



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

September 14, 2004

Terry L. O'Clair, Director  
Division of Air Quality  
Department of Health  
1200 Missouri Avenue, Room 304  
P.O. Box 5520  
Bismarck, North Dakota 58506-5520

Dear Mr. O'Clair:

A periodic meeting with North Dakota was held on August 17, 2004. The purpose of this meeting was to review and discuss the status of North Dakota's Agreement State Program. The NRC was represented by Charles Cain and myself from NRC's Region IV office, and Cardelia Maupin from the Office of State and Tribal Programs (by telephone).

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8116 or e-mail [MLM1@NRC.GOV](mailto:MLM1@NRC.GOV) to discuss your concerns.

Sincerely,

A handwritten signature in cursive script that reads "Linda McLean".

Linda McLean  
Regional State Agreements Officer

Enclosure:  
As stated

cc w/encl

Paul Lohaus, Director, STP

Kenneth W. Wangler  
Radiation Control Program  
North Dakota Department of Health  
1200 Missouri Avenue, Box 5520  
Bismarck, North Dakota 58506-5520

**PERIODIC MEETING SUMMARY FOR NORTH DAKOTA**  
DATE OF MEETING: AUGUST 17, 2004

ATTENDEES:

STATE

Kenneth Wangler, Manager, Radiation Control Program  
James Killingbeck, Environmental Scientist, RAM Licensing and Control  
Justin Griffin, Environmental Engineer, RAM Licensing and Control  
David Glatt, Chief, Environmental Health Section (at exit meeting)

NRC

Charles L. Cain, Senior Materials Analyst, Region IV  
Linda McLean, Regional State Agreements Officer, Region IV  
Cardelia Maupin, Agreement State Project Officer, Office of State and Tribal Programs (by telephone)

DISCUSSION:

The North Dakota Agreement State program is administered by the Radiation and Indoor Air Branch, Division of Air Quality, Environmental Health Section, North Dakota Department of Health. The Department is the designated radiation control agency. The North Dakota Agreement State program regulates 60 specific licenses authorizing Agreement materials. The last IMPEP Review of the program was conducted April 23-25, 2003. All indicators were found satisfactory and no recommendations were made.

Program items discussed:

1. Strengths and/or weaknesses of the State program as identified by the State or NRC including identification of actions that could diminish weaknesses.
  - a. Strengths: The program has an experienced and motivated staff. Other strengths include: excellent working relationship with the staff; good senior management support for the program; good rapport with licensees; and good technical support from the State's information technology staff.
  - b. Weaknesses: The program has limited out-of-state travel authorization which has affected staff's supplemental training. Another weakness is the State's salary structure.
2. Feedback on NRC's program as identified by the State and including identification of any action that should be considered by NRC: The State suggested that the NRC use more distance education (i.e. video training) similar to the FDA and EPA programs. Also discussed was the likelihood of the proposed change to the AEA authorizing the NRC to regulate NARM.

## PERIODIC MEETING SUMMARY FOR NORTH DAKOTA

### 3. Status of State Program including:

a. Staffing and Training: The program has two radioactive materials inspectors. The inspectors have completed core training courses needed for their program. As mentioned above the State has restrictions on out-of-state travel which limits the program's ability to send staff to supplemental training courses. One staff member is currently enrolled in an on-line health physics course which meets or exceeds the training received from the five week course.

b. Materials Inspection Program: The program regulates 60 specific licenses. No inspections are overdue by 25%. Attached is a sample of their inspection tracking report.

c. Regulations and Legislative changes: Regulations are all current, including Part 35. The program will update the State Regulation Status database and send it to STP. (Updates have been sent to STP since the review, and STP has updated the database.)

d. Program reorganizations: There are no pending reorganization changes.

e. Changes in Program budget/funding: There are no pending State program changes.

### 4. Event Reporting, including follow-up and closure information in NMED: All reportable incidents are entered into the NMED database. All NMED events for North Dakota are closed and completed

### 5. Response to Incidents and Allegations: The NRC has not referred any allegations to North Dakota during the period. The State referred one allegation to the NRC. The state discussed two recent events: The recovery of an abandoned nuclear gauge and the administration of Tc-99m to a hospital staff at one their medical licensees.

