



NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section

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MEMO TO : James L. Lynch
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Region III
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FROM : Kenneth W. Wangler *KW*
Manager
Radiation Control Program
Air Quality Division

RE : The Status of North Dakota's Radioactive
Material Inspection Program for the IMPEP
Follow-up Review on July 12, 2000.

DATE : July 5, 2000

During the U.S. Nuclear Regulatory Commission (NRC) April 1999 Integrated Materials Performance Evaluation Program (IMPEP) review, the primary concern with North Dakota's Radioactive Material (RAM) inspection program was timeliness. There were several core inspections that had gone beyond the 25% overdue window during the review period and two that remained outside the window at the time of the NRC review. These two were completed by May 19, 1999. Since that time no core inspections have gone past the 25% overdue window. As of this review date, the oldest inspection is due on June 22, 2000. A previous attempt by Radiation Control Program (RCP) staff failed to accomplish the inspection due to the Licensee not being available.

During NRC's April 1999 review there were also timeliness issues concerning length of response time from the inspection until the first letter to the Licensee. The state has established a 30-day maximum time limit for the length of time that should be allowed to pass between the inspection and the first written correspondence to the licensee or any follow-up correspondence to a licensee. Since October 1998, three inspections have gone over 30 days from the inspection until the first correspondence. None have gone over 30 days for any subsequent responses. The three that exceeded 30 days are as follows. One resulted in a Notice of Violation followed by a substantial penalty. The magnitude of information that had to be gathered following the inspection made it difficult to meet the

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30-day deadline. Multiple parties had to be contacted including local law enforcement and medical personnel. Telephone contact was made with Licensee management as soon as practical (within 1 or 2 days) after the inspection and there were numerous telephone exchanges in the days preceding the first correspondence. The NOV was sent 41 days after the inspection. The second response exceeding 30 days resulted from a Licensee (Trinity Medical Center) requesting enhanced license amendment activity through a State Legislator and Department Management. This resulted in the staff being consumed with processing the license amendment and failing to complete their inspection report (Jamestown Hospital) within the 30 days. The enhanced license request came two days after the staff had completed the inspection. The initial response was sent 37 days after the inspection. Discussions were held within the program and the importance of the 30 day limit was reemphasized. The third response that exceeded 30 days resulted from a licensee not submitting information requested during the inspection. The inspector was waiting on leak test results prior to closing out their report.

While timeliness is the central issue surrounding the need for a follow-up review, according to a June 23, 2000 letter, there appears to be several other issues the NRC would like to consider during the review. These are addressed below:

1. Inspection frequency; the state has the same frequency as the NRC for all types of licensees except portable gauge. NRC has a 5-year inspection frequency while the state has a 4-year inspection frequency. The state feels portable gauges represent a greater danger to public health and safety than fixed gauges and feels the increased inspection frequency is warranted. This should not be a concern to NRC since the state requirement is more stringent than NRC.
2. Reciprocity inspections; during the review period, one reciprocity inspection was conducted. The state will continue to try to inspect reciprocity licensees in accordance with IMC 1220. The state addressed this issue at length in their June 7, 1999 response to NRC's draft IMPEP report.
3. Field inspections; during the review period, three field inspections were conducted.
4. Initial inspections; during the review period, two initial inspections were conducted.

A summary sheet providing RCP inspection statistics is attached.

KWW:gsh

Attach:

