

July 31, 2003

Ms. Arvy Smith
Deputy State Health Officer
North Dakota Department of Health
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0200

Dear Ms. Smith:

On July 14, 2003, the Management Review Board (MRB) met to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report on the North Dakota Agreement State Program. The MRB found the North Dakota program is adequate to protect public health and safety and is compatible with the Nuclear Regulatory Commission's (NRC) program. No recommendations were made by the review team.

Based on the results of the current IMPEP review, the next full review will be in approximately four years.

I appreciate the courtesy and cooperation extended to the IMPEP team during the review. I also wish to acknowledge your continued support for the Radiation Control Program and the excellence in program administration demonstrated by your staff as reflected in the team's findings. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

/RA/

Carl J. Paperiello
Deputy Executive Director
for Materials, Research and State Programs

Enclosure:

As stated

cc: L. David Glatt, Section Chief
Environmental Health Section

Terry O'Clair, Director
Division of Air Quality

Kenneth Wangler, Manager
Radiation and Indoor Air

Roland Fletcher, MD
OAS Liaison to the MRB

bcc: Chairman Diaz

Commissioner McGaffigan
Commissioner Merrifield

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM
REVIEW OF NORTH DAKOTA AGREEMENT STATE PROGRAM

April 22 - 25, 2003

FINAL REPORT

U.S. Nuclear Regulatory Commission

1.0 INTRODUCTION

This report presents the results of the review of the North Dakota Agreement State program. The review was conducted during the period April 22-25, 2003, by a review team consisting of technical staff members from the Nuclear Regulatory Commission (NRC) and the Agreement State of Arkansas. Team members are identified in Appendix A. The review was conducted in accordance with the "Implementation of the Integrated Materials Performance Evaluation Program and Rescission of a Final General Statement of Policy," published in the Federal Register on October 16, 1997, and the November 5, 1999, [NRC Management Directive 5.6](#), "Integrated Materials Performance Evaluation Program (IMPEP)." Preliminary results of the review, which covered the period of April 17, 1999 to April 25, 2003, were discussed with North Dakota management on April 25, 2003.

A draft of this report was issued to North Dakota for factual comment on May 23, 2003. The State responded by letter dated June 17, 2003. The Management Review Board (MRB) met on July 14, 2003 to consider the proposed final report. The MRB found the North Dakota radiation control program adequate to protect public health and safety and compatible with NRC's program.

The North Dakota Agreement State program is administered by the Radiation and Indoor Air Branch (the Branch), Division of Air Quality (the Division), Environmental Health Section, North Dakota Department of Health (the Department). The Department is the designated radiation control agency. Organization charts are included in Appendix B. At the time of the review, the North Dakota Agreement State program regulated 65 specific licenses authorizing Agreement materials. The State administers a radiographer certification program as a certifying entity. The State, in coordination with the Conference of Radiation Control Program Directors and the State of Texas, proctors the Texas exam. The State has certified approximately 50 radiographers. The review focused on the materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of North Dakota.

In preparation for the review, a questionnaire addressing the common and non-common performance indicators was sent to the Branch on February 20, 2003. The Branch provided a response to the questionnaire on April 2, 2003. A copy of the questionnaire response can be found on NRC's Agencywide Document Access and Management System using the Accession Number ML031050464.

The review team's general approach for conduct of this review consisted of: (1) examination of North Dakota's responses to the questionnaire; (2) review of applicable North Dakota statutes and regulations; (3) analysis of quantitative information from the radiation control program licensing and inspection data base; (4) technical review of selected licensing and inspection actions; (5) field accompaniments of two Branch inspectors; and (6) interviews with staff and management to answer questions or clarify issues. The review team evaluated the information that it gathered against the IMPEP performance criteria for each common and applicable non-common performance indicators and made a preliminary assessment of the North Dakota Agreement State program's performance.

Section 2 below discusses the State's actions in response to recommendations made following the previous IMPEP review and the team's conclusions regarding close-out of the recommendations. Results of the current review for the IMPEP common performance

indicators are presented in Section 3. Section 4 discusses results of the applicable non-common performance indicators, and Section 5 summarizes the review team's findings.

2.0 STATUS OF ITEMS IDENTIFIED IN PREVIOUS REVIEWS

During the previous IMPEP review, which concluded on April 16, 1999, five recommendations were made and transmitted to Mr. Murray G. Sagsveen, State Health Officer, North Dakota Department of Health. Three recommendations were closed during the 2000 follow-up review. The team's review of the current status of the remaining open recommendations is as follows:

1. The review team recommends that management perform an in-depth review of the Branch's current and future anticipated activities and obligations to ensure budgeted staffing levels are adequate to fulfill the responsibilities of the program.
(Recommendation 4 from Section 3.3 of the 1999 report)

Current Status: At the 2001 Periodic Meeting, program management reviewed the staffing levels for the program and determined that the current staffing level for licensing and inspection is appropriate for their program. The 2003 review team agrees that the program has sufficient staffing levels to fulfill the responsibilities of the program. This recommendation is closed.

