State of California—Health and Human Services Agency
California Department of Public Health

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*Director*

ARNOLD SCHWARZENEGGER
*Governor*

May 29, 2008

Mr. Dennis M. Sollenberger
Office of Federal and State Materials
And Environmental Management Programs
USNRC Mailstop T-8-E24
Washington, DC 20555

Dear Mr. Sollenberger:

The California Department of Public Health (CDPH) has reviewed the Integrated Materials Performance Evaluation Program (IMPEP) draft report dated May 1, 2008. We would like to thank you and the entire IMPEP team for your comprehensive review of our Agreement State programs.

CDPH is committed to conducting a quality Radiation Safety program, which complies with all the Nuclear Regulatory Commission (NRC) requirements and also protects public health safety. Please find enclosed our comments and recommendations on the draft IMPEP report.

Thank you again for your time and efforts related to the evaluation our radiological health program, and for the constructive comments provided in this regard.

Sincerely,

Gary W. Butner
Acting Branch Chief
Radiologic Health Branch

Enclosure

cc: See next page

cc: Tony Agurto
Assistant Division Chief
Division of Food, Drug and Radiation Safety

Rufus B. Howell
Acting Deputy Director
Center for Environmental Health

Robert Schlag
Assistant Deputy Director
Center for Environmental Health

Cover Letter

Page 1, paragraph 1: We realize that standard boiler plate language was used in the last sentence, but in order to minimize the potential for misinterpretation by California readers of the IMPEP report outside of the Radiologic Health Branch, we believe there should be a clearer association between "not compatible" and our problems in enacting regulations. We believe this can be accomplished by changing the last word in this sentence from "program" to "regulations." Also, you may want to begin the last phrase of the last sentence with ", but" instead of with "and."

Technical Staffing and Training

Page 4, paragraph 3: "Physicists" should be "Physicist" on the 8th line.

Status of Materials Inspection Program

Page 5, paragraph 4: We believe the following two sentences should be inserted following the 2nd sentence "The HDR priority change was made in 1998 based on an evaluation of safety findings during inspections of these licensees. The 1999 IMPEP evaluation found this to be a "Good Practice," and the 2004 IMPEP evaluation did not comment negatively on the Branch's continued HDR prioritization as Priority 3." We believe this change will put into better perspective the Branch's good intentions with respect to the prioritization of HDRs

The recommendation in the last sentence of this paragraph recommends "the State review the inspection priority of each license type to ensure they are, at least, consistent with the priority established in IMC 2800", this language is confusing in light of the first sentence of this same paragraph.

Technical Quality of Incident and Allegation Activities

Page 10, paragraph 3: This paragraph doesn't accurately reflect how we report events to NRC. We report only 24-hour events to HOO, either by phone, fax, or email. We may or may not use our 5010 form in reporting the 24-hr events to HOO. All events are reported to NMED (via INL), including those reported to HOO. We always submit our 5010 form to NMED (INL).

Page 10, paragraph 4: We believe the 4th sentence in this paragraph should be changed to read "The Branch was unaware of one of the allegations, and had not entered the other into their 5010 system at the time of the IMPEP even though it should have been entered into their 5010 system approximately one month earlier by their procedures. Contributing to these problems was a change in addressees used by NRC when forwarding allegations to the Branch."

Summary

Page 18, last paragraph – item 1: Same comment as stated above in Status of Materials Inspection Program, 2nd paragraph.

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