



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LEMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

November 15, 2021


Mr. David Stradinger, Manager
Radiation & Indoor Air Quality
Control Program
Division of Waste Management
North Dakota Department of
Environmental Quality
4201 Normandy Street
Bismarck, ND 58503-1324

Dear Mr. Stradinger:

In order to help the Agreement States and the U.S. Nuclear Regulatory Commission (NRC) remain knowledgeable of each other's program, the NRC conducts one-day periodic meetings with Agreement States between Integrated Materials Performance Evaluation Program (IMPEP) reviews. This letter confirms that, through previous coordination, the meeting has been scheduled for Wednesday, December 15, 2021, at 9:00 a.m. (CT). The meeting will be conducted in accordance with Office of Federal and State Materials and Environmental Management Programs Procedure SA-116, *Periodic Meetings Between IMPEP Reviews*.

The likely topics for discussion at this meeting are listed in the enclosed agenda. If there are any additional specific topics you would like to cover, or if you would like to focus on a specific area, please let me know. If you have any questions, please contact me at (817) 200-1132 or via e-mail at jackie.cook@nrc.gov.

Sincerely,

 Signed by Cook, Jacqueline
on 11/15/21

Jacqueline D. Cook
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
Agenda for December 15, 2021
Periodic Meeting with North Dakota

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| NAME | JCook |
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**Agenda for Periodic Meeting with the North Dakota
Radiation & Indoor Air Quality Control Program
December 15, 2021**

Topic areas for discussion during the meeting may include:

1. Program challenges.
2. Program reorganizations.
3. Changes in program budget/funding.
4. Status of the State's program, including:
 - a. Technical Staffing and Training (2019 IMPEP Rating: Satisfactory)
 - Number of staff in the program and status of their training and qualifications.
 - Any program vacancies.
 - Staff turnover since the last IMPEP review.
 - Adequacy of full time employees for the materials program.
 - Status of implementation of IMC 1248.
 - b. Status of the Materials Inspection Program (2019 IMPEP Rating: Satisfactory)
 - Number of inspections performed overdue since the last IMPEP review.
 - Number of inspections currently overdue.
 - Number of initial inspections completed on time and overdue since the last IMPEP review.
 - Status of reciprocity inspections since the last IMPEP.
 - c. Technical Quality of Inspections (2019 IMPEP Rating: Satisfactory)
 - Status of inspector accompaniments.
 - Management review process.
 - Significant inspection activities/challenges.

Enclosure

- d. Technical Quality of Licensing (2019 IMPEP Rating: Satisfactory)
- Number of licensing actions and types performed since the last IMPEP review.
 - Large, complicated, or unusual authorizations for use of radioactive materials.
- e. Technical Quality of Incidents and Allegations (2019 IMPEP Rating: Satisfactory)
- Status of allegations and concerns referred by the NRC for action.
 - Significant events and generic implications.
 - Event reporting, including follow-up and closure information in Nuclear Material Events Database.
- f. Legislation, Regulations, and Other Program Elements (formerly Compatibility Requirements) (2019 IMPEP Rating: Satisfactory)
- Discussion of State's regulatory process.
 - Discuss status of State's regulations and actions to keep regulations up to date, including the use of legally binding requirements.
 - Legislative changes affecting the program.
- g. Low Level Radioactive Waste (LLRW) Disposal Program (2019 IMPEP Rating: The review team did not review this indicator)

From the 2019 Final IMPEP Report: In 1981, the NRC amended its Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement," to allow a State to seek an amendment for the regulation of LLRW as a separate category. Although North Dakota has authority to regulate a LLRW disposal, the NRC has not required States to have a program for licensing a disposal facility until such time as the State has been designated as a host State for a LLRW disposal facility. When an Agreement State has been notified or becomes aware of the need to regulate a LLRW disposal facility, it is expected to put in place a regulatory program that will meet the criteria for an adequate and compatible LLRW disposal program. There are no plans for a LLRW disposal facility in North Dakota. Accordingly, the review team did not review this indicator.

Please clarify the above statement is still accurate.

5. Information exchange and discussion:
 - a. Current State initiatives.
 - b. Emerging technologies.
 - c. Large, complicated, or unusual authorizations for use of radioactive materials.
 - d. State's mechanisms to evaluate performance.
 - e. NRC current initiatives.
6. Additional Topics