

May 6, 2004

Mr. Edgar D. Bailey, CHP, Chief
Radiologic Health Branch
Division of Food, Drug & Radiation Safety
California Department of Health Services
P. O. Box 997414
Sacramento, CA 95899-7414

Dear Mr. Bailey:

The Nuclear Regulatory Commission (NRC) conducted the Integrated Materials Performance Evaluation Program (IMPEP) review for the California program in your offices on April 26-30, 2004. Mr. James Lynch, Regional State Agreements Officer, from Region III, Lisle, Illinois, was the team leader for the California review. The review team's preliminary findings were discussed with you and your staff on April 30, 2004. One finding from the review is that the California program is unaware of the location of two portable gauge licensees and has not yet taken action to address control of material remaining at a bankrupt hospital. The review team identified that the program did not appear to have a process in place to resolve these types of situations. Although this finding and the other review findings will be discussed in the IMPEP draft report which you will receive by early June, 2004, we are providing early written notification of this issue given its significance.

The accountability and control of radioactive material are important aspects of an Agreement State program to protection of public health and safety. We ask that California give attention and take the necessary steps to appropriately respond to the issues identified above.

If you have any questions, please contact me at (301) 415-3340.

Sincerely,

/RA/

Paul H. Lohaus, Director
Office of State and Tribal Programs

cc: Richard J. Jackson, MD, MPH
State Public Health Officer
California Department of Health Services

Kevin F. Reilly, DVM
Deputy Director, Prevention Services

Larry Barrett, DVM
Chief, Division of Food, Drug & Radiation Safety

Edgar D. Bailey

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