



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

October 27, 2022

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


SUBJECT: NORTH DAKOTA PERIODIC MEETING SUMMARY 2021

Dear Mr. Stradinger:

A periodic meeting with North Dakota was conducted on December 15, 2021. The purpose of this meeting was to review and discuss the implementation of North Dakota's Agreement State Program. The Nuclear Regulatory Commission (NRC) was represented by Mary Muesle, Director, Division of Radiological Safety and Security (formerly Division of Nuclear Materials Safety), and Jacqueline D. Cook, Regional State Agreements Officer, from the NRC's Region IV office.

I have completed and enclosed a general meeting summary. If you feel that our comments, conclusions, or actions to be taken do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 200-1132 or via email at [Jackie.Cook@nrc.gov](mailto:Jackie.Cook@nrc.gov) to discuss your concerns.

Sincerely,

 Signed by Cook, Jacqueline  
on 10/27/22

Jacqueline D. Cook  
Regional State Agreements Officer

Enclosure:  
Periodic Meeting Summary for North Dakota

NORTH DAKOTA PERIODIC MEETING SUMMARY 2021 DATED OCTOBER 27, 2022

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G. Miller, DRSS, RIV

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NORTH DAKOTA PERIODIC MEETING SUMMARY

ADAMS ACCESSION NUMBER **ML22292A278**

SUNSI Review:                      ADAMS:                       Non-Publicly Available                       Non-Sensitive                      Keyword:  
 By:     Yes  No                       Publicly Available                       Sensitive

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DATE	10/24/2022	10/27/2022					

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

PERIODIC MEETING WITH THE STATE OF NORTH DAKOTA

TYPE OF OVERSIGHT: NONE

December 15, 2021

Enclosure

## PERIODIC MEETING PARTICIPANTS

### **NRC**

- Mary Muessle: Division Director, Division of Radiological Safety and Security (formerly Division of Nuclear Materials Safety), NRC Region IV
- Jackie Cook: Regional State Agreements Officer, NRC Region IV

### **State of North Dakota**

- David Stradinger: Manager, North Dakota Department of Environmental Quality (ND DEQ)
- Brooke Olson: ND DEQ
- Janell Anderson: ND DEQ
- Karen Deibert: ND DEQ
- Bruce Hilzendeger: ND DEQ

## 1.0 INTRODUCTION

This report presents the results of the periodic meeting held between the U.S. Nuclear Regulatory Commission (NRC) and the State of North Dakota. The meeting was held on December 15, 2021 and was conducted in accordance with Nuclear Materials Safety and Safeguards (NMSS) Procedure SA-116, "Periodic Meetings between IMPEP Reviews," dated June 3, 2009.

The North Dakota Agreement State Program is part of the Division of Waste Management which is part of the Department of Environmental Quality.

At the time of the meeting, the North Dakota Agreement State Program regulated 84 specific licenses authorizing possession and use of radioactive materials. The meeting focused on the radioactive materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of North Dakota.

The Program's last Integrated Materials Performance Evaluation Program (IMPEP) review was from June 10-13, 2019. That report is in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession [ML19196A228](#). A Management Review Board (MRB) meeting to discuss the outcome of the IMPEP review was held on September 5, 2019.

During the September 5, 2019, MRB meeting, North Dakota's performance was found to be satisfactory for all performance indicators reviewed. The team did not make any new recommendations.

Accordingly, the team recommended, and the MRB agreed, that the North Dakota Agreement State Program be found adequate to protect public health and safety, and compatible with the NRC's program. Based on the results of the current IMPEP review with all performance indicators found satisfactory, the team recommended, and the MRB agreed, that the next full IMPEP review take place in approximately 5 years with a periodic meeting to be held in approximately 2.5 years.

## 2.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC's Regional Office and Agreement State radioactive materials programs during an IMPEP review. These indicators are: (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

### 2.1 Technical Staffing and Training (2019 IMPEP Rating: Satisfactory)

The Radioactive Material Program (RAM Program) is comprised of 4 staff members (4 full time equivalent) for the RAM Program which is currently fully staffed.

Since the last IMPEP, one manager retired; therefore, a staff member was promoted to manager. One staff transferred to the Radiation & Indoor Air Quality Division. Both vacancies have been filled. Currently, there is one fully qualified inspector and one fully qualified license reviewer. Two of the inspectors/license reviewers need one more area to complete to become fully qualified. Currently, the RAM Program has no vacancies.

