



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

January 23, 2007

**California Heightened Oversight
December 19, 2006, Conference Call Summary**

NRC Attendees	State of California Attendees
Leonard Wert, Director Linda McLean, RSAO Randy Erickson, RSAO Patricia Rathbun, FSME Aaron McCraw, FSME Osiris Siurano-Perez, FSME	Gary Butner, Acting Program Director Radiological Health Branch (RHB) Phillip Scott, RHB Lauren Lebbe, RHB John Fassell, RHB Drew Johnson, RHB

The meeting was held to discuss the status the Performance Improvement Plan (the Plan) submitted to the NRC on December 11, 2006. The status of the four 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: Although RHB lost two funded positions with the planned reorganization of the Department, they have good expectations that the 2008 budget will be increased to adequately support the program.

RHB still has one vacancy in licensing and one vacancy in inspection. They are recruiting for these positions. Inspection timeliness has improved, only about 4 % of inspections were inspected overdue, and this number continues to decrease. Inspection letters are routinely issued in 1-5 days, and in the last two months none have exceeded 30 days. In addition, increased controls inspections are on schedule for the first year.

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

Status: The new procedure to ensure 95% of new reportable incidents are closed out within 120 days is working well. As of December 1, 25 incidents were open in NMED, and the number of opened incidents continues to drop.

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: Information technology enhancements have been completed and is working. The number of open reports have been trending downward.

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 Department has made great progress in the regulations process. Four radiography amendments, and the well-logging amendment will be out for public comment in January 2007. The industrial devices amendment's fee structure has been approved by the Attorney General. There are currently five regulatory amendments that the State is overdue in adopting and are in various stages of completion.

/RA/

Linda McLean
State Agreements Officer
Region IV

Attachment: California Program Performance Plan - Dated December 11, 2006

cc: Gary Butner, Acting Program Director

bcc: (via ADAMS e-mail distribution):

LWert
CCain
JSchlueter, FSME
SMoore, FSME
PRathbun, FSME
LMcLean
RErickson
AMcCraw, FSME
OSiurano, FSME

SUNSI Review Completed: ADAMS: **Yes** No Initials: __mlm__

ADAMS: Yes No Initials: _mlm_____

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PERFORMANCE IMPROVEMENT PLAN PROGRESS REPORT

December 2006
Radiologic Health Branch
California Department of Health Services

Recommendation	Task	Milestones	Assigned To	Anticipated 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 b completed.
	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 – One s CE - 12 posit available and expected the Two Associa to Departmen

4. 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

Radiologic Health Branch
NRC Regulation Status
Updated: 12/11/2006

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	Emergency Effective June 22, 2005. Permanently 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	Department of Finance reviewing revisions to Fiscal/Economic Impact statements.	
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 and establishing fees.	
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. See also item 11.	Apr. 10, 2006.
5	Deliberate Misconduct (R-15-04)	Addresses NRC adoption of a misconduct rule for unlicensed persons.	2/12/2001	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.	1/2/2001	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	Revised draft reviewed by Office of Regulations - Addressing comments.	
9	Financial Assurance (R-06-018)	Addresses financial surety dollar amounts.	12/3/2006	March 2006	March 2007	Department of Justice approved bond form and is submitting to Office of Administrative law.	

Radiologic Health Branch
 NRC Regulation Status
 Updated: 12/11/2006

10	Transportation	Addresses part 71 and 49 CFR.	10/1/2007	January 2006	January 2007	Preparing final draft.	
11	Addendum to R-10-04 (R-06-008)	Addresses NRC comments on R-10-04.				Office of Regulations preparing Final Adoption submittal.	
12	Portable Gauge - physical controls	Requires 2 independent physical controls.	7/11/2008			Effective by license condition- NRC approved. November 10, 2006.	Completed Nov. 10, 2006
13	Medical Use - Specialty Boards	Addressed in item 8.	4/29/2008			See item 8.	
14	Minor NRC amendments	Addresses 71 FR 15005	3/27/2009				