



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



December 20, 2005

Greg Ebeling, RSO
Braun Intertec Corporation
11001 Hampshire Avenue S
Bloomington, MN 55438

Re: Inspection of Radioactive
Material License NRC 22-16537-02

Dear Mr. Ebeling:

Thank you for your letter dated October 12, 2005, informing the Department of the steps you have taken to correct the items of apparent noncompliance which were brought to your attention in the Department's September 15, 2005 letter. Your letter informing the Department of the corrective action taken in items two and three appear to be satisfactory.

However, please note that all carriers transporting licensed radioactive materials must have completed the driver's training as specified in 49 CFR 172 Subpart H, which includes training in accordance with 49 CFR 177.816. Please ensure that anyone who drives a vehicle containing an industrial radiography source completes this training before driving.

If you have any questions regarding the inspection referenced above, please contact the U.S. NRC or the North Dakota Radiation Control Program at (701)328-5188.

Sincerely,

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

TLO/CJS:saj
xc/enc: James Lynch, US NRC Region III
George Johns, MN Dept. of Health

Environmental Health
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Intertec

Braun Intertec Corporation
11001 Harborside Avenue S
Minneapolis, MN 55438

Phone: 952-995-2512
Fax: 952-995-2511
Web: braunintertec.com

October 12, 2005

Terry O'Clair
Environmental Health Section
1200 Missouri Avenue
P.O. Box 5520
Bismarck, ND



Re: Inspection of Radioactive Material License 22-16537-02

Dear Mr. O'Clair:

This letter is in response to your findings during an inspection of our radioactive material license on September 8, 2005. Your letter identifies three items as apparent violations.

In your first finding, you call for training to be in accordance with 49CFR 177.816. Braun Intertec radiographers are trained in accordance with 49CFR 172 Subpart H as described in the North Dakota Radiological Health Rules section 33-10-13-05. This training is updated as necessary due to changes in the regulations and repeated at least every 3 years.

The second items you mention are 2. A. The hazard class "7" was not listed on the shipping papers. This was omitted by mistake on the last printing of the Bill of Lading and has been added and the forms re-ordered. And 2. B. The USNRC packaging approval was not on the shipping papers. This was also added to the form at the same time the hazard class was added. The revised form will be utilized immediately upon receipt and the remainder of the incorrect forms destroyed.

The third and last finding was that the radioactive labeling was not placed on opposite sides of the overpack. We are in the process of repositioning the top label to the side on all of our overpacks in order to comply with your request. We will make certain that this is complete prior to returning to North Dakota.

I hope that this response satisfies your findings. Please call me if you have any questions.

Sincerely,

Greg Ebeling
Corporate Radiation Safety Officer
952-995-2512



NORTH DAKOTA
DEPARTMENT of HEALTH

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September 15, 2005

Greg Ebeling, RSO
Braun Intertec Corporation
11001 Hampshire Avenue S
Bloomington, MN 55438

Re: Inspection of Radioactive
Material License No. 22-16537-02

Dear Mr. Ebeling:

This letter relates to an inspection of the activities at Braun Intertec Corporation which are authorized by the above-referenced radioactive material license. This inspection was performed on September 8, 2005 by Jim Killingbeck and Chris Schmaltz of this Department.

Based on information gathered during the inspection, it appears certain activities have not been conducted in full compliance with the North Dakota Radiological Health Rules. The items of apparent noncompliance and references to pertinent requirements are enumerated as follows:

1. One of the radiographic personnel apparently did not receive the driver training required by the U.S. Department of Transportation in 49 CFR 177.816, "Driver Training".
2. The shipping papers do not appear to have all of the required information on them.
 - A. The hazard class of "7" needs to be in the basic shipping description on the shipping paper, as shown here: RQ, Radioactive material, Type B(U) package, 7, UN2916. This requirement is in 49 CFR 172.202(a)(2).
 - B. The package identification marking indicated in the U.S. Nuclear Regulatory Commission's packaging approval (i.e., USA/9033/B(U)) needs to be on the shipping papers. This requirement is in 49 CFR 173.471(c).

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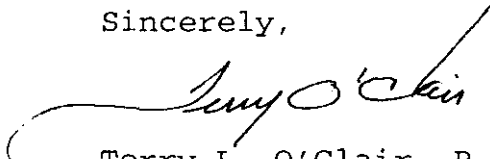
3. On the overpack, the two Radioactive labels need to be on opposite sides of the package, as required by 49 CFR 172.403(f). Currently, one label is on top of the overpack and one is on the front.

The three items listed above are apparent violations of North Dakota Radiological Health Rules Section 33-10-13-05, "Transportation of Licensed Material".

This letter gives you the opportunity to advise us, in writing, of your position concerning the above. In particular, please inform us of any corrective steps you have taken or intend to take with respect to the above-mentioned items of apparent noncompliance and the date all corrective action was or will be completed. Your reply should be sent to us within thirty (30) days of the date of this letter to assure prompt attention in our further evaluation of this matter.

If you have any questions, please contact Jim Killingbeck of my staff at (701)328-5188.

Sincerely,



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

TLO/JEK:alm

