4.5
ENFORCEMENT PROGRAM

4.5.1/4.5.2 ROUTINE/ESCALATED PROCEDURES

Plan for the Use of Administrative Penalty and Cease and Desist Authority

and Other Division-Wide Enforcement Tools

Prepared for

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Division of Environmental Health

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I. Introduction

The Environmental Health Division of the Minnesota Department of Health has developed a plan for the use of administrative penalty and cease and desist orders. The 1993 Minnesota Legislature granted the authority to use these enforcement tools in the "Health Enforcement Consolidation Act of 1993." (Laws of Minnesota 1993, Chapter 206, sections 7 to 11.) This law, codified as Minnesota Statutes, sections 144.989 to 144.993, was effective August 1, 1993. The Minnesota Legislature subsequently amended Minnesota Statutes, sections 144.989 to 144.993 in:

Laws of Minnesota 1994, Chapter 465, Article 1, sections 18 and 19.
Laws of Minnesota 1995, Chapter 165, sections 5 to 10.
Laws of Minnesota 1997, Chapter 205, sections 29 and 30.

The department prompted the legislation in an effort to develop a statewide enforcement system that promotes compliance and deterrence. Streamlined procedures, improved consistency and fairness for the regulated community, and increased division efficiency were also objectives.

The Health Enforcement Consolidation Act:

- consolidates the enforcement provisions for the Minnesota Department of Health, Environmental Health Division's regulatory programs; and

- provides administrative penalty order and cease and desist order authority for all Environmental Health Division regulatory programs.

The administrative penalty order authority (APO) gives the Environmental Health Division an administrative remedy to gain compliance with programs administered by the division. The purpose of the cease and desist order authority is to stop an activity covered by Minnesota Statutes, section 144.99, subdivision 1, if the continuation of the activity would result in an immediate risk to public health.

A. Definitions

For purposes of this plan the following terms have the meaning given them.

Commissioner means the commissioner of the Minnesota Department of Health or the commissioner's designee.

Department means the Minnesota Department of Health.

Director means the director of the Environmental Health Division of the Minnesota Department of Health or the director's designee.

Division means the Environmental Health Division of the Minnesota Department of Health.

B. Programs to Which the Law Applies

The programs specified in Minnesota Statutes, section 144.99, subdivision 1 to which the law applies are as follows:

Minnesota Statutes	Regulatory area
Sections 103I.001 to 103I.715	**Wells and borings**
Sections 115.71 to 115.77	**Water treatment operators**
Section 144.12, subdivision 1,	
paragraph (1)	**Food sanitation**
paragraph (2)	**Sewage**
paragraph (5)	**Sewage and drinking water, water haulers and marine toilets**

paragraph (6)	**Sanitary conditions for food, plumbing, water, lodging and public pools**
paragraph (10)	**Filthy conditions, marine toilets**
paragraph (12)	**Sanitation in camps**
paragraph (13)	**Sanitation in tourist camps, hotels, resorts, sewage, garbage, public pools**
paragraph (14)	**Clean indoor air, indoor sports arenas**
paragraph (15)	**Sources of ionizing radiation**
Section 144.121	**X-ray machines and operators**
Section 144.1222	**Public pools;** **Enclosed sports arenas**
Section 144.35	**Sewage**
Sections 144.381 to 144.385	**Public water supplies**
Sections 144.411 to 144.417	**Clean indoor air - smoking**
Section 144.491	**Lead absorption**
Sections 144.71 to 144.74	**Children's camps**
Sections 144.9501 to 144.9509	**Lead abatement**
Sections 157.011 to 157.22	**Food, beverage and lodging establishments;** **Board and lodging houses;** **Hotels, motels and resorts**
Sections 326.37 to 326.45	**Plumbing**
Sections 326.57 to 326.65	**Water conditioning**

Sections 326.70 to 326.785	**Asbestos**
Sections 327.10 to 327.20	**Hotels, motels, resorts and manufactured homes**

C. Enforcement Consistency

The Consolidated Health Enforcement Act creates a uniform set of enforcement tools for the division regulatory programs specified in the preceding box. Minnesota established these programs over many years in separate legislative initiatives. One consequence of this is that each program had a unique set of enforcement authorities and procedures.