2. The review team recommends that the State provide training to technical personnel, either by formal course work or equivalent, in the area of brachytherapy.
(Recommendation 5 from Section 3.3 of the 1999 report)

Current Status: One staff member successfully completed NRC's teletherapy/brachytherapy course in August 1999. The second staff member has not yet been scheduled for this course, but he plans to attend the next teletherapy/brachytherapy course on a space-available basis. As the Branch has one inspector that is qualified to perform this type of inspection, and no performance issues were identified involving this type of inspection, this recommendation is closed.

3.0 COMMON PERFORMANCE INDICATORS

IMPEP identifies five common performance indicators to be used in reviewing both NRC Regional and Agreement State programs. These indicators are: (1) Technical Staffing and Training; (2) Status of Materials Inspection Program; (3) Technical Quality of Inspections; (4) Technical Quality of Licensing Actions; and (5) Response to Incidents and Allegations.

3.1 Technical Staffing and Training

Issues central to the evaluation of this indicator include the Branch's staffing level and staff turnover, as well as the technical qualifications and training histories of the staff. To evaluate these issues, the review team examined the Branch's questionnaire responses relative to this indicator, interviewed Branch management and staff, reviewed job descriptions and training records, and considered any possible workload backlogs.

The radioactive materials program has three technical positions, including the Branch Manager. The Division Director also contributes some of his time to the radioactive materials program. Branch staffing was stable over the review period. Due to a low turnover rate, the staff consists of experienced personnel. The Branch currently has no vacant positions. The review team

noted that the Branch had stable funding during the review period due to dedicated revenue from licensee fees. Branch fees are approximately one third of and proportional to NRC's fees. Approximately 90 percent of materials operations are paid for through fees.

Training and qualification requirements for Branch staff are established in a Training Regimen Checklist which sets forth essentially the same training and qualification recommendations detailed in NRC's Inspection Manual Chapter (IMC) 1246, as well as indication of ability to perform specific inspections independently. The staff are well trained and qualified from an education and experience standpoint. Training requirements include NRC, or equivalent, training courses when available.

All technical staff members have taken the NRC courses deemed appropriate for their tasks. Branch management is committed to continual training for the staff. The review team concluded that the Branch has a well balanced staff, and a sufficient number of trained personnel to carry out regulatory duties.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that North Dakota's performance with respect to the indicator, Technical Staffing and Training, was satisfactory.

3.2 Status of Materials Inspection Program

The team focused on five factors in reviewing this indicator: inspection frequency, overdue inspections, initial inspection of new licenses, the timely dispatch of inspection findings to licensees, and the performance of reciprocity inspections. The evaluation is based on the Branch's questionnaire responses relative to this indicator, data gathered independently from the Program's licensing and inspection data tracking system, the examination of completed licensing and inspection casework, and interviews with managers and staff.

The team's review of the Branch's inspection priorities verified that inspection frequencies for various types of licenses are at least as frequent as, or more frequent than, similar license types listed in NRC IMC 2800. Seven of the 24 license categories established by the State are inspected more frequently than similar license types listed in NRC IMC 2800. The Branch has a procedure for reducing or extending an inspection frequency based on the compliance history of the licensee.

The Branch uses an Access database to track all inspection data. A report is generated periodically to identify inspections due during the next seven months. These inspections are then assigned to an inspector and tentatively scheduled. Management and staff have been able to track the timeliness of individual inspections effectively using this tool.

At the time of the review, there were no overdue core inspections, including initial inspections. The review team examined the Branch's tracking information for a total of 37 inspections, which included 13 initial inspections. Only one core routine inspection was conducted overdue during the review period, and was completed only three days overdue. However, this inspection was intentionally delayed by Branch management to be a candidate for the IMPEP inspection accompaniments.

The timeliness of the issuance of inspection findings was evaluated during the inspection casework review and by reviewing the inspection history generated by the database. The Branch requires all inspection correspondence to licensees to be issued within 30 days

following the date of the inspection. For the 62 routine inspection files examined, only two inspection findings were sent to the licensees beyond the 30-day goal. These occurred early in the review period.

During the review period, the Branch granted 47 reciprocity permits, of which, 26 permits were core licensees based on NRC IMC 1220. The review team noted that the Branch's reciprocity inspection policy requires that 20 percent of Priority 1, 2, and 3 licensees be inspected each year and other Priorities be inspected as resources allow. The team determined that the Branch met and exceeded the NRC IMC 1220 criteria for each year except fiscal year 2001. Branch management indicated that due to the limited number of reciprocity inspection candidates, a decision was made to round down the number of inspections to be conducted. The team concluded that the Program's approach is acceptable.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that North Dakota's performance with respect to the indicator, Status of Materials Inspections Program, was satisfactory.

