



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

October 19, 2006
Texas - Heightened Oversight
Conference Call Summary

Date of call: October 10, 2006

Participants

Texas	NRC
Richard Ratliff, Radiation Control Program Officer Alice Rogers, Inspection Unit Tommy Cardwell, Radiation Inspection Branch Bill Silva, Radioactive Materials Group Bob Free, Environmental Monitoring Group Cindy Cardwell, Policy/ Standards/ Quality Assurance Group Ruth McBurney, Radiation Safety Licensing Branch, Regulatory Licensing Unit Pete Myers, Radioactive Materials Gary Smith, Technical Assessment Group	Linda McLean, SAO, RIV Leonard Wert, Director, DNMS Charles Cain, Technical Assistant Aaron McCraw, FSME Kathy Schneider, FSME Osiris Siurano-Perez, FSME

NRC staff opened the call with introductions and a request for a discussion on the status of the Department of State Health Services (the Department) program improvement plan (Plan) received October 3, 2006.

Recommendations:

- The review team recommended that the Department hire and retain sufficient qualified staff to return and maintain the program at a satisfactory performance level.

Current Status: The Radioactive Materials Inspection Group has filled all materials inspector positions. The formal training program procedure for inspectors and quality assurance reviewers is still in draft, as is the intern program procedure.

- The review team recommended that the Department review their process for issuance of inspection letters and develop a process that will allow the 31-day issuance goal for routine cases to be achieved on a consistent basis.

Current Status: The Department reported that the percentage of reports that exceeded the 31 day goal has increased since the last report (>4%); which may be due to the new performance based inspection forms that require more of a narrative report. The Department reported 23 overdue inspections (3 initial and 8 routine); however, 5 inspections have been conducted since the plan was submitted. The Department

inspected 8 initial inspections and 16 routine inspection since the last conference call. The Department has been sending qualified inspectors to these regions to help reduce the overdue inspections.

3. The review team recommended that the State adhere to the policy of annual supervisory accompaniments of all qualified inspectors.

Current Status: The Department stated that inspector accompaniments have been assigned for 2006. One inspector remains to be accompanied for 2006.

4. The review team recommended that the State develop a process to ensure that inspections are performed in accordance with their own performance-based inspection procedures.

Current Status: The technical staff completed training to reinforce the use of performance-based inspections. RIV has scheduled accompaniments of four inspectors to observe their performance as part of the follow up IMPEP Review scheduled for November 17.

5. The review team recommended that the Department report all significant and routine events, as well as follow-up event information, to the NRC in accordance with STP Procedure SA-300, "Reporting Material Events."

Current Status: The staff continue to investigate and report significant and routine materials events based on the SA-300 procedure.

6. The review team recommended that the Department develop and implement an inspection program to verify that the QA/QC requirements in the SS&D Registry sheets are being implemented by the manufacturer.

7.

Current Status: The Department has developed an inspection program to verify the SS&D QA/QC requirements.

8. The review team recommended that the Department conduct an evaluation of the uranium recovery program workload and hire the necessary staff to adequately address the workload.

9.

Current Status: Three additional positions have been added to the uranium recovery program in the Technical Assessments Group. One position is currently open.

10. The review team recommended that the Department prepare necessary supporting documentation identifying the bases for the licensing actions associated with reclamation plans for the three conventional mills.

Current Status: The Group Manager has selected the Rio Grande Resources (RGR) facility to be the first mill site for the preparation of supporting documentation associated

with site reclamation and closure. The alternate concentration limit (ACL) for the RGR facility review has started, and the settlement review is on-going.

/RA/

Linda McLean
State Agreements Officer
Region IV

cc:
Richard Ratliff, TX Radiation Control Program Director

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OSiurano, FSME

SUNSI Review Completed: ADAMS: Yes No Initials: __mlm__

ADAMS: Yes No Initials: _mlm_____

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Program Improvement Plan
Texas Department of State Health Services
October 2006

Recommendation from NRC MRB	Tasks	Milestones	Assignments	Anticipated Completion Date	Current Status or Completion Date
Hire and retain sufficient qualified staff to return and maintain the program at a satisfactory performance level.	Hire and retain sufficient qualified staff to return and maintain the program at a satisfactory performance level.	Post two newly reclassified inspector positions.	Bill Silva	February 1, 2006	All RAMI inspector positions are filled.
		Develop draft of formal training program for new inspectors and quality assurance reviewers.	Bill Silva Cindy Cardwell	April 30, 2006	Draft program for QA reviewers out for comment.
		Develop draft of intern program.	Alice Rogers	April 30, 2006	Draft submitted to management on February 13, 2006.
		Develop draft of plan for succession plan.	Cindy Cardwell	May 31, 2006	On-going.