xc: James Myers, U.S. NRC

ND Radiation Control Program

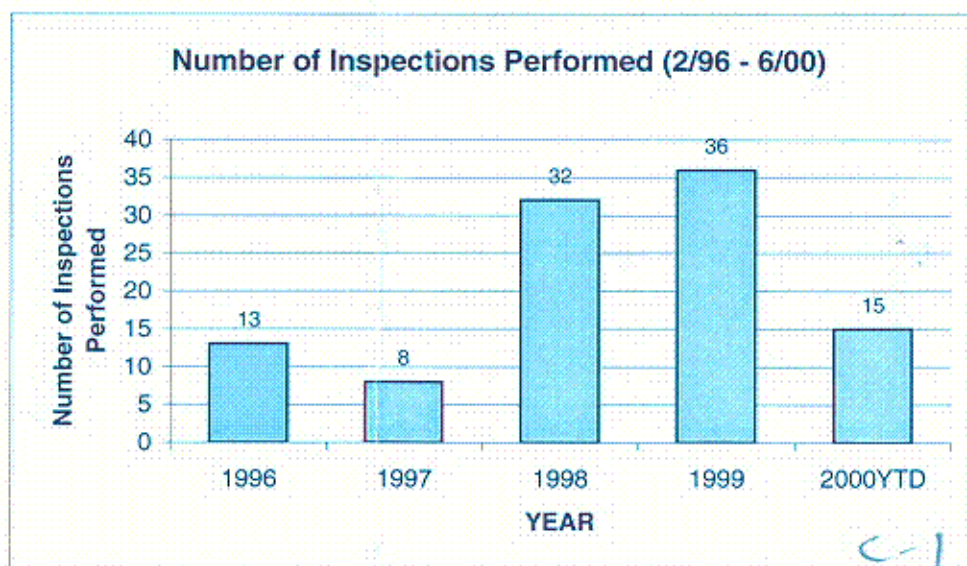
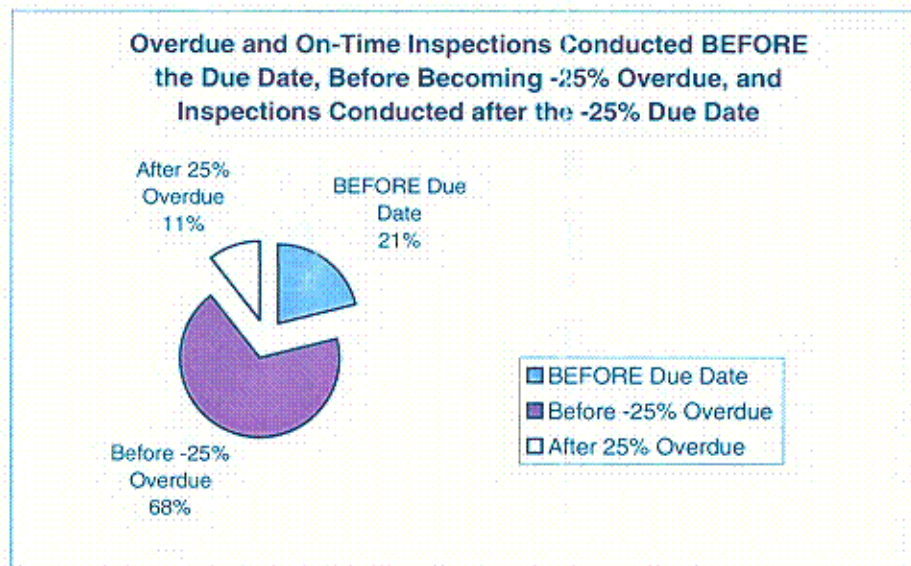
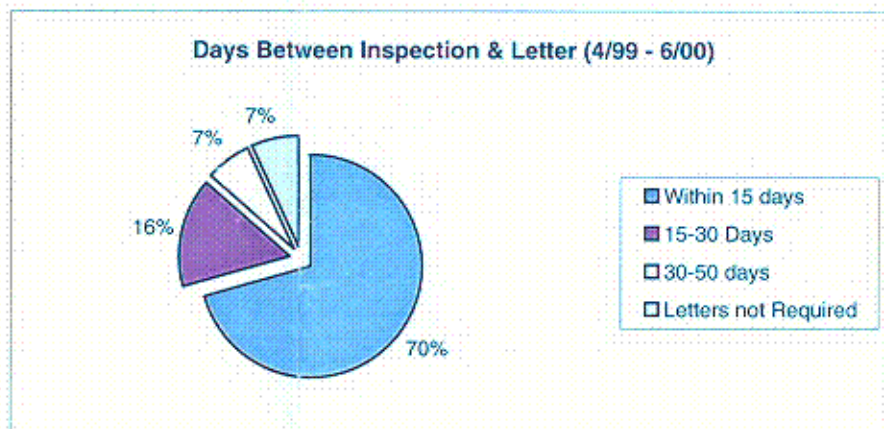
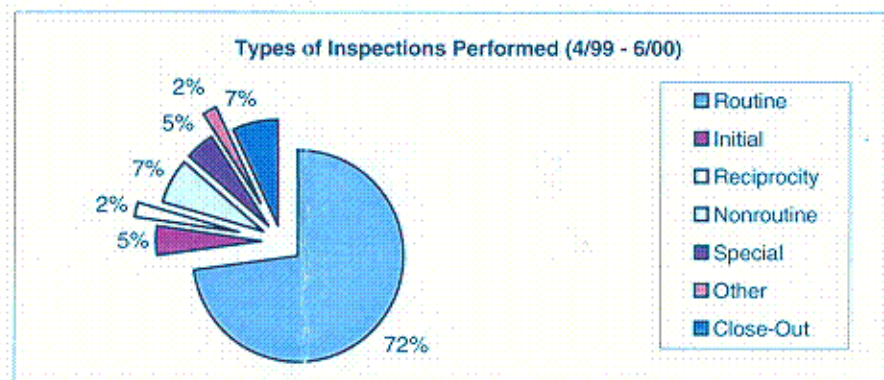
Total number of Inspections =	44
Number of Routine Inspections of Licensee =	32
Number of Initial Inspections Performed =	2
Number of Reciprocity Inspections =	1
Number of Nonroutine Inspections =	3
Number of Special Inspections =	2
Number of Other Inspections =	1
Number of Close-Out Inspections =	3