Before 1993, the division had 7 different procedures for administrative action, such as the suspension or denial of a license; 6 different corrective order provisions; 5 different permit revocation procedures; 4 different cease and desist order procedures; and 11 misdemeanor provisions. The division also had a variety of access and injunctive relief statutes.

Consolidation of the enforcement provisions means greater predictability for regulated parties and better protection of due process rights.

D. Improved Efficiency

An objective for state agencies is to find ways to do more with less. Streamlining enforcement procedures provides the opportunity to computerize common enforcement documents, monitor and pinpoint activities routinely violated or inconsistently enforced, and move regulatory programs to improved service delivery. A single inspection of a resort, for example, may involve a lodging license, a food service license, public pool regulations, plumbing regulations, and public water supply and sewage standards.

E. Compliance

The emphasis of the act is on compliance rather than punishment. While it provides ample procedural safeguards to regulated parties, including

the right to an expedited hearing before an administrative law judge, the emphasis of the act is on administrative action and compliance rather than litigation. Given the limited resources available to regulators, the enforcement process should return a violation to compliance as quickly and efficiently as possible. Effective enforcement serves to clearly inform the regulated industry of the requirements and consequences of violations and, as a result, provides a deterrence to future noncompliance.

F. The Enforcement Process

The enforcement process begins when staff in the division determine that a violation has or may have occurred. The division may discover violations through an inspection, submission of compliance data, through a complaint from citizens, district offices or other governmental agencies, or from the regulated community. Violations noted on inspection reports or complaints may trigger enforcement action. The division determines appropriate enforcement action in consultation with the Office of the Attorney General. The division supports this determination through facts established during an investigation and documentation process. Once staff determines that a violation has occurred, they decide the gravity of the violation and recommend an appropriate enforcement response. Division staff performs the primary enforcement role; legal counsel may advise in the investigation process and often review proposed enforcement action.

G. Range of Enforcement Tools

The administrative penalty order is one administrative remedy available to the division in a continuum of tools provided by the Health Enforcement Consolidation Act. The remedies available are not exclusive and the division may employ them in sequence or with one another as circumstances and law indicate. The tools include access to information and property, correction orders without a penalty, administrative penalty orders which include forgivable and nonforgivable penalties, cease and desist orders, injunctive relief, denial or refusal to reissue, or suspension or revocation of licenses, registrations, certificates, or permits, and misdemeanor penalties. Beyond the enforcement tools codified in statute, the commissioner may also attempt to resolve violations through means such as a stipulation agreement or settlement.

For a violation that is neither serious nor a repeated violation, the division may issue a forgivable administrative penalty order. The director will forgive a forgivable penalty if the violation is corrected within a specified time. For a serious or a repeated violation, the division may issue a nonforgivable administrative penalty. The director will not forgive a nonforgivable penalty, even if the violation is corrected within a specified time. If the violation is not corrected, the division may issue an additional penalty order or take other enforcement action. Other factors in a given situation may call for other or additional remedies. The general criteria for use of remedies other than, or remedies in addition to, an administrative penalty order are indicated in statute.

If the continuation of an activity would result in an immediate risk to public health, the division may issue a cease and desist order to cease the activity. A cease and desist order issued under the statute is effective for a maximum of 72 hours. The commissioner must seek an injunction or take other authorized action to restrain activities for a period beyond 72 hours.

Beyond any other remedy, the commissioner may bring an action for injunctive relief (stop or prohibit an activity) in the district court in Ramsey County or, at the commissioner's discretion, in the county in which the violation occurred.

If a case appears to the division to warrant criminal prosecution, the division may refer the case to the appropriate city or county attorney.

If the division determines that they must gather that information decided what action or actions are appropriate with respect to a possible violation, they may gather the information informally or formally by inspection. The statute provides for access to information and property for the purposes of taking steps to remedy violations, or conducting surveys or investigations. To evaluate what remedies to pursue, the division may meet with regulated persons.

