



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

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August 29, 2000

Paul H. Lohaus, Director  
Office of State and Tribal Programs  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555-0001

Dear Mr. Lohaus:

The North Dakota Department of Health (Department) has reviewed the U.S. Nuclear Regulatory Commission's (NRC) August 10, 2000 draft, Integrated Materials Performance Evaluation Program (IMPEP) report. The report documented the results of the follow up review, conducted by telephone, by an NRC team on July 12, 2000. Overall the report appears to be accurate. The Department does have two requests for consideration by the review team and the Management Review Board.

First - the Department would request that in Section 2.1., at the end of the first paragraph on page 4, a statement be added that in all three cases where the inspection letter was not issued within the 30-day time period after the inspection, contact was made with the licensee by telephone and/or e-mail within the 30 day period.

In the case involving the Escalated Enforcement Action, and the case where the inspector was waiting on information from the licensee, correspondence with the licensee was ongoing during the 30-day period. In the case where a licensing action delayed work on the inspection report, the licensee was contacted within the 30 day period and informed that their report was being delayed.

A second issue that the Department would like to comment on concerns the inspection of reciprocity licensees. Since the July 12, 2000 follow up review, the Department has conducted two Priority 1, two Priority 3 and two Priority 4 reciprocity inspections. Since July 12, one additional Priority 1 and one additional Priority 4 reciprocity have been granted. This puts the Department program within one inspection of being completely caught up with its reciprocity inspection goal.

There is presently only one Priority 4 reciprocity licensee in the state which has not been inspected. The Department has been and will remain committed to meeting its inspection goals. As soon as

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additional reciprocity inspection opportunities become available, Department staff will conduct inspections which meet or exceed the reciprocity inspection goal. The Department would therefore respectfully request that the Management Review Board close the third recommendation relating to reciprocity inspections. The Department feels the corrective action on this issue is substantially complete at this point and that the program has demonstrated its commitment to making improvements where necessary.

If you have any questions, you may contact myself or Ken Wangler, the Radiation Control Program Manager, at 701-328-5188.

Sincerely,



Murray G. Sagsveen  
State Health Officer

MGS/KWW:as

xc: James L Lynch, U.S. NRC Region III  
James Myers, USNRC Office of State and Tribal Programs