Erickson, Randy

From: Harman, Dan E. [dharman@nd.gov]
Sent: Thursday, January 31, 2013 9:22 AM
To: Erickson, Randy
Subject: North Dakota Hightened Oversight Call
Attachments: 20130131.IMPEP PIP.pdf

Here is the latest. Red are completed items.

Daniel E. Harman, Manager
ND Dept of Health
Division of Air Quality, 2nd Floor
918 E. Divide Ave.
Bismarck, ND 58501-1947

Phone: 701-328-5188
FAX: 701-328-5185
email: dharman@nd.gov

"Nothing is a greater impediment to being on good terms with others than being ill at ease with yourself." ~ Honoré de Balzac

Performance Improvement Plan and Progress Report

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North Dakota Radiation Control Program

Recommendations	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
1. The review team recommends that the State: (1) update its existing procedures and develop new procedures, as necessary, to memorialize the policies and practices of the Agreement State program and to serve as a knowledge management tool, and (2) examine options to increase staff retention and/or develop sufficient depth in staffing to effectively implement the program. (Section 2.1)	1.a Develop written policies for current activities.	1.a.1 Develop a list of specific policies	Manager/Staff	6/30/12	**Done**	3/2/12
		1.a.2 Draft individual policies	Manager/Staff	6/30/12	**Done**	3/2/12
		1.a.3 Written policies reviewed	Manager/Staff	11/30/12	**Done**	6/25/2012
		1.a.4 Written policies implemented	Manager/Staff	11/30/12	**Done**	6/27/2012
		1.a.5 Policies incorporated into appropriate management document	Program Manager	11/30/12	**Done**	6/27/12
	1.b Develop written procedures for current activities.	1.b.1 Develop a list of specific procedures.	Manager/Staff	3/2/12	**Done**	3/2/12
		1.b.2 Draft individual procedures	Manager/Staff	6/30/12	**Done**	3/2/12
		1.b.3 Written procedures reviewed	Manager/Staff	**11/30/12**	**Done**	**1/25/13**
		1.b.4 Written procedures implemented	Manager/Staff	**11/30/12**	**Done**	**1/25/13**
Any policy or procedure needed to fulfill any of the following recommendations will be developed, implemented and documented using the steps laid out here in 1.a and/or 1.b		1.b.5 Procedures incorporated into appropriate management document	Program Manager	**11/30/12**	**Done**	**1/25/13**
	2.a Identify potential staff to attend NRC training.	2.a.1 Staff identified by name	Program Manager		**Done**	7/20/11
		2.a2 Apply for NRC training	Program Manager	11/1/11	**Done**	10/14/11
	2.b Staff retention options	2.b Provide annual performance bonus	Dept Management		**Done**	4/8//11
2. The review team recommends that the State take measures to ensure that initial inspections are performed at the interval prescribed in IMC 2800. (Section 2.2)	Update the license review form to include entering the initial inspection for nine months after the license issue date	License Review form updated	Dave		**Done**	4/8/11
3. The review team recommends that the State take measures to ensure that inspection findings are communicated to licensees within 30 days of the date of the inspection. (Section 2.2)	Develop a procedure to ensure response within 30 days.	Procedure drafted and implemented	Manager		**Done**	5/9/11
4. The review team recommends that the State: (1) take measures to ensure that sufficient information pertaining to inspection observations and identified non-compliances is documented in inspection records and in letters to licensees and that these documents be appropriately reviewed by management, prior to issuance, for thoroughness and consistency, and (2) develop and implement a plan to address comments noted in Appendix C related to identified items of non-compliance that were not included in findings that were dispatched to licensees. (Section 2.3)	1.a Update the Radiation Control Program Administrative Manual to reflect using NRC Inspection Manual Chapter 2800 and applicable IPs modified to reflect the ND administrative structure	1. Update the Radiation Control Program Administrative Manual to include reference to ND Inspection Manual.	Program Manager		**Done**	1/1/11
	1.b Adopt the NRC Enforcement Manual, Appendix C as a reference to structure apparent non-compliances	1.b Add wording to Inspection Manual, Chapter 8.4 to require copying apparent non-compliance and recommendations from the report to the inspection letter.	Program Manager	9/2/11	**Done**	12/19/11
		1.c Update the Radiation Control Inspection Manual, Chapter 8.3 to reflect use of NRC Enforcement Manual, Appendix C as reference for apparent non-compliance format.	Program Manager	9/2/11	**Done**	12/19/11
	2. Completed this recommendation in part (1)	2. Completed this recommendation in part (1)	Program Manager	**11/30/12**	**Done**	

