.** Mr. Aaron McCraw convened the meeting at 1:06 pm. He noted that this MRB meeting was open to the public, however, no members of the public attended this meeting. Mr. McCraw then transferred the lead to Mr. Martin Virgilio, Chair of the Management Review Board (MRB). Introductions of the attendees were conducted.
2. **California Follow-up IMPEP Review.** Ms. Kathleen Schneider, team leader, summarized the proceedings due to the special nature of this MRB and provided an overview of the follow-up IMPEP review findings. She also provided background information on the California Heightened Oversight process. The State was placed on Heightened Oversight based on the findings of the April 26-30, 2004 IMPEP review. A special review of the implementation of the California Program Improvement Plan (the Plan) was conducted May 24-27, 2005. Ms. Schneider noted that significant improvement has occurred within the Radiological Health Branch (the Branch) during the last year. However, the review team was recommending that all findings of the 2004 IMPEP review remain unchanged and that the Heightened Oversight process be continued.

Ms. Linda McLean presented the findings for the common performance indicator Technical Staffing and Training. Her presentation corresponded to Section 2.1 of the proposed final follow-up IMPEP report. The review team recommended that California's performance with respect to this indicator continue to be found "satisfactory, but needs improvement." The current status of the 2004 IMPEP review recommendation for this indicator was discussed. A new fee schedule was passed as an emergency rule in

October 2005. The new fee schedule increased the Branch's budget from 13M to 21M. This increase has allowed hiring new staff for the Branch as well as to carry out the Branch's staffing initiatives and overall support of the Branch. Currently, the Branch's two Regional offices are fully staffed. Significant progress has been made in recruiting new staff. As noted in the report, the Branch still needs additional time to complete new hires' training and reach stability. A short discussion on a time frame for hiring all staff as held. The MRB agreed to keep Recommendation 1 from the 2004 IMPEP review open and that California's performance continues to be "satisfactory but needs improvement" for this indicator.

Mr. Marion Eddy presented the findings for the common performance indicator Technical Quality of Incidents and Allegations Activities. His presentation corresponded to Section 2.2 of the proposed final follow-up IMPEP report. The team recommended that California's performance with respect to this indicator continue to be found "satisfactory, but needs improvement." The status of Recommendations 5, 6 and 7, of the 2004 IMPEP review for this common indicator, was discussed.

A short discussion on California's inspection schedule was held. California's previous inspection schedule was more frequent than that of the NRC. The State adopted NRC's inspection frequency schedule, which has allowed the Branch to direct resources to ensure timeliness, proper documentation, appropriate follow-up and closure of incidents, allegations and inspections. Performance within the SS&D program and medical incidents regarding leaking sources were also discussed. The MRB agreed that Recommendations 5 and 7 remain open, that Recommendation 6 be closed, and that California's performance with respect to the indicator, Technical Quality of Incident and Allegation Activities, continues to be "satisfactory, but needs improvement."

Non Common performance indicators. Mr. William Rautzen presented the findings for the common performance indicator Compatibility Requirements. His presentation corresponded to Section 3.1 of the proposed final follow-up IMPEP report. The review team recommended that California's performance with respect to this indicator continue to be "unsatisfactory". The status of the one recommendation made during the 2004 IMPEP review for this non common indicator was discussed. Ms. Schneider and Mr. Butner provided additional information on the status of the packages currently being processed. The review team recommended that Recommendation 8 remain open in view of the number of regulations the State still needs to adopt. The MRB agreed to keep this recommendation open and that California's performance with respect to the indicator, Compatibility Requirements, continues to be "unsatisfactory."

3. **Discussion on the Periodic Meeting with the State.** Ms. Schneider led the discussion of the results of the periodic meeting with the State of California. The meeting was held as part of the follow-up IMPEP review to discuss the status of the remaining portions of the Program. Recommendations 1, 5, 6, 7 and 8 were discussed as part of the follow-up IMPEP review. She noted that it has not been the practice to recommend that items and recommendations that were not reviewed as part of the specific performance indicators during the follow-up review be closed at the next IMPEP review. However, as discussed in the report, the review team recommended that the

remaining recommendations from the 2004 IMPEP review be closed at this time. The MRB agreed and had no additional comments or questions.

In summary, Ms. Schneider concluded that based on the IMPEP criteria, the review team was recommending that California's performance continues to be "satisfactory, but needs improvement" for the indicators, Technical Staffing and Training, and Technical Quality of Incident and Allegation Program, and "unsatisfactory" for the indicator, Compatibility Requirements. The review team noted that the Branch has made significant progress. Nonetheless, additional time and actions are necessary before the Branch can reach and sustain a level of satisfactory performance. Accordingly, the review team recommended that the California Agreement State Program continue to be found adequate, but needs improvement, and is not compatible with NRC's program. The review team recommended that the period of heightened oversight continue in order to assess the progress of the State in implementing corrective actions to address all open recommendations. Bi-monthly status reports and bi-monthly conference calls to discuss progress on the State's revised Plan should also continue. The review team also recommended that the next full IMPEP review take place in approximately 12-18 months. The MRB agreed with the team's findings and recommendations and directed that the report cover letter reflects the progress that the Program has experienced since the 2004 IMPEP review. The IMPEP review team recommended that the Program's Improvement Plan be revised to reflect only those recommendations that remain open.

4. **Comments.** Mr. Virgilio provided an opportunity for comments from the State, IMPEP review team members and other MRB meeting participants. Mr. Butner thanked the MRB for the opportunity to participate in the meeting as well as the State's senior managers for their commitment, hard work and cooperation in bringing the Program back to the highest levels of performance. He also thanked the review team for their work. Dr. Barrett thanked the MRB for their cooperation and expressed his commitment in improving the Program's performance. Mr. Eddy thanked the MRB for the opportunity to participate in this follow-up review. Ms. Schneider thanked the team and the State for their cooperation and hard work. Mr. Virgilio thanked the team and the State for a well done job and commended the State for their efforts in improving performance.
5. **Precedents/Lessons Learned.** The following precedent, that was established by the MRB during this review, will be applied to the IMPEP process in the future:

It has been the practice to recommend that items and recommendations not reviewed as part of the specific performance indicators during a follow-up review be closed only at the next full IMPEP review. During the MRB meeting the review team recommended that five recommendations from the 2004 IMPEP review that were not reviewed as part of a specific performance indicator during this follow-up review be closed at this time based on the file reviews and status of the Branch's actions in addressing the recommendations. The MRB agreed and had no additional comments or questions. IMPEP procedures will be revised to reflect this practice.
6. **Good Practices.** No good practices were identified during this review.
7. **Adjournment.** The meeting was adjourned at approximately 2:52 p.m.