

NORTH DAKOTA HEIGHTENED OVERSIGHT CONFERENCE CALL  
SEPTEMBER 13, 2012

NRC Attendees	North Dakota Attendees
Randy Erickson, RSAO	Terry O'Clair, Director
Duncan White, FSME	Dan Harmon, Manager
Lisa Dimmick, FSME	
Michelle Beardsley, FSME	
Joan Olmstead, FSME	
Bryan Parker, FSME	

**Background**

During the week of April 4-8, 2011, a review of the North Dakota Agreement State Program (the Program) was conducted. During the review, several performance issues were noted, 11 recommendations were made, and a period of Heightened Oversight was initiated. The North Dakota Program was found to be adequate, but needs improvement, to protect public health and safety, and compatible with NRC's program.

As a part of the Heightened Oversight process, NRC conducts calls with the State to assess the status of recommendations made during the IMPEP review. The last call with the State was conducted on June 6, 2012.

**Status of Recommendations from the April 2011 IMPEP Review**

Technical Staffing and Training (IMPEP finding: Satisfactory)

**Recommendation 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.

**Status:** The Policy Manual, consisting of individual policies and procedures for licensing, financial assurance, incidents and allegations are currently in the final stages of development. Once they are finalized, they will be properly formatted and incorporated into the Policy Manual.

Status of the Materials Inspection Program (IMPEP finding: Satisfactory but Needs Improvement)

**Recommendation 2:** The review team recommends that the State take measures to ensure that initial inspections are performed at the interval prescribed in IMC 2800.

**Status:** The Program reported that actions necessary to satisfy this recommendation have been completed.

**Recommendation 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.

**Status:** The Program reported that actions necessary to satisfy this recommendation have been completed.

Technical Quality of Inspections (IMPEP finding: Unsatisfactory)

**Recommendation 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.

**Status:** The Program reported that actions necessary to satisfy this recommendation have been completed.

**Recommendation 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.

**Status:** Program staff has accompanied both NRC and Minnesota inspectors in the past and continue to do so as schedules permit. However, during the September 13, 2012 call, Program managers requested that NRC inspectors (if possible) accompany North Dakota inspectors and work with them to further their training with medical, industrial radiography and Increased Controls inspections. NRC is currently considering this request.

Technical Quality of Licensing Actions (IMPEP finding (Satisfactory but Needs Improvement)

**Recommendation 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.

**Status:** The Program reported that actions necessary to satisfy this recommendation have been completed.

**Recommendation 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.

**Status:** The Program reported that actions necessary to satisfy this recommendation have been completed.

**Recommendation 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.

**Status:** Staff is currently using NRC's pre-licensing guidance, and management is working to complete the Program's procedure for using pre-licensing guidance. When that is complete it will be incorporated into the Program's Policy Manual.

**Recommendation 9:** Regarding financial assurance, the review team recommends that the State: (1) develop a procedure or policy to assess financial 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.

**Status:** The Program reported that actions necessary to satisfy this recommendation have been completed.

Technical Quality of Incident and Allegation Activities (IMPEP finding: Satisfactory but Needs Improvement)

**Recommendation 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.

**Status:** Program managers have obtained copies of other state's incident response programs to use as a template for their own use. They have settled on one which they believe will adapt well to their program needs. Once they have completed development of this document it will be incorporated into the Program's Policy Manual.

**Recommendation 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 allegeders as appropriate.

**Status:** The Program reported that actions necessary to satisfy this recommendation have been completed.

The next Heightened Oversight call is currently scheduled for December 6, 2012 at 1:30 pm CDT.

Distribution: (SP08)

bcc (via e-mail distribution):  
Anton Vegel, DNMS  
Vivian Campbell, DNMS  
Brian McDermott, FSME  
Pamela Henderson, FSME  
Duncan White, FSME  
Randy Erickson, SAO  
Lisa Dimmick, FSME  
Kathleen Schneider, FSME  
Michelle Beardsley, FSME  
Karen Meyer, FSME  
Brian Parker, RIII

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Draft: S:\DNMS\SAO\Heightened Oversight\2012\ND\9.13.12 North Dakota Heightened Oversight Summary  
Final: R:\DNMS\2012\9.13.12 Arizona Heightened Oversight Summary

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