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5. The review team recommends that the State obtain additional training (formal and on- the-job, as appropriate) for the Branch manager and members of the technical staff to enhance inspection skills, particularly with regards to: (1) radiation safety issues associated with cyclotron operations, and (2) proper operation and use of radiation survey and measurement instrumentation. (Section 2.3)	1.a Work with MN RCP to inspect UND cyclotron as ND staff observe.	1.a Inspect UND cyclotron	Manager/staff		**Done**	6/23/11
	1.b Accompany MN RCP staff to observe cyclotron inspection	1.b Accompany MN staff on cyclotron inspections	Manager/staff	6/30/12	**Done**	2/22/23
		1.c Accompany NRC inspection staff on inspection in SD, WY, MT	Manager/staff	as scheduled	as scheduled	
	2.a Provide survey meter usage training	2.a Contract with qualified survey meter training provider. **(NRC made arrangements)**	NRC		**Done**	
		2.b Train the staff on survey meter selection and proper usage.	Program Manager	12/31/11	**Done**	10/27/11
6. The review team recommends that the State: (1) take measures to ensure that the Branch's review of licensing actions are adequately documented and that licensing actions are thorough and consistent with the regulations and appropriate licensing guidance, and (2) take measures to address the licensing deficiencies that were identified in the comments in Appendix D. (Section 2.4)	1. Develop written polices and procedures to improve license review. These issues were discussed the week following the IMPEP and a procedure was put into place to prevent repeating these errors	1.a Draft license review policy	Program Manager	When 7.1 completed	**Done**	
		1.b Draft license review procedure	Manager/Staff	When 7.1 completed	**Done**	
		1.c Document policy and procedure in Admin Manual	Program Manager	When 7.1 completed	**Done**	
		1.d Implement license review procedure	Staff		**Done**	4/15/11
	2. Address the licensing deficiencies identified in Appendix D.	2.a Review each identified deficiency.	Program Manager	9/2/11	**Done**	12/19/11
		2.b Identify which have already been corrected, correctable with procedure updates, and others.	Program Manager	9/2/11	**Done**	12/19/11
		2.c Document the necessary action for each deficiency.	Program Manager	9/2/11	**Done**	12/19/01
7. The review team recommends that the State provide additional training to the Branch manager and technical staff members regarding technical review of licensing actions, including training to ensure that the staff acquires increased familiarity with: (1) the regulations under North Dakota's equivalent to 10 CFR Parts 30 through 39, and (2) applicable licensing guidance documents for use authorization and license conditions. (Section 2.4)	1. Arrange with NRC to receive license review training	NRC provides license review training	NRC & Program Manager	As Scheduled by NRC	**Done**	3/5-7/12
	2. Develop license review forms based on NUREG-1556 series for each license type as required by the Radioactive Materials Program	2.a Use the license review forms and other NUREG documents as required.	Manager/Staff		**Done**	1/1/11
		2.b Document form use in Admin Manual	Program Manager	9/29/11	**Done**	11/15/11
8. The review team recommends that the Branch take measures to determine and document the basis of confidence, through consistent use of the pre-licensing checklist and guidance, that radioactive materials will be used as intended and as described in the application or amendment request, prior to authorizing the material on the license. (Section 2.4)	Adopt and document use of the NRC document titled "Checklist to Provide a Basis for Confidence that Radioactive Materials will be Used as Specified on the License."	1. Draft policy to use "Checklist to Provide a Basis for Confidence that Radioactive Materials will be Used as Specified on the License."	Program Manager	**11/30/12**	Done	1/25/13
		2. Draft procedure to use in license review.	Program Manager	**11/30/12**	Done	1/25/13
		3. Implement use of Checklist	Manager/staff		**Done**	5/2/11
		4. Document policy and procedure in IM 2800	Program Manager	**11/30/12**	Done	1/25/13

