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CALIFORNIA MONITORING CONFERENCE CALL

NRC Attendees	California Attendees
Randy Erickson, RSAO	Gary Butner, Branch Chief
Duncan White, FSME	Phillip Scott, Health Physicist
Janine Katanic, FSME	

Summary

On August 25, 2009, NRC hosted the third Monitoring call with the California Program (the Program). The purpose of the call was to review the Program's progress in regards to completion of the one remaining recommendation initially identified during the April 2004 IMPEP review and again noted during follow up reviews conducted in March 2006 and April 2008. That recommendation involved the Program's failure to adopt required regulations within three years following adoption by NRC.

The Program reported that the changes made to the regulatory process have helped to shorten it. Review activities that used to be more linear, such as one review or approval following the other, are now performed concurrently. Modifications to regulatory packages by different offices are resolved together allowing for a more streamlined approach. The Program reported that while the new process has helped, they have noted changes that could further enhance what is currently being done.

Discussion

During the initial Monitoring call on October 21, 2008, the Program reported their progress in regards to the adoption of the outstanding regulation packages. They identified the status of the regulations and where they were in the process. The Program also reported that the Department was considering changes to the way the proposed regulation review process is handled within the Department, in an effort to better streamline it.

During the February 17, 2009 call, the Program reported that changes had been made to the regulation development process. The Department hired a consultant who reviewed the long standing regulatory development process and made recommendations to the Department on how to make improvements, one of which involved the formation of teams to improve the development and review process. The Department adopted the consultant's recommendations and in January 2009, the first team was formed to work on the Program's backlogged regulations. The Department requested a team leader from the Office of Regulations be assigned; however, as of the date of the February 17th call, no team leader had been named by the Department and movement on the regulations was currently on hold.

On April 29, 2009, a Periodic Meeting was held with the Program where in part, the status of regulation development was discussed. At the time of the meeting, the Program had little to report because the process was still too new to have made any appreciable process.

NRC policy requires that Agreement States adopt certain equivalent regulations or legally binding requirements no later than 3 years after they become effective. The following amendments were found to be overdue at the time of the April 2008 review. The status for each amendment from the last review and the current status of each are noted below:

It should be noted that all Part 20 and Part 35 rules are in individual separate rule packages regardless of which amendment they are contained within.

- “Quality Management Program and Misadministrations,” 10 CFR Part 35 amendment (56 FR 34104), that was due for Agreement State implementation on January 27, 1995.

2008 IMPEP Status: Draft in the Branch.

October 2008 Status: Package was submitted to the Office of Regulations on July 10, 2008.

February 17, 2009 Status: No change in status.

August 25, 2009 Status: This package is still in the Office of Regulations, and is being finalized under the new process. It is currently being prepared for the Director’s Office approval. The package was approved by the Budget Office on 8/28/09.

- “Timeliness in Decommissioning of Materials Facilities,” 10 CFR Part 30, 40, and 70 amendments (59 FR 36026), that was due for Agreement State implementation on August 15, 1997.

2008 IMPEP Status: This rule is tied to the amendment “Radiological Criteria for License Termination.” See below.

October 2008 Status: No change in status.

February 17, 2009 Status: No change in status.

August 25, 2009 Status: No change in status.

- “Medical Administration of Radiation and Radioactive Materials,” 10 CFR Part 20 and 35 amendments (60 FR 48623), that was due for Agreement State implementation on October 20, 1998.

2008 IMPEP Status: The 10 CFR Part 20 portion of this rule was adopted by the State on September 10, 1998. Draft package to address 10 CFR Part 35 portion in Branch.

October 2008 Status: Package submitted to the Office of Regulations on July 10, 2008.

February 17, 2009 Status: No change in status.

August 25, 2009 Status: This package is still in the Office of Regulations, and is being finalized under the new process. It is currently being prepared for the Director's Office approval. The package was approved by the Budget Office on 8/28/09.