The division may issue correction orders to require a regulated party to correct a violation. The correction order must state the violation, cite the statute or rule or other action, and the time for correction. Pursuant to written delegation maintained in the director's office, appropriate division personnel may issue a correction order. If a regulated party subject to the correction order believes the information in the order is in error, the regulated party may, in writing delivered to the commissioner by certified mail within seven days after receipt of the order, request the

commissioner to reconsider a part of the order alleged to be in error. The commissioner must respond within 15 calendar days after receiving a request and her/his disposition of the request is final. The correction order assesses no penalty. However, as set forth in section III below, it will be considered a violation and used for purposes of determining subsequent enforcement action including administrative penalty orders.

Division enforcement tools remain in other statutes. Some programs have authority to take action against a bond or impound equipment. Other programs have authority to issue civil penalties and pursue criminal action

through district court. However, according to Minnesota Statutes, section 144.991, subdivision 9, the state may not seek civil penalties under any other provision of law for violations covered by an administrative penalty order.

H. Licensure and Permit Actions

1. Denial or Refusal to Reissue

As stated in Minnesota Statutes, section 144.99, subdivision 8, the commissioner may deny or refuse to renew an application for a permit, license, registration, or certificate, if the applicant:

- does not meet or fails to maintain the minimum qualifications for holding a permit, license, registration, or certificate;
- has any unresolved violations related to the activity for which the permit, license, registration, or certificate was issued;
- has a persistent pattern of violations related to the permit, license, registration, or certificate; or
- submitted false material information to the division or department in connection with the application.

The commissioner may condition the grant or renewal of a permit, license, registration, or certificate on a demonstration by the applicant that actions needed to ensure compliance with the requirements of the statute have been taken, or may place conditions on or issue a limited permit, license, registration, or certificate because of previous violations by the applicant.

2. Suspension, Conditions, and Revocation

As stated in Minnesota Statutes, section 144.99, subdivision 9, the commissioner may suspend, place conditions on, or revoke a permit, license, registration, or certificate for:

- serious or repeated violations related to the permit, license, registration, or certificate;
- submitting false material information in connection with the activities for which the permit, license, registration or certificate is issued;
- allowing the alteration or use of one's own permit, license, registration or certificate by another; or

- within the previous five years, conviction of a crime in connection with activities for which the permit, license, registration, or certificate was issued.

I. Reporting, Monitoring, and Documentation

An effective reporting and monitoring system, including adequate documentation of violations, is essential to ensure compliance with law and regulations. This system should also ensure that the division takes proper enforcement action, and that the division maintains a record of the outcome of enforcement actions.

Where the division cites violations, they may assess and note the following to the extent known or available:

- the cause of the violation,
- frequency of the violation,
- magnitude and duration of the violation;
- whether the violation presents an actual or imminent risk to public health, animals, air, water, land or other natural resources of the state;
- past violations of the regulated party; and
- past and present corrective action efforts by the regulated party.

The director's office has established record keeping procedures and a reporting system to monitor the status of enforcement actions and compliance, and developed regular reports on enforcement activities.

All information in the department and division's files on enforcement matters, except data classified as confidential, private, or nonpublic under state or federal law, is open and readily accessible and the public.

J. General Information about the Administrative Penalty and the Cease and Desist Order Authority

The law grants the commissioner authority to issue administrative penalty orders requiring that violations be corrected and allows for the assessment of a monetary penalty. The administrative penalty order identifies violations discovered, requires that the violations be corrected, and imposes a penalty that may or may not be forgiven by the director

depending on the seriousness or repetitiveness of the violation and the violator's response to the order.

The maximum penalty is $10,000.

