



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

May 19, 2005

Edgar Bailey, Chief
Radiological Health Branch
Division of Food, Drug, & Radiation Safety
Department of Health Services
P.O. Box 997413
Sacramento, CA 95899-7413

Dear Mr. Bailey:

Because of the significance of the findings from the Integrated Management Performance Evaluation Program (IMPEP) Review that was conducted in April 2004, the NRC management review board (MRB) determined the California program should undergo a period of heightened oversight, and for NRC to follow the progress of improvement needed in the California Agreement State program. As you are aware, heightened oversight involves preparation of a program improvement plan (the Plan), bimonthly conference calls, and submission of status reports prior to each call with the appropriate California and NRC staff.

This letter confirms that, after previous coordination, an NRC review of the Plan and the status report submitted to NRC on May 16, 2005, is scheduled for May 23 - 26, 2005. The review will be held in your offices. In addition to myself, Mr. Aaron McCraw, Office of State and Tribal Programs, and Mr. Duncan White, Region I, will be the other NRC representatives in attendance. In addition, Mr. Leonard Wert, Director, Division of Nuclear Safety, Region IV, will be present for the exit scheduled for Thursday, May 26, 2005.

I request that you set up an appointment with the appropriate State Senior Management Official to discuss the results of the review on the afternoon of May 26, 2005.

Based on our discussion on May 17, 2005, the primary topics for the review are listed on the enclosed agenda. Also enclosed is a list of documents we request to be available for the review. If you have any questions, please call me at 817-860-8116, or e-mail to mlm1@nrc.gov.

Sincerely,

/RA/

Linda McLean
Regional State Agreements Officer
Region IV

Enclosures:
As stated

cc:

Kevin Reilly, DVM, Prevention Services

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

Paul Lohaus, Director, Office of State and Tribal Programs

Mark Shaffer, Office of State and Tribal Programs

bcc: (via ADAMS e-mail distribution):

- LWert
- CCain
- VCampbell
- KSchneider, STP
- JZabko, STP
- AMcCraw, STP
- DWhite, RI
- MShaffer, ATP

SISP Review Completed: ADAMS: Yes No Initials: __mlm__

ADAMS: Yes No Initials: __mlm__

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MLMcLean				
/RA/				
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AGENDA AND SCOPE OF REVIEW

Purpose:

To conduct an onsite review of California's program improvement plan and status report submitted to NRC on May 16, 2005. The review will include evaluating the following program areas.

- a. Status of Fee Rule
- b. Staffing and training:
 - i) Number of staff in the program and status of their training and qualifications;
 - ii) Program vacancies;
 - iii) Status of filling vacancies
 - iii) Staff turnover;
 - iv) Adequacy of FTEs for the materials program.
- c. Materials Inspection Program:
 - i) Status of the inspection program including if an inspection backlog exists and the steps being taken to work off backlog.
- d. Regulations and Legislative changes:
 - i) Discuss status of State's regulations and actions taken to become compatible.
- e. Event Reporting, including follow-up and closure information in NMED.
- f. Response to Incidents and Allegations:
 - i) Status of allegations and concerns referred by the NRC for action;
 - ii) Significant events and generic implications.
 - iii) Programs capability to respond to incidents
- g. Status of all other IMPEP recommendations listed in the Plan.
- h. Description of how the Plan is being used as a management tool.

MATERIALS REQUESTED TO BE AVAILABLE FOR THE REVIEW

Please have the following information available for use by the review team when they arrive at your office:

- 9 Copy of current log or other document used to track inspections.
- 9 List of incidents that have occurred since the last IMPEP review. Show whether the incident is open or closed.
- 9 List of all allegations that have been received since the last IMPEP review. Show whether the allegation is open or closed.
- 9 List of open license cases, with date of original request, and dates of followup actions.