

From: "Wangler, Ken W." <kwangler@nd.gov>
To: "Kathleen Schneider" <KXS@nrc.gov>
Date: 05/31/2007 10:39:37 AM
Subject: RE: ND IMPEP questionnaire

Kathleen

I realize you are out until June 5. As indicated in my email to Aaron McCraw, North Dakota has no comments on the IMPEP review team's draft report. Well done.

Also I wanted to run the attached request past you for your comment. North Dakota is considering a request to the MRB to change the Status of Inspections findings to satisfactory. I realize our request is a stretch given that we are requesting to go up by two finding categories. Let me know your thoughts. Thanks

Ken Wangler

CC: "Killingbeck, Jim E." <jkilling@nd.gov>, "O'Clair, Terry L." <toclair@nd.gov>, "Schmaltz, Chris J." <cschmalt@nd.gov>

With regard to 3.2 Status of Materials Inspection Program, the State of North Dakota respectfully requests the Management Review Board to consider changing the findings of the IMPEP inspection team from unsatisfactory to satisfactory. While the State did not meet the prescriptive measures of the IMPEP evaluation criteria, the Inspection Program performed in a manner supporting a satisfactory finding.

The State supports its request with the following statements:

During the review period the State lost one of its two experienced staff. This 50% reduction prevented the State from being able to meet its inspection frequency obligations. The State filled the vacated staff position and has been training the new staff for 16 months. The new staff has been assisting the Program, allowing it to complete its inspections in a timely manner as evidenced by the current status of overdue inspections. This analysis can be supported by comparing the timing of the staff leaving in relationship to when the overdue inspections began occurring and the timing of the new staff coming onboard in relation to when the Program was able to begin completing overdue inspections and to maintain the inspection schedule current on new inspections. As of June 15, 2007 there are no Priority 1, 2 or 3 inspections overdue by more than 25% nor any initial inspections past one year. Also no inspection findings reports to the licensees are more than 30 days since the inspection.

The new staff has been trained in a number of NRC core training courses including those listed in the table below.

NRC Licensing Practices and Procedures
NRC Inspection Procedures
NRC Transportation of Radioactive Materials
NRC Safety Aspects of Well Logging (scheduled for Nov 2007)
NRC Safety Aspects of Industrial Radiography
NRC Security Systems and Principles Course (IC's)

In addition to assisting with licensing actions and other administrative duties in the office, the new staff is nearly ready to begin conducting independent inspections of Industrial Radiographers (priority 1), Level gauges and Moisture Density gauges which will further help the Program to maintain its inspection schedule.

Management Directive 5.6 describes a satisfactory rating for Status of Materials Inspection Program in part as inspected at regular intervals in accordance with prescribed frequencies. While the State did fall behind for a period of time and allowed 27% of Priority 1, 2 and 3 inspections to get more than 25% overdue, this was not the case prior to the experienced staff leaving as indicated by the 2003 IMPEP and the deficiency has since been corrected. The staff member left the Program in August 2005. At that time, the State was operating at near 100% of the inspection frequency. The State was able to maintain an acceptable inspection frequency, ie; less than 25% overdue, until June 2006. As previously indicated, with the assistance of the new staff, the Program has been able to make up over due inspections by June 2007.

Management Directive 5.6 further describes a satisfactory rating for Status of Materials Inspection Program in part as deviations from inspection schedules should be normally coordinated between working staff and management. Deviations should be generally the result of joint decisions that consider the risk of licensee operation, past licensee performance, and the need to temporarily defer the inspection(s) to address more urgent or more critical priorities. The State believes it exhibited this characteristic as demonstrated by allowing the number of overdue

inspections to exceed the unsatisfactory rating by only 2 percentage points during a period when it lost and had to rebuild a significant portion of its inspection and licensing staff. During this time the State successfully implemented the increased controls requirements and maintained the other six IMPEP evaluation criteria at a satisfactory level.

Thirdly, Management Directive 5.6 describes a satisfactory rating for Status of Materials Inspection Program in part as having a plan to reschedule any missed or deferred inspections. While the State did fall behind in conducting inspections, there was a successful plan in place to conduct those inspections in a timely manner as demonstrated by the fact that there are currently no overdue inspections.

Finally, Management Directive 5.6 describes a satisfactory rating for Status of Materials Inspection Program in part as a large majority of the inspection findings are communicated to licensees in a timely manner (30 calendar days). Of the 41 inspections conducted during the review period, 7 communications were in excess of 30 days and only 1 was in excess of 45 days. The licensee that exceeded 45 days received a phone call from Department staff within 30 days of the inspection, communicating the inspection findings and explaining that the letter from the Department would be delayed. Again there is correlation between the time when the staff left the Program and the responses began exceeding 30 days. Further, as indicated earlier, no inspection finding communications are currently over 30 days.

The State believes that the information above demonstrates performance that meets the intent of the objectives of Management Directive 5.6. The situation that the State faced with the loss of an experienced staff was the cause of its inability to satisfactorily complete inspections in a manner described by the inspection frequency. The staff has been replaced and is undergoing training. The Program is again current on inspections and reports.

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