The statute provides criteria to be considered in determining the amount of any penalty. The maximum penalty is $10,000 for each violator for all violations by that violator identified in an inspection or review of compliance. Willfulness, gravity, history, number of violations, economic benefit and other factors specifically identified in the order may be considered. For repeat violations, the commissioner must also consider similarity to previous violations, time elapsed, the number of previous violations, and the response of the party to the most recent previous violation. The order must include a statement of fact supporting the claim that violations have occurred, a reference to the rule, law or order violated, the amount of the penalty and the factors on which it is based, and a statement of the person's right to review the order. The act provides an expedited hearing process in case of appeal.

A cease and desist order is only effective for 72 hours.

The act also granted authority to issue cease and desist orders in cases where the violation poses an "immediate risk to public health." The cease and desist order is effective for 72 hours. In conjunction with the issuing a cease and desist order, division staff may post a sign to cease an activity until the cease and desist order is lifted. Only division staff are to remove the sign.

K. Procedures Used to Develop the Plan for Use of Administrative Penalty Order and Cease and Desist Order Authority

See Appendix B for the procedures used to review and modify the plan.

Minnesota Statutes, section 144.99, subdivision 7, provides that the commissioner of health prepare a plan for the use of the administrative penalty and cease and desist authority; that the commissioner provide a 30-day period for public comment on the plan; and that the initial plan be finalized by December 1, 1993. The division followed the procedures for plan development delineated in statutes and augmented them with further opportunity for public review and comment. Copies of the procedures used to solicit comment, notices issued requesting comment, and public comment received on development and revision of the plan, remain on file with the division. The commissioner approved the initial plan on November 8, 1993 with provisions for review and modification. The division revised the plan in 1995 and 1997. Attached to this plan as Appendix B is a copy of the procedures the division will use to review and modify an existing plan.

II. Use of the Administrative Penalty Order Authority

A. General

1. Use

Administrative penalty orders may be used as a remedy for violations of the statutes set forth in Minnesota Statutes, section 144.99, subdivision 1 and for violations of the statutes, rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the division or under any other law now in force or later enacted for the preservation of public health.

2. Issuance

Pursuant to written delegation maintained in the director's office, the director may authorize designated division staff to issue administrative penalty orders.

3. Content

An administrative penalty order assessing either a forgivable penalty or a penalty that is not forgivable must include:

- a concise statement of the facts alleged to constitute a violation;
- a reference to the section of the statute, rule, variance, order, stipulation agreement, or term or condition of a permit violated;
- a statement of the monetary amount of the administrative penalty to be imposed and the factors on which the penalty is based; and
- a statement of the party's right to review of the order.

4. Report of issuance of penalty orders and other enforcement actions

The director will provide fiscal year reports to the commissioner of the issuance of administrative penalty orders and other enforcement actions.

5. Amount of penalty

The director may issue an administrative penalty order of up to $10,000 for each violator for all the violations by that violator identified in an inspection or review of compliance.

In determining the amount of an administrative penalty for an initial violation, the division may consider:

- the willfulness of the violation;
- the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;
- the history of past violations;
- the number of violations;
- the economic benefit gained by the party by allowing or committing the violation; and
- other factors as justice may require, if the additional factors are specifically identified in the administrative penalty order.

See Appendix C for a copy of the penalty calculation worksheet.

In determining the gravity of the violation, the division will consider both the extent of the potential for harm from the violation and the deviation from compliance with the rule or statute violated by a regulated party. To determine a penalty, the division uses a worksheet, called a penalty calculation worksheet, found in Appendix C.

6. Repeat violations

For a violation after the initial violation, in determining the amount of the penalty, the division must consider the factors for an initial penalty above and also the:

- similarity of the most recent previous violation and the violation to be penalized;
- time elapsed since the last violation;
- number of previous violations; and
- response of the person to the most recent previous violation identified.

The division uses a worksheet, called a penalty calculation worksheet, found in Appendix C, to determine the penalty amount for repeat violations.

7. Compliance verification

Once a regulated party has resolved a violation, the division must verify compliance.

- The director will review and evaluate all information related to the issuance of an administrative penalty order to determine if the violation has been corrected.
- The director may direct compliance verification by site visit, reinspection, examination of documentation, or other means as may be reasonable under the facts of the case.
- The director must document compliance verification. Division program's have established record keeping procedures as necessary to enable the status of the administrative penalty orders to be followed and reporting made to the commissioner.