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9. Regarding financial assurance, the review team recommends that the State: (1) develop a procedure or policy to assess finance assurance requirements as part of significant licensing actions and during licensing renewals; (2) review all North Dakota licenses to determine whether licensees require financial assurance, and either request financial assurance for licenses that are authorized to possess the applicable quantities or revise the license conditions to ensure clear quantity limits that will not require provision of financial assurance; and (3) take measures to ensure that any financial assurance instruments received by the Branch are maintained and stored in accordance with State requirements. (Section 2.4)	1. Include financial assurance calculations for each license application	Include FA calculations as part of new, renewal, and isotope increase/decrease license applications or amendments	Staff		**Done**	5/2/11
	2.a Perform FA calculations for each license	2.a Calculation for each licensee completed	Staff	12/30/11	**Done**	12/15/11
	2.b Issue letters to licensees that require FA/DFP	2.b Letters for FA/DFP sent as required	Manger/staff	12/30/11	**Done**	12/15/11
	2.c Identify licensees with open-ended possession limits and isotope T1/2 > 120 days.	2.c As appropriate, restrict possession limits, or add a license condition, or require FA/DFP as calculated.	Manger/staff	12/30/11	**Done**	12/15/11
	3. Track and store securely the FA documents	3.a Create a tracking mechanism.	Program Manger		**Done**	5/2/11
		3.b Store the documents in a locked and fireproof safe			**Done**	5/2/11
		3.c Modify NRC's "Decommissioning Financial Assurance Instrument Security Program" Handbook 8.12 to fit ND's Radiation Control Program	Program Manager	1/31/12	**Done**	1/14/12
10. The review team recommends that the State strengthen its incident response program and take measures to ensure that: (1) reported incidents are consistently evaluated to determine the appropriate type and level of Branch response; (2) licensee event reports are reviewed by the Branch for completeness and appropriate corrective actions; and (3) the Branch's evaluation of licensee events, whether based on a review of licensee reports, on-site reviews, or inspection follow-up, is properly documented to facilitate future follow-up. (Section 2.5)	1 Develop written policy to consistently process incidents	1. Modify MN's Incidents manual to fit ND's Radiation Control Program structure	Program Manager	**11/30/12**	**Done**	1/25/13
	2. Develop industry specific event forms	2. Use NRC RIV LER forms to collect basic information	Manager/Staff		**Done**	5/2/11
		3. Modify the LER forms to conform to ND requirements	Program Manager	**11/30/12**	**Done**	**9/10/12**
11. The review team recommends that the State strengthen its allegation program and take measures to ensure that: (1) allegations are promptly evaluated to determine the appropriate type and level of Branch response; (2) the Branch's evaluation of allegations and any actions taken in response to allegations is properly documented to facilitate future follow-up; and (3) processes are in place to provide a response to allegers as appropriate. (Section 2.5)	1. Develop written policy to consistently process allegations	1. Modify MN's Allegation document to fit ND's Radiation Control Program structure	Program Manager	**11/30/12**	**Done**	**10/10/12**
		2. Use the NRC Allegation forms to collect allegation information	Manager/Staff		**Done**	5/2/11
		3. Modify NRC's Allegation forms to fit ND's Radiation Control Program	Manager/Staff	**11/30/12**	**Done**	**9/10/12**