3.3 Technical Quality of Inspections

The team evaluated the inspection reports, enforcement documentation, and inspection field notes and interviewed inspectors for a total of 10 inspections, including a representative sample of the core and non-core radioactive materials inspections conducted during the review period. The casework included both of the Branch's fully trained materials inspectors, as well as inspections in which the Branch Manager participated. The review incorporated inspections of a variety of licensed activities including: industrial radiography, academic broad scope research and development, medical institution with quality management plan (including high dose-rate remote afterloading (HDR) brachytherapy), well logging, and portable gauges. Appendix C lists the inspection casework files reviewed for completeness and adequacy with case-specific comments.

Based on the casework file reviews, the review team found that routine inspections covered all aspects of the licensee's radiation protection program. The inspection reports were exceptionally thorough, complete, consistent, and of high quality, with sufficient documentation to demonstrate that licensee's performance with respect to health and safety was acceptable. Inspection documentation frequently included photographs illustrating licensee facilities and documenting the actual conduct of licensed activities. The documentation adequately supported the cited violations. Exit interviews were held with appropriate licensee personnel. Team inspections were performed when appropriate and for training purposes.

The review team found that documentation of routine inspections adequately cover the licensee's radiation protection program, include a written summary of the scope of the licensed activities and specific reviews of various aspects of the licensee's radiation safety program. In each case violations were identified, a written analysis of the licensee's responses along with any needed follow-up actions was prepared by the inspector. These documents provided a clear easy-to-follow record of decision regarding the enforcement action.

The review team determined that violations identified during inspections were reviewed by the Branch Manager on a case-by-case basis for consideration for referral to the State Attorney General's Office for escalated enforcement. Available escalated enforcement options include the issuance of formal Notices of Violation from the Attorney General and the imposition of

monetary civil penalties. One reciprocity inspection file was reviewed. This file documented the inspection and subsequent imposition of a \$9,000 civil penalty against an industrial radiography licensee for failure to secure a radiography camera and other violations while operating in North Dakota under reciprocity. This file contained complete information describing the basis for the escalated enforcement action. The team also found documentation in the file indicating that the inspectors exercised notable initiative that led to the discovery of an unsecured radiography camera in an area to which the public had frequent and ready access.

The Branch Manager attempts to conduct supervisory accompaniments of material inspectors on at least 10 percent of all inspections. During this review period, the Branch Manager conducted at least one documented accompaniment of each inspector each year. The Branch Manager indicated that he would prefer to meet the 10 percent Branch goal for accompaniments each year and intends to focus additional effort on this goal.

The review team accompanied two materials inspectors during the week of March 17, 2003 during inspections of two industrial radiography licensees and a medical institution licensed for diagnostic nuclear medicine. These accompaniments are identified in Appendix C. Inspections were generally unannounced. However, the inspectors indicated that they may contact the licensee either the day before, or the morning of, an inspection to ensure that appropriate licensee personnel are available prior to dispatching an inspector to the facility. During the accompaniments, each of the inspectors demonstrated appropriate performance-based inspection techniques and knowledge of the regulations. The inspectors were well prepared and thorough in their reviews of the licensees' radiation safety programs. The inspections were adequate to assess radiological health and safety at the licensed facilities. The review team, the inspectors, and the Branch Manager discussed further improving the interviewing techniques used during inspections.

The Branch has an adequate number and types of survey meters to support the current inspection program, as well as for responding to incidents and emergency conditions. The Branch has contractors who calibrate their survey instruments on an annual basis. Appropriate documentation of calibrated survey instruments was available. Radioactive contamination samples can be evaluated at the Department's Chemistry Division counting laboratory with a liquid scintillation counting system.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that North Dakota's performance with respect to the indicator, Technical Quality of Inspections, was satisfactory.

3.4 Technical Quality of Licensing Actions

The review team examined completed licensing casework and interviewed license reviewers for 12 specific licenses. Licensing actions were reviewed for completeness, consistency, proper radioisotopes and quantities used, qualifications of authorized users, adequate facilities and equipment, and operating and emergency procedures sufficient to establish the basis for licensing actions. Licenses were evaluated for overall technical quality including accuracy, appropriateness of the license, its conditions, and tie-down conditions. Casework was evaluated for timeliness; adherence to good health physics practices, reference to appropriate

regulations, documentation of safety evaluation reports, product certifications or other supporting documentation, consideration of enforcement history on renewals, pre-licensing visits, peer or supervisory review as indicated, and proper signature authority. The files were checked for retention of necessary documents and supporting data.

Licensing casework was selected to provide a representative sample of licensing actions that were completed during the review period. The sampling included the following types of licenses: medical facilities including brachytherapy and HDRs, mobile nuclear medicine, broad scope university, portable gauge, moisture/density gauge, and well logging including sealed sources and tracers. Licensing actions selected for evaluation included one new license, three renewals, six amendments and two termination files. A listing of the licenses evaluated can be found in Appendix D.