B. Forgivable Administrative Penalty Orders

1. Violation is not serious or repeated

Except for repeated or serious violations, the director must forgive the penalty assessed, if:

- the regulated party demonstrates, in writing to the director before the 31st day after receiving the order, that the violation has been corrected; or
- before the 31st day after receiving the order, the regulated party has developed a corrective plan acceptable to the director.

2. Compliance determination; forgiveness of penalty

The director will determine whether a violation has been corrected and notify the regulated party of the determination. Except in the case of a serious or repeated violation, if the director determines that the violation has been corrected or the director has approved a corrective plan, the penalty must be forgiven.

- Within 31 days the regulated party must provide information to the director demonstrating that the violation has been corrected or that a regulated party has taken appropriate steps to correct the violation. The director will find a corrective plan acceptable only if the violation cannot be corrected within the time period, not to exceed 30 days, specified by the director. A corrective plan must be in writing.
- The director will obtain, review and evaluate all information provided by the regulated party subject to a forgivable penalty

order. The director will determine whether the violation has been corrected or an acceptable corrective plan developed.

- Ordinarily, the division will mail written notice of the director's determination of compliance to the regulated party within ten working days after receipt of the information; or within ten working days after the 31st day after the division issued the penalty order, whichever is later.
- The director will not approve a corrective plan unless the regulated party acknowledges that forgiveness of the penalty is contingent on a timely completion of the corrective action contained in the plan. The director will not forgive the penalty if the corrective action is not completed in a specified time period.

3. Failure to comply; penalty due

a. Forgivable penalties

Unless the regulated party requests an expedited administrative hearing on a forgivable penalty assessed in an administrative penalty order as discussed in section III below, the forgivable penalty is due and payable to the department the 31st day after the regulated party received the order if:

- the regulated party fails to provide information demonstrating to the division that the violation has been corrected; or
- the regulated party has not taken appropriate steps toward correcting the violation.

If the regulated party has submitted information to the division that the director determines is not sufficient to show that the violation has been corrected or that appropriate steps have been taken toward correcting the violation, the forgivable penalty is due on the 20th day after the regulated party receives this determination.

b. Interest

See MN Statutes, section 549.09 for information on interest rates.

Interest, at the rate established by the state court administrator pursuant to Minnesota Statutes, section 549.09, begins to accrue on forgivable penalties on the 31st day after the regulated party received the administrative penalty order. However, if the director cannot reach a determination of compliance within ten working days after the expiration of the 31-day period, interest will be abated until the division has notified the regulated party of the director's decision.

C. Nonforgivable Administrative Penalty Orders

The director is authorized to assess an administrative penalty that is nonforgivable for repeated or serious violations. Unlike the forgivable administrative penalty order, a nonforgivable administrative penalty order must be paid by the regulated party regardless of whether the corrective action is performed. Under Minnesota Statutes, section 144.991, subdivision 4, a penalty issued pursuant to a nonforgivable administrative penalty order is due 31 days after the regulated party received the order unless that party requests an administrative hearing as provided for in Minnesota Statutes, section 144.991, subdivision 4, paragraph (a).

Because of the seriousness and finality of a nonforgivable administrative penalty order, the division will provide notice of the alleged violation and an opportunity for response before issuing the nonforgivable order. Without a prior meeting or other communication related to the violation, the division will provide a letter, called a "ten-day letter," to the regulated party clearly explaining the violations and underlying facts. The letter contains a request that the regulated party provide, within ten calendar days, any information that may impact the director's determination. In addition, division staff may contact the regulated party by telephone to explain the violations and ask about factual issues.

- In situations where a ten-day response time is not appropriate because of potential immediate public health risk or environmental concerns, the division will attempt to contact the regulated party by telephone to discuss the violations and request any response concerning the facts of the case.
- The regulated party's response, if any, will be considered before issuing a nonforgivable administrative penalty order.