- "10 CFR Part 71: Compatibility with the International Atomic Energy Agency," 10 CFR Part 71 amendment (60 FR 50248), that was due for Agreement State implementation on April 1, 1999.

2008 IMPEP Status: Package with California Health and Human Services.

October 2008 Status: Package is in the final phases and is expected to be effective on or about February 1, 2009.

February 17, 2009 Status: Needed concurrence with California Highway Patrol. Package had to go out for an additional 15 day comment period. Estimated effective date is now May 1, 2009.

August 25, 2009 Status: Rule became effective on May 24, 2009. This amendment has been addressed.

- "Recognition of Agreement State Licenses in Areas under Exclusive Federal Jurisdiction within an Agreement State," 10 CFR Part 150 amendment (62 FR 1662), that was due for Agreement State implementation on February 27, 2000.

2008 IMPEP Status: Package with California Office of Legal Services.

October 2008 Status: Submitted to the Office of Regulations on June 27, 2008.

February 17, 2009 Status: No change in status.

August 25, 2009 Status: This package is still in the Department undergoing final edits. When that is completed the package will be sent to the Branch Manager for approval, then on to the Department Director for approval. Because this rule includes fees for General Licenses it must also go before the Department of Finance for review before becoming effective.

- "Criteria for the Release of Individuals Administered Radioactive Material," 10 CFR Part 20 and 35 amendments (62 FR 4120), that was due for Agreement State implementation on May 29, 2000.

2008 IMPEP Status: The 10 CFR Part 20 portion of this rule was adopted by reference in 1998. Draft of the 10 CFR Part 35 portion in Branch.

October 2008 Status: Submitted to the Office of Regulations on July 10, 2008.

Subpart E was not in the submittal.

February 17, 2009 Status: No change in status.

August 25, 2009 Status: This package is still in the Office of Regulations, and is being finalized under the new process. It is currently being prepared for the Director's Office approval. The package was approved by the Budget Office on 8/28/09.

- "Radiological Criteria for License Termination," 10 CFR Part 20, 30, 40, and 70 amendments (62 FR 39057), that was due for Agreement State implementation on August 20, 2000.

2008 IMPEP Status: The 10 CFR Part 20 portion of the regulation was adopted and then challenged in State court by "The Committee to Bridge the Gap, et al." The challenge was successful, and the "Radiological Criteria for License Termination" portion of the regulation was repealed on August 8, 2002. The Branch is currently terminating licenses on a case-by-case basis. The Department is considering its options for addressing this regulatory issue.

October 2008 Status: No change in status.

February 17, 2009 Status: No change in status. Awaiting a decision by Governor's office.

August 25, 2009 Status: No change in status.

- "Minor Corrections, Clarifying Changes, and a Minor Policy Change," 10 CFR Part 20, 35, and 36 amendments (63 FR 39777 and 63 FR 45393), that was due for Agreement State implementation on October 26, 2001.

2008 IMPEP Status: The 10 CFR Part 20 portion of this rule was adopted by reference in 1998. The 10 CFR Part 35 changes will be addressed as part of the Part 35 draft package that is with the Branch. The 10 CFR Part 36 portion was incorporated by reference to Federal regulations via license condition.

October 2008 Status: Submitted to the Office of Regulations on July 10, 2008.

February 17, 2009 Status: No change in status.

August 25, 2009 Status: This package is still in the Office of Regulations and under the new process is being finalized. It is being prepared for the Director's Office approval and needs Budget Office approval. Note: Budget Office approved 8-28-09.

- “Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material,” 10 CFR Part 30, 31, and 32 amendments (65 FR 79162), that was due for Agreement State implementation on February 16, 2004.

2008 IMPEP Status: Package with California Office of Legal Services.

October 2008 Status: Submitted to the Office of Regulations on June 27, 2008.

February 17, 2009 Status: No change in status.