The RAM Program has a training and qualification program compatible with NRC's Inspection Manual Chapter (IMC) 1248, "Qualification Programs for Federal and State Materials and Environmental Management Programs".

### 2.2 Status of the Materials Inspection Program (2019 IMPEP Rating: Satisfactory)

There were 118 Priority 1, 2, and 3 inspections performed since the last IMPEP in 2019 and there were no overdue inspections. There were 6 initial inspections completed since the last IMPEP. There were no overdue initial inspections. Since the last IMPEP, North Dakota completed 25 percent of the qualified reciprocity inspections for 2019 and 2020. So far in 2021, North Dakota had inspected 35.7 percent of qualified reciprocity candidates.

North Dakota had implemented an online temporary job site notification program for their industrial radiography licensees.

### 2.3 Technical Quality of Inspections (2019 IMPEP Rating: Satisfactory)

North Dakota has performed inspector accompaniments for all inspectors more than once for calendar years 2019, 2020, and 2021, exceeding the requirement of annually for all qualified inspectors.

Inspection reports are reviewed by all staff involved in the inspection with the final review and signature by the Manager.

There are two broad scope type A research and development licensees (universities) and one cyclotron licensee which are complex inspection challenges for the program. However, the program does not have any overdue inspections.

North Dakota Periodic Meeting  
Summary

2.4 Technical Quality of Licensing Actions  
(2019 IMPEP Rating: Satisfactory)

North Dakota had approximately 84 specific licensees at the time of this periodic meeting. North Dakota had performed 61 licensing actions since the last IMPEP review in 2019.

Above ground logging using neutron generators to assess soil carbon content is one of the unusual authorizations for use of radioactive materials that North Dakota has authorized.

There are three large, complicated, or unusual licensees North Dakota has as referenced above in Section 2.3 – two broad scope type A research and development licensees and one cyclotron licensee.

2.5 Technical Quality of Incident and Allegation Activities  
(2019 IMPEP Rating: Satisfactory)

At the time of this meeting, North Dakota had received 6 events and all 6 events had been completed and closed since the date of this periodic meeting. North Dakota maintains a local Nuclear Material Events Database (NMED). All events received are uploaded to the national NMED.

Since the 2019 IMPEP review, no allegations were referred to North Dakota by the NRC.

3.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State programs: (1) Legislation, Regulations and Other Program Elements, (2) Sealed Source and Device (SS&D) Evaluation Program, (3) Low-Level Radioactive Waste Disposal (LLRW) Program, and (4) Uranium Recovery (UR) Program. The NRC's Agreement with North Dakota transfers regulatory authority for LLRW disposal program to the State; therefore, the first and third non-common performance indicators applied to this meeting.

3.1 Legislation, Regulations and Other Program Elements  
(Formerly Compatibility Requirements)  
(2019 IMPEP Rating: Satisfactory)

The following is the process used by North Dakota to get their administrative rules adopted: prepare and finalize amended or new administrative rules; schedule the hearing date (which include other documents to prepare after hearing date is set); send the Full Notice and the agency's administrative rules/amendments to Legislative Council along with a cover letter; mail/email a copy of the Full Notice and proposed rules to specific members of the legislative assembly; publish the Abbreviated Notice; hold the public hearing; prepare summary of all oral comments and responses to all comments; get final approval of the rules or amendments from the agency or board, contingent upon the Attorney General's approval; submit required materials to the Attorney General's Office (receive Attorney General Rules opinion); file final documents with Legislative Council; attend scheduled legislative rules committee meeting. The proposed rules will finally be presented to the Environmental Review Advisory Council.

At the time of the periodic meeting, North Dakota was current with their amendments (Regulation Amendment Tracking Sheet (RATS) Identification [ID]).

There are no legislative changes affecting the program.

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3.2. 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.

4.0 SUMMARY

Within the scope of the periodic meeting, no programmatic concerns were noted at this time.

North Dakota uses annual performance appraisals, accompanied inspections, daily document reviews (i.e., inspection reports, license reviews), and biweekly meetings (i.e., discuss inspection schedules, assignment tracker), as mechanisms to evaluate performance.