Overall, the review team found that the licensing actions were thorough, complete, consistent, and of acceptable quality with health and safety issues properly addressed. Documentation of each review was thorough and complete. License tie-down conditions were stated clearly, backed by information contained in the file, and inspectable. The licensee's compliance history was taken into account when reviewing renewal applications and amendments. The license reviewers appropriately used the Branch's licensing guides and policies and standard licensing conditions.

The license reviewers conduct a technical review of each licensing action and prepare the appropriate licensing documents. The Branch Manager performs a technical and supervisory review on all licensing actions. The Division Director performs a supervisory review before the license is issued under his signature. The Branch issues licenses for a five-year period.

The review team evaluated financial assurance and decommissioning activities conducted by the Branch. The team concluded that the Branch handles financial assurance appropriately. The team found that terminated licensing actions were well documented. The files included the appropriate material transfer records and survey records. Confirmatory surveys for license terminations were conducted when appropriate. There were no performance issues identified with the handling of financial assurance or decommissioning by the Branch.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that North Dakota's performance with respect to the indicator, Technical Quality of Licensing Actions, was satisfactory.

3.5 Response to Incidents and Allegations

In evaluating the effectiveness of the Branch's actions in responding to incidents, the review team examined the Branch's responses to the questionnaire relative to this indicator, reviewed the incident reports for North Dakota in Nuclear Materials Event Database (NMED) against those contained in the Branch's files, and evaluated reports and supporting documentation for nine incidents. A list of the incident casework examined is included in Appendix E. The review team also reviewed the Branch's response to three allegations involving radioactive material.

The incidents selected for review included the following event categories: transportation, overexposure, medical event, and faulty equipment. The review team found that the Branch's responses to incidents were, in general, complete and comprehensive. Initial responses were prompt and well coordinated, and the level of effort was commensurate with the health and

safety significance. The Branch dispatched inspectors for onsite investigations when appropriate and took suitable follow-up actions.

The responsibility for initial response and follow-up actions to materials incidents may be assigned to one of the two materials inspectors or the Branch Manager. Upon receipt, staff reviews the report, decides on the appropriate response, and enters the information into a database tracking system. Documentation related to an incident is placed in the appropriate license file, an incident file, and/or a separate confidential file depending on the subject matter.

The review team noted that North Dakota's procedures included a list of trained personnel in the State who would be willing to respond to a radiation incident, such as a transportation incident, and provide initial assessment of the incident or assist during the incident until State radiological emergency response personnel can arrive. The list includes the names of volunteers, their location within the State, the types of equipment they have available, and contact telephone numbers. The review team recommended and the MRB agreed that the use of such a cadre of responders is a good practice.

The Branch's incident procedure references the NRC's "Handbook on Nuclear Material Event Reporting in the Agreement States" reporting requirements for incidents. The review team identified four incidents in NMED for North Dakota during the review period. The review team noted that all events requiring 24 hour notification and routine and/or event updates, requiring 30-day notification, were reported to the NRC for inclusion in NMED. In addition, events not meeting the reporting criteria in the handbook are entered into the NMED database for tracking purposes.

In evaluating the effectiveness of North Dakota's actions responding to allegations, the review team examined the Branch's questionnaire responses relative to this indicator, and the Branch's allegation procedure. The casework for three allegations was reviewed. The Branch evaluates each allegation and determines the proper level of response. The review of the casework and the files indicated that the Branch took prompt and appropriate action in response to the concerns raised. Each of the allegations reviewed was closed, and the allegeders were informed of the results, when possible. No performance issues were identified involving allegations. Review of the casework for one allegation demonstrated that the Branch had provided interviewed personnel with copies of the North Dakota Code that provided them protection under North Dakota Law.

During review of the casework for two allegations, the review team was unable to determine why the allegations were not substantiated. During discussions with management and staff, the review team learned why the Branch determined the allegations were not substantiated, and it was agreed that the casework lacked some documentation supporting the findings.

The review team noted that Section GII.B. of North Dakota's procedures states protection of witnesses is provided for in Rule 509, North Dakota Rules of Evidence. The procedures further state that it is the responsibility of the Branch Manager to handle requests for information. The State makes every effort to protect an allegeder's identity, but it cannot be guaranteed. The review team found this practice acceptable.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that North Dakota's performance with respect to the indicator, Response to Incidents and Allegations, was satisfactory.

4.0 NON-COMMON PERFORMANCE INDICATORS

IMPEP identifies four non-common performance indicators to be used in reviewing Agreement State programs: (1) Legislation and Program Elements Required for Compatibility; (2) Sealed Source and Device Evaluation Program; (3) Low-Level Radioactive Waste Disposal Program; and (4) Uranium Recovery Program. North Dakota's Agreement does not cover a sealed source and device evaluation program or uranium recovery program, so only the first and third non-common performance indicators were applicable to this review.