August 25, 2009 Status: This package is still in the Office of Regulations and under the new process is being finalized by the Program. It is being prepared for the Director’s Office approval and still needs to be sent to the Budget Office for approval.

- “Medical Use of Byproduct Material,” 10 CFR Part 20, 32, and 35 amendments (67 FR 20250), that was due for Agreement State implementation on October 24, 2005.

2008 IMPEP Status: Draft package in Branch.

October 2008 Status: Submitted to the Office of Regulations on July 10, 2008.

February 17, 2009 Status: No change in status.

August 25, 2009 Status: This package is still in the Office of Regulations and under the new process is being finalized. It is being prepared for the Director’s Office approval and needs Budget Office approval. Note: Budget Office approved 8-28-09.

- “Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments,” 10 CFR Part 71 amendment (69 FR 3697), that was due for Agreement State implementation on October 1, 2007.

2008 IMPEP Status: Package with California Health and Human Services.

October 2008 Status: Nearly complete. Rule is expected to be effective early February, 2009.

February 17, 2009 Status: Rule out for a 15 day comment period. Estimated effective date is May 1, 2009.

August 25, 2009 Status: Rule became effective on May 24, 2009. This amendment has been addressed.

- "Medical Use of Byproduct Materials - Recognition of Specialty Boards - Part 35," 10 CFR Part 35 amendment (70 FR 16336 and 71 FR 1926), that was due for Agreement State implementation on April 29, 2008.

2008 IMPEP Status: Draft package in Branch.

October 2008 Status: Submitted to the Office of Regulations on July 10, 2008.

February 17, 2009 Status: No change in status.

Note: Program is proposing to not be a reviewer of specialty boards and plans to refer individuals to NRC regulations or those of other Agreement States.

August 25, 2009 Status: This package is still in the Office of Regulations and under the new process is being finalized. It is being prepared for the Director's Office approval and needs Budget Office approval. Note: Budget Office approved 8-28-09.

Conclusion

The California Program continues to place significant resources into the adoption of regulations and is committed to achieving full compatibility in this program area. At the time of the 2008 review NRC staff noted several regulations near completion and shortly after the review these regulations became effective. The Program has dedicated the resources necessary to continue forward and achieve full compatibility, and NRC staff believes that with a continued level of commitment they will be successful in their efforts.

The next call with the Program will be held on January 14, 2010 due to the upcoming holiday season.



Randy Erickson
Regional State Agreements Officer
Region IV

bcc (via e-mail distribution):
 Arthur Howell
 Chuck Cain
 Robert Lewis, FSME
 Terry Reis, FSME
 Duncan White, FSME
 Linda McLean
 Randy Erickson
 Aaron McCraw, FSME
 Janine Katanic, FSME
 William Rautzen, FSME
 Kathleen Schneider, FSME
 Monica Orendi, FSME

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Publicly Available	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Non Sensitive		
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Trifiletti, Sue

From: Erickson, Randy
Sent: Wednesday, September 02, 2009 10:12 AM
To: Trifiletti, Sue
Cc: Freeman, Denise
Subject: CA Monitoring Call Summary to Place into ADAMS

Sue,

On your desk you'll find a packet along with NRC Form 665S for placement into ADAMS. It is the most recent California Monitoring Call Summary. I have included the ADAMS Document Data Entry Information form attached which should also be scanned into ADAMS as part of the summary.

Please place the entire Summary packet into ADAMS with today's date as the release date and send it to the individuals on the distribution list. Please make sure that I get an electronic copy as well.

The original can be found at:

S:\DNMS\SAO\Monitoring\2009\California\8.25.09 California Monitoring Call Summary.doc

If you have any questions, please don't hesitate to ask.

I thank you in advance for your assistance.

Randy



Randy Erickson
State Agreements Officer
NRC Region IV
(817) 860-8143 Phone
(817) 860-8188 Fax
(817) 676-4024 Cell