Average Days Between Inspection and 1st Letter to Licensee =	13.4
Maximum Number of Days Between Inspection and Letter =	48
Minimum Number of Days Between Inspection and Letter =	3

Number of Letters Sent Within 15 Days of Inspection =	31
Number of Letters Sent Within 30 Days of Inspection =	7
Number of Letters Sent Between 30-50 Days of Inspection =	3
Letter not Required Following Inspection =	3

Total Number of Routine & Initial Inspections =	34
Average Percent Overdue at Time of Inspection =	-8.47%
Maximum Percent Overdue at Time of Inspection =	-46.9%
Minimum Percent Overdue at Time of Inspection =	26.83%

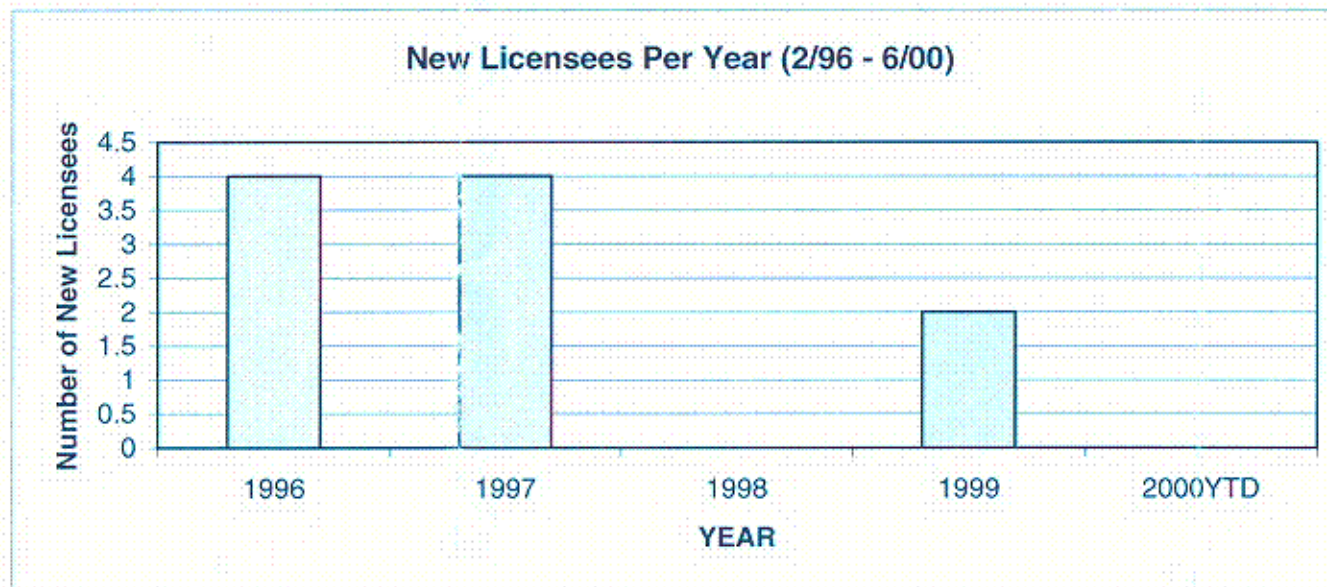
Number of Inspections Conducted BEFORE Due Date =	8
Number of Inspections Conducted BEFORE -25% Overdue =	26
Number of Inspections Conducted after -25% Due Date =	4