4.1 Legislation and Program Elements Required for Compatibility

4.1.1 Legislation

North Dakota became an Agreement State in 1969. Along with their response to the questionnaire, the Branch provided the review team with the opportunity to review copies of legislation that affects the radiation control program. Legislative authority to create an agency and enter into an agreement with the NRC is granted in the North Dakota Century Code Chapter 23-20. The Department is designated as the State's radiation control agency. The review team noted that no legislation affecting the radiation control program was passed since being found adequate during the previous review, and found that the State legislation is adequate.

4.1.2 Program Elements Required for Compatibility

The North Dakota Revised Radiological Health Rules, found in North Dakota Administrative Code Chapters 33-10-01 through 33-10-14, apply to all ionizing radiation, whether emitted from radionuclides or devices. North Dakota requires a license for possession and use of all radioactive material including naturally occurring materials, such as radium, and accelerator-produced radionuclides.

The review team examined the State's rulemaking process and found that the process takes approximately nine months after preparation of a draft rule. Proposed rules are submitted to the State Health Council for consideration and approval to proceed with public comment. Public notice of proposed rule revisions is made and a 60-day public comment period, including a public hearing is conducted. Proposed rules are sent to NRC for a compatibility ruling. After resolution of comments and the Attorney General's approval, final draft rules are sent to the State Health Council for final review and adoption. Final rules are sent to the NRC and to licensees. The State has the authority to issue legally binding requirements (e.g., license conditions) in lieu of regulations until compatible regulations become effective.

The review team evaluated North Dakota's responses to the questionnaire and reviewed the status of regulations under the Commission's adequacy and compatibility policy. All regulations required to be adopted are currently in effect. Discussions with program staff indicated a good awareness of recently adopted rules.

Based on IMPEP evaluation criteria, the review team recommended and the MRB agreed that North Dakota's performance with respect to the indicator, Legislation and Program Elements Required for Compatibility, was satisfactory.

4.2 Low-Level Radioactive Waste (LLRW) Disposal Program

In 1981, the NRC amended its Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Authority and Assumption Thereof by States Through Agreement" to allow a State to seek an amendment for the regulation of LLRW as a separate category. Those States with existing Agreements prior to 1981 were determined to have continued LLRW disposal authority without the need of an amendment. Although North Dakota has such disposal authority, NRC has not required States to have a program for licensing a disposal facility until such time as the State has been designated as a host State for a LLRW disposal facility. When an Agreement State has been notified or becomes aware of the need to regulate a LLRW disposal facility, they are expected to put in place a regulatory program which will meet the criteria for an adequate and compatible LLRW disposal program. There are no plans for a LLRW disposal facility in North Dakota. Accordingly, the review team did not evaluate this indicator.

5.0 SUMMARY

As noted in Sections 3 and 4 above, the review team and the MRB found North Dakota's performance to be satisfactory for all six performance indicators. Accordingly, the review team recommended and the MRB concurred in finding the North Dakota Agreement State program adequate to protect public health and safety and compatible with NRC's program. Based on the results of the current IMPEP review, it was agreed that the next full review should be in approximately four years. The review team made no recommendations.

GOOD PRACTICE:

The review team noted that North Dakota's procedures included a list of trained personnel in the State who would be willing to respond to a radiation incident, such as a transportation incident, and provide initial assessment of the incident or assist during the incident until State radiological emergency response personnel can arrive. The list includes the names of volunteers, their location within the State, the types of equipment they have available, and contact telephone numbers. The review team recommended and the MRB agreed that the use of such a cadre of responders is a good practice. (Section 3.5)