<p>Review process for issuance of inspection letters</p>	<p>Consistently issue routine compliance letters within 30 days of the date of inspection. Perform routine inspections within the designated inspection interval.</p>	<p>Revise quality assurance review procedures</p>	<p>Cindy Cardwell</p>	<p>March 31 2006</p>	<p>Completed February 17, 2006. Reviewed with QA reviewers on March 22, 2006. The standard for getting a compliance letter to the licensee within 30 days depends upon both the Inspections Group and the PSQA group meeting their performance standards for report submittal and report review. The standard for the Inspections Group is to submit reports within 16 days of the inspection. The standard for the PSQA Group is to review the report and send the results within 14 days of receipt of the report. The PSQA performance on average is less than 4% of the reports reviewed exceed the 14-day standard.</p>
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		Re-evaluate current inspection frequencies.	Tommy Cardwell	February 28, 2006	<p>Completed. Several inspection frequencies have been changed. The changes will bring more DSHS inspection frequencies in line with NRC inspection frequencies and will facilitate the review of TX intervals during the IMPEP process. The inspection status as of July 19, 2006 is as follows:</p> <p>Total overdue inspections at last update 24 Overdues inspected since last update Initial 8 Routine 16 Total 24</p> <p>New Overdues since last update Initial 3 Routine 8 Total 11 Total new overdue 23</p> <p>Two inspector who had provisional inspection authorization have been released to perform independent inspections on June 29, 2006.</p>
Adhere to the policy of annual supervisory accompaniments of all qualified inspectors.	Conduct annual supervisory accompaniments of each qualified inspector.	Review annual accompaniments performed to date.	Bill Silva	April 1, 2006	All qualified inspectors have been accompanied. Accompaniments for 2006 have been

					assigned. Accompaniments are on-going and are being performed throughout the year, rather than the majority of them being done at the end of the calendar year.
Reinforce the use of performance-based inspection procedures through refresher training of inspection and PSQA staff.	Ensure inspections are conducted using the DSHS inspection procedures.	Evaluate inspection procedures.	Tommy Cardwell Bill Silva Cindy Cardwell Richard Ratliff	April 30, 2006	Completed. Training was conducted the week of July 24 on new procedures. Beginning August 1, 2006, inspections will be performed using the new procedures.
		Review inspection forms.	Tommy Cardwell Bill Silva Cindy Cardwell Richard Ratliff	April 30, 2006	Completed. Training was conducted the week of July 24 on new forms. Beginning August 1, 2006, inspections will be performed using the new forms.
		Conduct training on changes to inspection procedures and inspection forms	Cindy Cardwell Bill Silva	July 31, 2006	The training was conducted the week of July 24, 2006. This also included training on new forms and standard violations for increased controls inspections.
Report all significant and routine events, as well as follow-up event information, to the NRC in accordance with STP Procedure SA-300, "Reporting Material Events".		Maintain reporting procedure.	Bob Free		Reportable events are continuing to be reported within specified timeframes. Eleven total reported incidents have been received since 8/1/06. Five of the eleven were

							reportable to NMED and all five were reported
Develop and implement an inspection program to verify that the QA/QC requirements in the SS&D Registry sheets are being implemented by the manufacturer.	Inspect manufacturing licensees according to DSHS policy.	Evaluate and define specifics of a SS&D Registry QA/QC program. Implement policy for Licensing Group. Train inspectors on new policy.	David Fogle Ruth McBurney Cindy Cardwell Bill Silva Thomas Cardwell Bill Silva	February 28, 2006 February 28, 2006 July 31, 2006 August 1, 2006	Completed March 24, 2006. Completed March 24, 2006. Training was conducted the week of July 24 on new policy. Completed August 1, 2006.		
Conduct an evaluation of the uranium recovery program workload and hire the necessary staff to adequately address the workload.	Conduct an evaluation of the uranium recovery program workload and hire the necessary staff to adequately address the workload.	Evaluate current and future staffing needs for the Uranium program. Seek approval for additional staff in health physics, geology, and civil engineering. Post new uranium positions. Hire new uranium staff.	Gary Smith	November 22, 2005 January 2, 2006 February 1, 2006 May 1, 2006 - September 18, 2006.	Completed November 22, 2005. Completed January 2, 2006. February 1, 2006. All new uranium positions have been filled. (As of the end of September 2006, a civil engineering vacancy will occur.)		
Prepare necessary supporting documentation identifying the bases for the licensing actions associated with reclamation plans for the three conventional mills.	Develop plan for document organization. Produce an outline for the required Completion Review Report.	Folder created for each conventional mill to hold copies of documents that will be used to support closure. Completion Review Report outline produced for each conventional mill.	Gary Smith	February 15, 2006 February 15, 2006	Completed February 15, 2006. February 15, 2006.		

	Uranium staff to begin documentation process for each mill site.	Starting with the RGR facility, complete the ACL review, settlement analysis, and all other reviews required for license termination.		December 31, 2006	ACL review started; settlement review on-going. Documentation process beginning for the other two mill sites.
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