ND Radiation Control Program

New Licensee	Type	License Issued	Initial Inspection	Months to 1st Inspection
C&J's Nondestructive Testing, Inc.	IR	7/30/99	1/21/00	5.75
Heart Institute of North Dakota	ME	8/24/99	2/8/00	5.52

Number of New Licensees Since 4/99 = 2
 Inspections Performed within 6 months of Licensure = 2
 Ave. Number of Months Between Licensure & Inspection = 5.63



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ND Radiation Control Program

[Sorted by Inspection Due Date]

LICENSEE NAME	TYPE	Inspection Due	Priority	% Due
T & K INSPECTION, INC.	IR	6/22/00	1	-1.10%
MIDWEST INDUSTRIAL X-RAY, INC.	IR	7/8/00	1	3.29%
UNIVERSITY OF NORTH DAKOTA	RD	10/2/00	2	13.42%
ST. JOSEPHS HOSPITAL AND HEALTH CENTER	ME	10/28/00	3	11.32%
C & Js NONDESTRUCTIVE TESTING, INC.	IR	1/21/01	1	57.22%
BNI COAL, LTD.	WL	1/30/01	3	19.90%
MEDCENTER ONE HEALTH SYSTEMS	ME	2/10/01	3	20.90%
MATERIAL TESTING SERVICES, INC.	MD	2/26/01	4	16.77%
MAYO CONSTRUCTION COMPANY, INC.	MD	3/1/01	4	16.97%
CENEX PIPELINE, L.L.C.	LG	3/6/01	5	13.85%
EWER TESTING & INSPECTION, INC.	IR	3/10/01	1	70.36%
UNIMED MEDICAL CENTER	ME	4/1/01	3	25.46%
AMERICAN CRYSTAL SUGAR COMPANY, DRAYTON	LG	5/21/01	5	18.02%
NUCLEAR IMAGING, LIMITED	MN	5/28/01	2	46.00%
TRINITY HEALTH	ME	7/29/01	3	
DMS IMAGING, INC.	MN	9/2/01	2	
ALTRU HOSPITAL	ME	9/9/01	3	
APPLIED ENVIRONMENTAL SCIENCES, INC.	PG	10/16/01	4	
GREAT RIVER ENERGY - STANTON STATION	LG	11/12/01	5	
DAKOTA HEARTLAND HEALTH SYSTEM	ME	11/24/01	3	

Abbreviations

IR	Industrial Radiography
LG	Level Gauge (Fixed)
MD	Moisture/Density
WL	Well Logging
PG	Portable Gauge
ME	Medical
MN	Mobile Nuclear
ID	Irradiator
LU	Lab Use
RD	Research & Development
RG	Regulatory
TC	Testing & Calibration

[Inspections Due For the Period: June 22, 2000 to November 30, 2001]

Total Number of Inspections Due in this Period =	20
Inspections Due Before January 1, 2001 =	4
Inspections Due After January 1, 2001 =	16
Current Number of Late Inspections =	1
Inspections Over 25% Overdue =	0

License Type	Number of Inspections Due
IR	4
LG	3
MD	2
WL	1
PG	1
ME	6
MN	2
ID	0
LU	0
RD	1
RG	0
TC	0