### 6. Information exchange and discussion:

a. Current State initiatives: The program may be interested in participating in the IMPEP reviews.

b. Emerging technologies: The State licensed its first PET cyclotron. The radioactive material produced by the cyclotron will be used for research only.

c. State's mechanisms to evaluate performance: While the State does not conduct formal audits or self-assessments, program management and staff maintain a continuous awareness of the status of the program using the computerized tracking system. The program is evaluated on an on-going basis; corrective actions or improvements are implemented as needed. Program management accompanies staff on 10 percent of the inspections performed and reviews 100 percent of the licenses issued.

## PERIODIC MEETING SUMMARY FOR NORTH DAKOTA

7. Schedule for the next IMPEP review: Program management requested that the next IMPEP review be scheduled in March, April, or May 2007 because of other commitments impacting the State.
8. Other topics discussed:

Manual Chapter 2800 changes: Changes in NRC inspection frequencies and how they may affect the State's inspection program were discussed.

A copy of the Region IV organization chart was provided to the Section.

Security inspections and the 274(i) agreement change: Currently North Dakota does not have any licensees that meet the initial category requirements for security inspections.

The Interim Data Base and the NMMSS data base were discussed. The Program indicated that the licensee collection form was long, confusing, and difficult to fill out. The Program Manager stated that the entire process has been confusing for states due to long delays between correspondence, failure to clearly distinguish between applicability of tables and lack of clarity in the instructions. The Program recommends that the form be simplified and that NRC send the information in a manner that is consolidated, complete and clear.

Terry L. O'Clair, Director

bcc: (via ADAMS e-mail distribution):

MSatorius  
CCain  
VCampbell  
JCook  
KSchneider, STP  
AMcCraw, STP  
CMAupin, STP  
BMaier

ADAMS: Yes    No    Initials: \_mlm\_\_\_\_\_

Publicly Available    Non-Publicly Available    Sensitive    Non-Sensitive

DOCUMENT NAME: S:\DNMS\SAO\Periodic Meetings\2004\North Dakota\Rev. 1 summary.wpd final  
r:\dnms

RIV:RSAO				
MLMcLean				
<i>MLM</i>				
09/14/04				

OFFICIAL RECORD COPY    T=Telephone    E=E-mail    F=Fax

LICENSE#	TYPE	LICENSEE	CITY	DUE BY	PRI	COMMENTS	Scheduled	Ken	Jim	Justin
N/A	N/A	HEALTH CARE INCINERATORS	FARGO	Multiple	N/A	Special Oversight	∇	∇	∇	∇
N/A	N/A	SURE-WAY SYSTEMS, INC.	VALLEY CITY	Multiple	N/A	Special Oversight	∇	∇	∇	∇

2004										
						17.43% Overdue*	×		☆	
						16.24% Overdue*	×		●	●
						Initial 6-Month	×			☆
							×	●	●	●
							×		☆	
						Routine + IVB	×		●	●
							×			☆
ND 33-14801-01	LG	NORTHERN SUN - ADM	ENDERLIN	11/19/04	5		×		☆	
							×	●	●	●
ND 33-32706-01	MD	NORTHERN IMPROVEMENT COMPANY	DICKINSON	12/17/04	4	NON-ROUTINE	×			☆
2005										
							×		●	●
ND 33-09128-01	LG	GRE - COAL CREEK STATION	UNDERWOOD	3/4/05	5					☆
						Routine + HDR			●	●
									●	●
									☆	
										☆
									●	●

\*As of 08/10/04

Inspector	No. of Scheduled Inspections	% of Inspections
Ken	2	11.8
Jim	12	70.6
Justin	13	76.5

Average = 1.57 Scheduled Inspections per Month (for 7 months)

Average = 1.42 Required Inspections per Month  
(From 8/10/2004 to 8/10/2005)

Scheduled Inspections: 11  
Total Inspections Due in One Year: 17

Core Inspections are             
25% Overdue Inspections are             
Non-Routine Inspections are            Yellow  
Reciprocity Inspections are           

No Trip Grouping ☆ Trip Grouping 