APPENDIX A

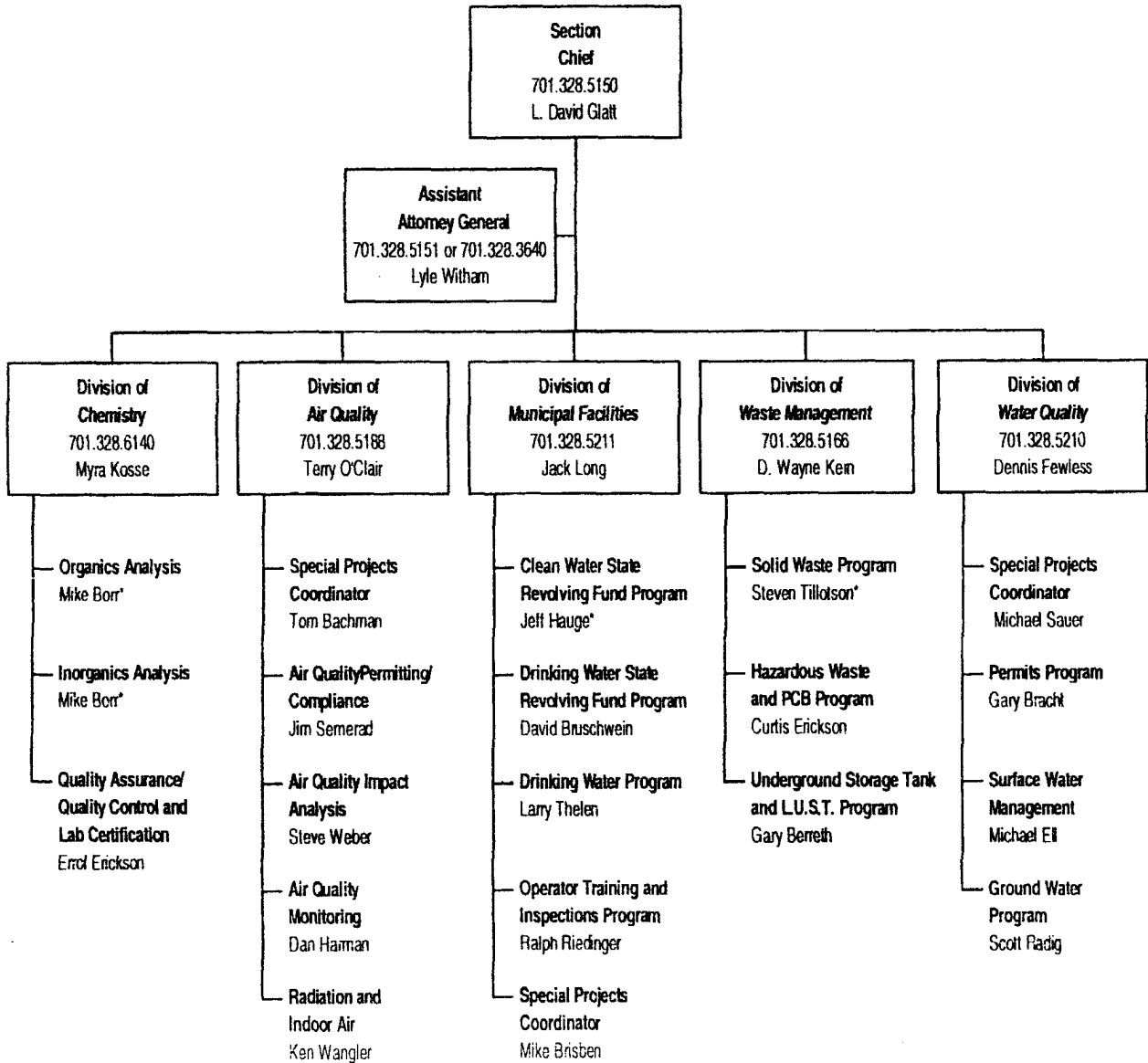
IMPEP REVIEW TEAM MEMBERS

Name	Area of Responsibility
Lance Rakovan, STP	Team Leader Technical Staffing and Training Legislation and Program Elements Required for Compatibility
Vivian Campbell, RIV	Status of Materials Inspection Program Technical Quality of Licensing Actions
