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DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814
(916) 445-1248

Lubenant

Schreiner

Asst. Dir.

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October 30, 1981



Mr. G. Wayne Kerr, Director
Office of State Programs
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Kerr:

I am pleased that your annual review staff was able to note the improvements in the quality of licensing actions, staffing and training of our radioactive materials control program. Substantial management efforts are continuing to enhance the program's strong foundation. The participatory and formative nature of the cooperative review and evaluation procedures which you and the staff of the Radiologic Health Section use contributes to program effectiveness.

Some important actions are projected which will affect the materials program. It is planned that Radiologic Health will assume Branch status within the Department. This reorganization, which is part of the creation of two new divisions, elevates the Materials Control program. Ready access to top management will be one of the results; increased visibility for legislative purpose is also a product. Within six months, the new Branch will move to more spacious quarters in recognition of the programs' increased staff and capabilities in compliance, licensing, environmental monitoring and nuclear power plant emergency response. Finally, the State of California, through our Department's reorganization and gubernatorial actions, will continue to develop a concerted plan of health and safety protection in dealing with radioactive and toxic waste issues.

Your annual review has outlined a general shift in management priorities while noting some specific desired accomplishments. In general, the last three program reviews have shown that we have acted effectively to resolve radioactive materials licensing problems and, more importantly, to establish the continuing ability to assure health and safety protection through license review. This year's review has pointed to the need to direct attention to inspection compliance activities.

This need has stemmed from vacancies in the Department's and its contractors' inspection staff during the majority of the nine months between the 1980 and 1981 reviews. The County of Los Angeles has filled its vacant positions. The State is currently conducting an examination for Associate Health Physicist; an employment list will be available in November 1981. The Department of Industrial Relations' Division of Occupational Health and Safety will fill the vacant inspection position from that list. At that time we will again

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have a full complement of inspection staff. During the last three years, the Department has, through the State's budget process, augmented radiologic health staff in the materials program; similar efforts will continue for 1982-83. The materials compliance staff will develop a schedule for completion of inspections which were delayed by vacancies. Your staff's recommendations for semi-annual compliance staff meetings and for joint inspections by licensing and compliance staff will be implemented.

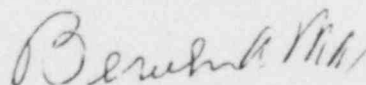
Mrs. Schneider of your staff was able to discuss automatic data processing system development with a representative from Data Systems Branch during the annual review. The Section has written to Data Systems to begin to implement a development plan suggested by that Branch. The caveat with which we live in California is available funding. Data systems are costly and we would support any initiative which you might take in developing and making available an Agreement State data system with software adaptable to State operated hardware.

A responsive data system is a key element to resolving inspection status information needs and inspection management. The current system, as you noted, is not reliable and is supplemented by separate manual sources. The discrepancy in numbers of inspections backlogged was a result of uncoordinated documentation. I anticipate an increase in accuracy of inspection information.

Adoption of regulations to maintain compatibility with those of the NRC was identified as a problem. The review staff saw that the updated regulations have been prepared and submitted to the approval process. Our Office of Regulations will conduct the first essential review and schedule the regulations for public hearing. Following the hearings, the regulations will be sent to the Office of Administrative Law, an independent State agency, for its concurrence. The approval process is both systematic and lengthy; however, I have placed a priority to expedite these regulations for our Office of Regulations to follow. I'm confident that your next review will show results. In the overall context of the regulation adoption process, I have established an in-house task force to review means for improvement of this process. That report is to be completed at the end of this month and these difficulties, I am sure, will not recur.

Joe Ward will address the technical comments and recommendations which you have provided in a complete status report. His report will include progress on the above items of concern as well. I have asked him to prepare the report not later than March 30, 1982. Actions necessary to realize program improvements, which will involve other units with the Department, will have my support.

Sincerely,



Beverlee A. Myers
Director