



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

August 31, 2006

California Heightened Oversight
Conference Call Summary

Date of Call: August 15, 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	State of California Attendees
Janet Schlueter, Director State and Tribal Programs (STP) Linda McLean, RSAO Osiris Siurano, STP Aaron McCraw, STP Randy Erickson, RSAO	Gary Butner, Acting Program Director Radiological Health Branch (RHB) Phillip Scott, RHB Gonzalo Perez, RHB Drew Johnson, RHB

The purpose of the conference call was to discuss the updated Program Improvement Plan (the Plan), and the status the new recommendations from the March 2006 follow up review. During the follow up review, six of ten recommendations from the 2004 review were closed. The Branch agreed to modify the Plan to show only the four recommendations that are still open.

The 2006 review team noted that the program has made significant progress in management oversight of the Branch. However, the team believed that additional time and actions are necessary before the Branch can reach and sustain a level of satisfactory performance. Accordingly, the team recommended and the MRB agreed that the Program continues to be adequate, but needs improvement, and not compatible with NRC's program. The review team recommended and the MRB agreed that the period of heightened oversight continue in order to assess the progress of the State in implementing corrective actions in a revised Plan addressing open recommendations from this review. Bimonthly status reports and bi-monthly conference calls to discuss progress on the State's revised Plan should also continue. The updated Plan was submitted to NRC on August 10, 2006. The status of the four still open recommendations is discussed below.

Recommendation 1 - The review team recommended that the State ensure that adequate resources, both funding and staffing, be devoted to the radiation control program.

Status: RHB has a total of 36 authorized positions in the program, 24 in radioactive materials licensing and 12 in Inspection, Compliance, and Enforcement (ICE). RHB hired two ICE individuals for the southern office since the review. Currently RHB has one vacancy in licensing and one vacancy in inspection. Three of the ICE staff are in training. The southern office is experiencing difficulty in hiring qualified individuals because of the area's high cost of living in the area and the low salaries offered. RHB has received approval to hire junior level health

Recommendation 2 - The review team recommended that the Branch, in coordination with INL, complete and close all reportable incidents in NMED.

Status: The Branch has closed out 98% of the open incidents in the NMED database, and have developed new procedures to ensure 95% of new reportable incidents are closed out within 120 days or the incident is reported to Branch management.

Recommendation 3 - The review team recommended that the Branch establish and implement a system to track incident and allegation investigations to ensure timeliness, proper documentation, appropriate follow up, and closure.

Status: 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 still under development.

Recommendation 4 - The review team recommended that the Branch develop and implement an action plan to adopt NRC regulations in accordance with the current NRC policy on adequacy and compatibility.

Status: The Branch has adopted four amendments since the review. There are currently 10 regulatory amendments that the State is overdue in adopting. At the time of the review there were 18 overdue amendments. Several of the packages include several amendments. Six regulation packages are in various stages of completion as follows: two first drafts are being prepared, two are being revised after receiving comments, one is in Budgets and Department of Finance, and one is with the director for signature on the public notice.

The Branch has made some progress in the adoption of the amendments. The Branch continues to be concentrating their efforts on the regulations.

Attachment:

California Program Performance Plan - August 10, 2006

bcc: (via ADAMS e-mail distribution):

LWert

CCain

JSchlueter, STP

DRathbun, STP

LMcLean

RErickson

KSchneider, STP

AMcCraw, STP

OSiurano, STP

SUNSI Review Completed: ADAMS: Yes No Initials: __mlm__

ADAMS: Yes No Initials: _mlm_____

Publicly Available Non-Publicly Available Sensitive Non-Sensitive

DOCUMENT NAME: S:\DNMS\ISA0\Heightened Oversight\California\8-15-06 summary.wpd

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MLMcLean				
<i>MLM</i>				
8/31/2006				

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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	Emergency Effective June 22, 2005. Permanent effective: October 18, 2005.	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 2007	CDHS-Budgets & Department of Finance working on fiscal issues.	
3	NRC Updates (R-7-04)	Addresses NRC changes for GLD's and registration.	Various dates in past	July 2005	January 2007	Revising per OOR review	
4	Well Logging (R-10-04)	electron compensation sources, sealed source performance criteria and tritium neutron generator sources.	Various dates in past	July 2005	April 2006	Effective May 10, 2006.	Apr. 10, 2006.
5	Deliberate Misconduct (R-15-04)	Addresses NRC adoption of a misconduct rule for unlicensed persons.	02/12/2001	NA	NA	Effective January 28, 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	Effective August 19, 2006.	Jul. 27, 2006
7	Exempt Radioactive Products (R-05-008)	Addresses NRC's 1uCi C-14 product exemption.	01/02/2001	August 2005	July 2006	Effective August 27, 2006.	Jul. 28, 2006
8	Medical Use of RAM (R-05-018)	Addresses NRC changes to Part 35	4/24/2005 & dates in past	December 2005	December 2007	First draft review completed. Second draft in revision.	
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	First draft underway.	
11	Addendum to R-10-04 (R-06-008)	Addresses NRC comments on R-10-04.				With Director for Signature on Public Notice.	

PERFORMANCE IMPROVEMENT PLAN PROGRESS REPORT

August 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/ Butner	July 2005	RML - 24 positions in program, 1 vacancy ICE - 12 positions in program, 3 vacancies, 3 hiring actions in progress	
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.	Identify location of licensed materials known to have existed under a license.	Complete investigation of lost licensees within 90 days.	Anderson/ Butner	August 2004	Closed	March 2006
	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/ Butner	August 2005	Closed.	June 2005
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.	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/ Butner	August 2004	Closed	August 2004

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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	Closed	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	Closed	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	Closed	March 2005

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Recommendation	Task	Milestones	Assigned To	Anticipated Completion Date	Status	Actual Completion Date
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
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.	See Attached for Update and Status					
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	Closed.	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	Closed	November 2005

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Recommendation	Task	Milestones	Assigned To	Anticipated Completion Date	Status	Actual Completion Date
<p>10. 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.</p>	<p>Reevaluate the Nova R&D, Inc., Model CINDI neutron device to determine if exposure rate exceeds that which is allowed for general licensing.</p>	<p>Conduct evaluation of radiation exposure to persons using Nova R&D, Inc., Model CINDI neutron device within 6 months and amend SS&D sheet as appropriate.</p>	<p>Taylor</p>	<p>September 2004</p>	<p>Closed</p>	<p>Sept 2004</p>