John Pelchat, RII	Technical Quality of Inspections Inspector Accompaniments
Cathey Bradley, AR	Response to Incidents and Allegations

APPENDIX B
NORTH DAKOTA ORGANIZATION CHARTS

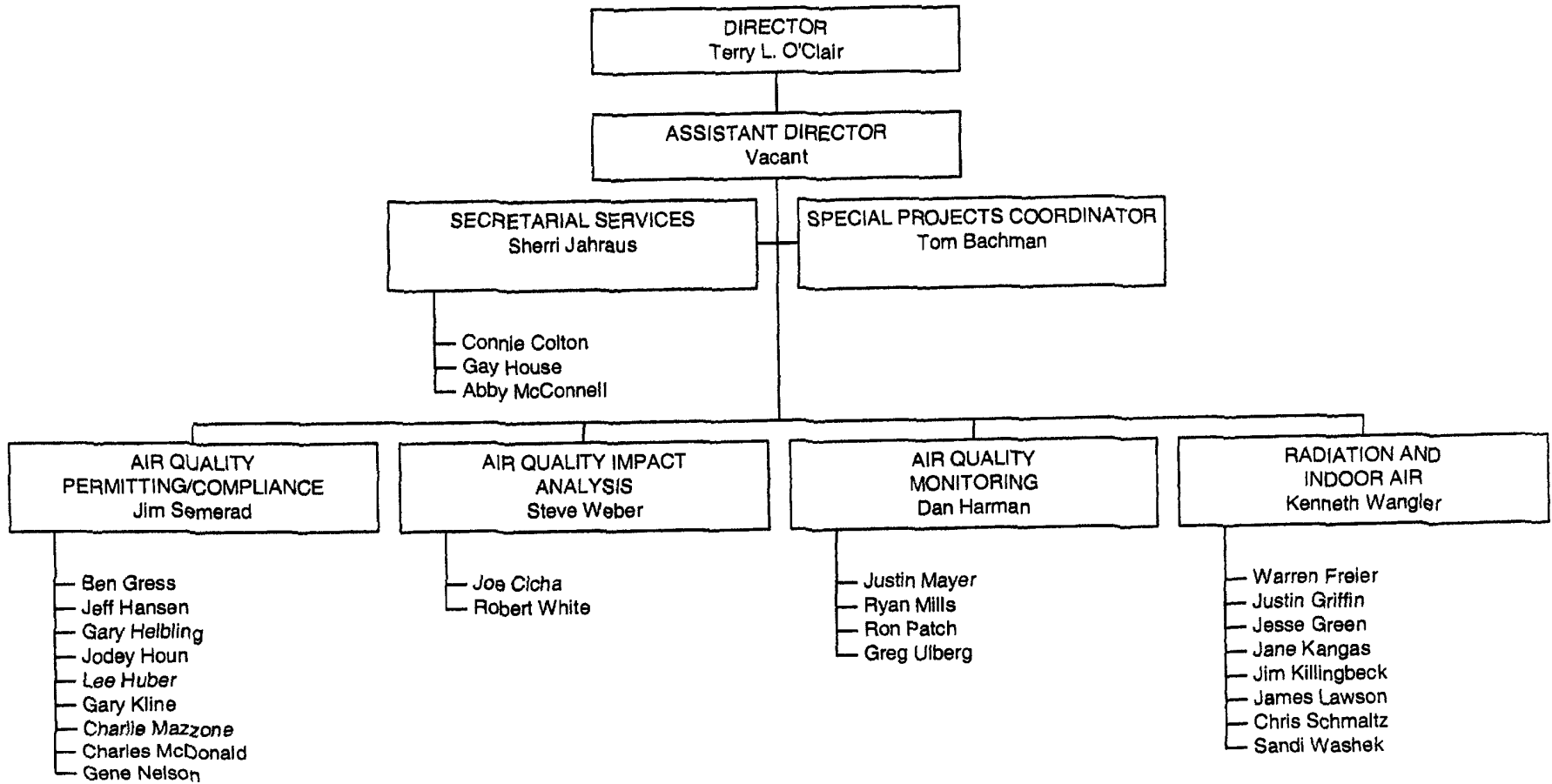
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North Dakota Department of Health Environmental Health Section



