

February 2, 2006

Mr. Edgar Bailey, 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:

As you are aware, the U.S. Nuclear Regulatory Commission (NRC) uses the Integrated Materials Performance Evaluation Program (IMPEP) for the evaluation of Agreement State Programs. Per our discussion, I will be the team leader for the follow-up IMPEP review of the California Agreement State Program scheduled for the week of March 27, 2006. The team will include Linda McLean, NRC Region IV State Agreements Officer; William Rautzen, Health Physicist, NRC Office of State and Tribal Programs (STP); Marion Eaddy, Health Physicist, North Carolina Radioactive Materials Branch; and myself.

On July 28, 2004, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the California Agreement State Program. During the meeting, the MRB directed that a follow-up review be conducted in one year that focused on the State's performance for the following indicators: Technical Staffing and Training, Technical Quality of Incident and Allegation Activities and Compatibility Requirements. A special review was conducted May 24-26, 2005. As a result of the special review, the MRB approved rescheduling the follow-up IMPEP review for March 2006. In addition to a review of select casework completed since the 2004 IMPEP review, the team will review your actions in response to the recommendations made for the three indicators mentioned above.

Based on the information submitted in the Program Improvement Plan and the bimonthly heightened oversight teleconferences, I have enclosed an abridged version of the IMPEP Questionnaire containing questions 1 - 7. I ask that you send your responses by Internet (kxs@nrc.gov) to me by March 12, 2006. Also included with the Questionnaire is the document "Materials Requested to Be Available for the Onsite Portion of an IMPEP Review." We encourage States to have the items listed prepared prior to the IMPEP team's arrival to facilitate the review.

The team will also discuss the actions that the California program has taken for the remaining recommendations from 2004 IMPEP review. The team will use the guidance in STP Procedure SA-116, "Periodic Meetings with Agreement States Between IMPEP Reviews," for conducting these discussions. This procedure was distributed to you and can also be found on the STP web site.

E. Bailey

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I request that you set up an appointment with the appropriate State Senior Management Official to discuss the results of the follow-up IMPEP review of the California Agreement State Program on March 31, 2006.

If you have questions, please call me at 301-415-2320.

Sincerely,

/RA/

Kathleen N. Schneider
Senior Project Manager
Office of State and Tribal Programs

Enclosure:
As stated

cc: Kevin Reilly, DVM, MPVM
Deputy Director, Prevention Services

Larry Barrett, DVM, MS, DACVPM
Chief, Division of Food, Drug and Radiation Safety

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Chief, Division of Food, Drug and Radiation Safety

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

QUESTIONNAIRE

California Program - Followup IMPEP review
Reporting Period: April 30, 2006, to March 27, 2006.

Note: If there has been no change in the response to a specific question since the last IMPEP questionnaire, the State or Region may copy the previous answer if appropriate.

A. COMMON PERFORMANCE INDICATORS

I. Technical Staffing and Training

1. Please provide the following organization charts, including names and positions:
 - (a) A chart showing positions from Governor down to Radiation Control Program Director;
 - (b) A chart showing positions of current radiation control program including management; and
 - (c) Equivalent charts for sealed source and device, low level radioactive waste and uranium recovery programs, if applicable
2. Please provide a staffing plan, or complete a listing using the suggested format below, of the professional (technical) person-years of effort applied to the agreement or radioactive material program by individual. Include the name, position, and, for Agreement States, the fraction of time spent in the following areas: administration, materials licensing & compliance, emergency response, LLW, U-mills, other. If these regulatory responsibilities are divided between offices, the table should be consolidated to include all personnel contributing to the radioactive materials program. Include all vacancies and identify all senior personnel assigned to monitor work of junior personnel. If consultants were used to carry out the program's radioactive materials responsibilities, include their efforts. The table heading should be:

<u>Name</u>	<u>Position</u>	<u>Area of Effort</u>	<u>FTE%</u>
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3. Please provide a listing of all new professional personnel hired since the last review, indicate the degree(s) they received, if applicable, and additional training

¹ Estimated burden per response to comply with this voluntary collection request: 53 hours. Forward comments regarding burden estimate to the Records Management Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0183), Office of Management and Budget, Washington, DC 20503. If an information collection does not display a currently valid OMB control number, NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

and years of experience in health physics, or other disciplines, if appropriate.

4. Please list all professional staff who have not yet met the qualification requirements of license reviewer/materials inspection staff (for NRC, Inspection Manual Chapter (IMC) 1246; for Agreement States, please enclose a copy of your qualification and training procedure. If you do not have a written procedure please describe your qualifications requirements for materials license reviewers and inspectors). For each, list the courses or equivalent training/experience they need to attend and a tentative schedule for completion of these requirements.
5. Please identify the technical staff who left the Agreement State/Regional DNMS program during this period.
6. List the vacant positions in each program, the length of time each position has been vacant, and a brief summary of efforts to fill the vacancy.
7. Does the Agreement State program have an oversight board or committee which provides direction to the program and is composed of licensees and other members of the public? If so, please describe the procedures used to avoid a conflict of interest.

MATERIALS REQUESTED TO BE AVAILABLE FOR THE ONSITE PORTION OF AN IMPEP REVIEW

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

- 9 List of open license cases, with date of original request, and dates of follow up actions
- 9 List of licenses terminated during review period.
- 9 Copy of current log or other document used to track licensing actions
- 9 Copy of current log or other document used to track inspections
- 9 List of Inspection frequency by license type
- 9 List of all allegations occurring during the review period. Show whether the allegation is open or closed and whether it was referred by NRC

ALSO, PLEASE HAVE THE FOLLOWING DOCUMENTS AVAILABLE:

- | | |
|---------------------------------------|-------------------------------------|
| 9 All State regulations | 9 Records of results of supervisory |
| 9 Statutes affecting the regulatory | accompaniments of inspectors |
| authority of the state program | 9 Emergency plan and |
| 9 Standard license conditions | communications list |
| 9 Technical procedures for licensing, | 9 Procedures for investigating |
| model licenses, review guides | allegations |
| 9 SS&D review procedures | 9 Procedures for investigating |
| 9 Instrument calibration records | incidents |
| 9 Inspection procedures and guides | 9 Enforcement procedures, including |
| 9 Inspection report forms | procedures for escalated |
| | enforcement, severity levels, civil |
| | penalties (as applicable) |
| | 9 Job descriptions |