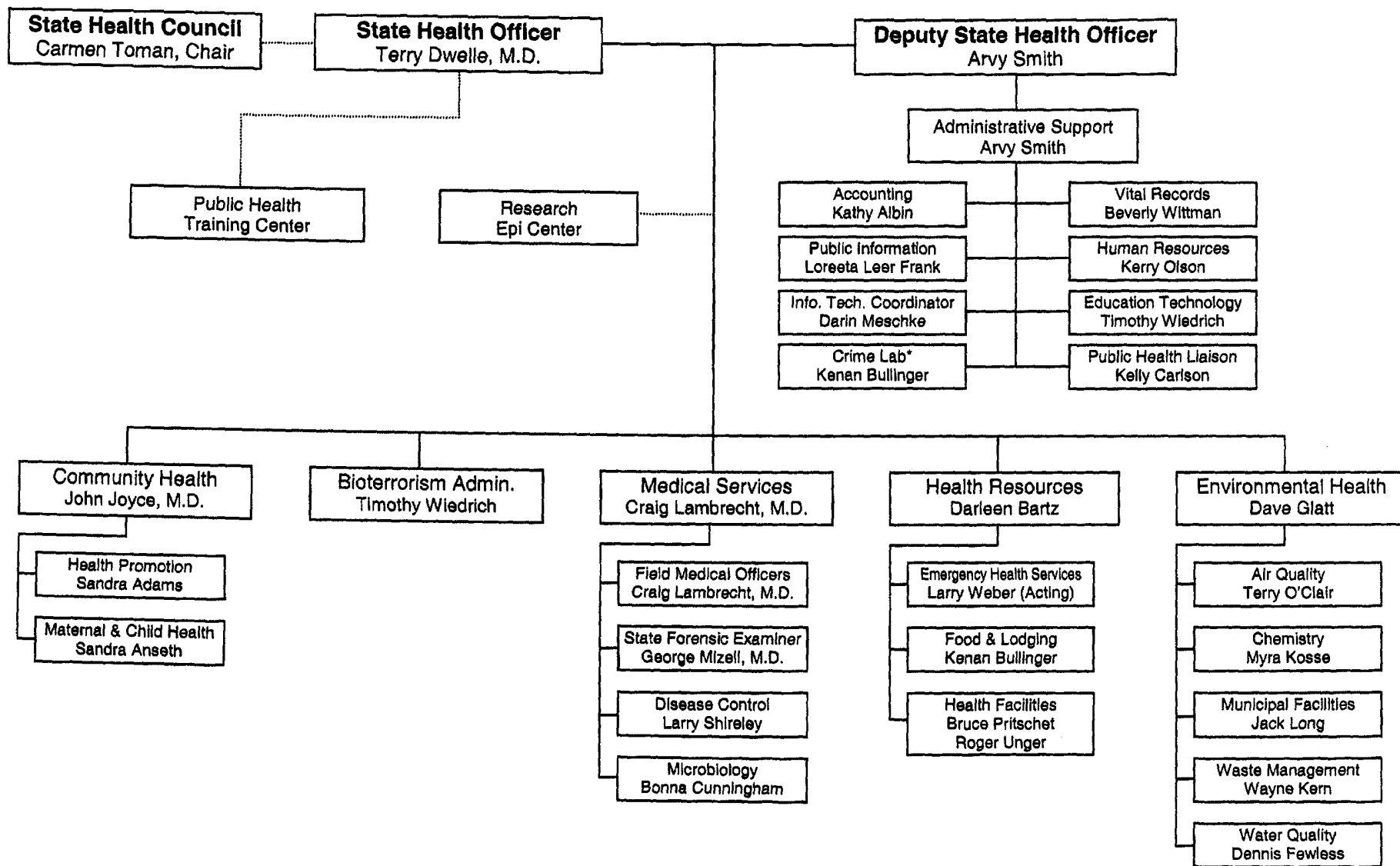
*Assistant Director

NORTH DAKOTA DEPARTMENT OF HEALTH
DIVISION OF AIR QUALITY



North Dakota Department of Health Organizational Chart

November 2002



* Pending the outcome of the 2003 Legislative Session, the Crime Lab may be moved to the Attorney General's office.

LIST OF APPENDICES AND ATTACHMENTS

Appendix A	IMPEP Review Team Members
Appendix B	North Dakota Organization Charts
Appendix C	Inspection Casework Reviews
Appendix D	License Casework Reviews
Appendix E	Incident Casework Reviews
Attachment	June 16, 2003 Letter from Terry L. O'Clair, P.E., Director North Dakota's Response to Draft IMPEP Report

ATTACHMENT

June 16, 2003 Letter from Terry L. O'Clair, P.E., Director
North Dakota's Response to Draft IMPEP Report

ML031760166



**NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section**

Location:
1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:
701-328-5200

Mailing Address:
P.O. Box 5520
Bismarck, ND 58506-5520

June 16, 2003

Mr. Paul H. Lohaus
Director
Office of State Programs
U.S. Nuclear Regulatory Commission
20555-0001

03 JUN 24 AM 10:54
STP

Dear Mr. Lohaus:

The North Dakota Department of Health (Department) has reviewed the U.S. Nuclear Regulatory Commission's (NRC) May 23, 2003 draft Integrated Materials Performance Evaluation Program (IMPEP) report of the Department's Radiation Control Program (RCP). The draft IMPEP report was sent under cover letter to Ms. Arvy Smith, Deputy State Health Officer for the North Dakota Department of Health. The IMPEP evaluation was held at the Department's office in Bismarck, North Dakota, April 22-25, 2003.

The Department has no comments or concerns with the draft report and agrees in principle with the findings of the IMPEP team. Department staff have identified several minor corrections and suggested wording changes. These have been marked directly on a copy of the draft report and sent as an enclosure to Mr. Lance Rakovan, the IMPEP team leader. The Department requests that Mr. Rakovan consider the staff's suggestions in preparing the final IMPEP report.

The Department will coordinate with Mr. Rakovan for the scheduling of the Management Review Board (MRB) conference. Since North Dakota has no significant issues with the findings of the IMPEP, North Dakota requests that MRB review be conducted via conference call. To minimize the set-up and coordination of the MRB conference, the Department would suggest the conference be conducted without video.

STP.006 Yemplate

RIDS: SP01

Environmental Health
Section Chief's Office
701-328-5150

Air
Quality
701-328-5188

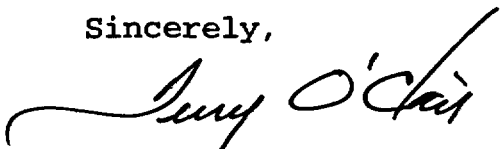
Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210

If you have any questions or comments, please do not hesitate to contact myself or Mr. Ken Wangler of my staff at (701)328-5188.

Sincerely,



Terry L. O'Clair, P.E.
Director
Division of Air Quality

TLO/KWW:saj

Enc:

xc: L. David Glatt

xc: Arvy Smith, Deputy Health Officer

xc/enc: Lance Rakovan, NRC



NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section

Location:
1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:
701-328-5200

Mailing Address:
P.O. Box 5520
Bismarck, ND 58506-5520

April 2, 2003

Mr. Lance J. Rakovan
IMPEP Team Leader
U.S. Nuclear Regulatory Commission
Office of State and Tribal Programs
Washington, DC 20555-0001

Dear Mr. Rakovan:

Per your February 20, 2003 request you will find enclosed a completed integrated materials performance evaluation program (IMPEP) questionnaire for the State of North Dakota. This questionnaire is in preparation for the program's review the week of April 21, 2003. A copy of the questionnaire has also been e-mailed to you.

If you have any questions concerning the response, please call me at 701-328-5188.

Thank you.

Sincerely,

Kenneth W. Wangler, P.E.
Manager
Radiation Control Program
Division of Air Quality

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