1. Serious violations

Serious violations include conduct showing disregard of requirements or standards, or violations that present an actual or potential danger to public health or natural resources. Division regulatory programs are likely to consider the following types of violations as serious:

List of serious violations.

- operation or performance of work for which a license, certificate, registration or permit is required without the required license, certificate, registration or permit;
- employing a person who does not have the appropriate license, certification, registration or permit;

List of serious violations, continued.

- failure to call for an inspection, failure to provide notice, plans, reports or other information required to be submitted to the division or department under statute or rule, failure to secure plan approval prior to commencement of an activity;
- failure to comply with a cease and desist order issued pursuant to Minnesota Statutes, section 144.199, subdivision 6 including removal of a sign;
- failure to provide the division or department with access to information or property as provided under Minnesota Statutes, section 144.199, subdivision 2 and adopted rules;
- knowingly providing inaccurate or fraudulent information to the division or department, failure to comply with a reasonable request for information; and
- failure to comply with an order, agreement or corrective plan.

See Appendix A for program specific serious violations.

In addition to the division-wide serious violations described above, the regulatory programs specified under Minnesota Statutes, section 144.99, subdivision 1 have provided additional examples in Appendix A of violations considered serious and subject to a nonforgivable administrative penalty order. The list of program specific examples of serious violations is not exclusive. It is expected that each program may determine additional violations using the statutory criteria for penalty assessment specified in the consolidated enforcement act.

Violations that warrant a cease and desist order are also presumed to be serious violations and may also warrant a penalty assessment.

2. Repeat violations

The division may issue an administrative penalty order for a repeat violation of statutes, rules or other actions listed in Minnesota Statutes, section 144.99, subdivision 1.

To be considered a repeat violation, the subsequent violation must be of a similar type as the prior violation, although it need not be based on identical facts. For example, the division may cite a restaurant for a repeat violation of the rule requiring food to be kept at specific temperatures if the first violation related to food in a salad bar and the second violation was for failure to cook hamburger at the required temperature. Similarly, a well contractor is subject to a repeat violation if the first violation related to placing a well too close to an agricultural chemical storage site and the second violation was for placing a well too close to a sanitary landfill, dump or waste stabilization pond. Both violations relate to the failure to locate a well the appropriate distance from a contamination source, and are the same type.

A repeat violation may be based on a variety of prior enforcement actions. The division may determine a repeat violation if a similar violation occurs after any of the following actions:

Repeat violations criteria.

- a correction order, whether corrected or not;
- a forgivable administrative penalty order where a correction was made;
- a forgivable administrative penalty order where a correction was not made and a penalty was assessed;
- a nonforgivable administrative penalty order;
- failure to comply with a commissioner's order, agreement, corrective plan or other action contained in Minnesota Statutes, section 144.99, subdivision 1;
- any other violation for which notice has been given to the regulated party for a violation of Minnesota Statutes, section 144.99, subdivision 1.

A repeat violation may be based on the same conduct that led to the initial violation. For example, if a regulated party fails to correct a violation after a correction order and the division subsequently inspects and finds the violation, it is considered a repeat violation and may be subject to a nonforgivable penalty assessment. The fact that a party appeals a prior penalty amount will not prejudice the determination of a current penalty amount.

3. Correction of violation

The director is authorized to include in an order assessing a nonforgivable administrative penalty a requirement that the violations cited in the order be corrected within 30 days from the date the regulated party receives the order.

- A regulated party which receives such an order must correct the violation within 30 days, unless the director issues a written extension of the deadline.
- The regulated party must promptly provide to the director evidence that the violations have been corrected, including any evidence which is reasonably requested by the director.
- Correction of violations does not relieve the regulated party of the duty to pay the nonforgivable penalty.
- Failure to correct violations may be grounds for an additional administrative penalty order or other enforcement action.

4. Penalty due; interest

See MN Statutes, section 549.09 for information on interest rates.

Unless the regulated party requests review of the administrative penalty order in an expedited administrative hearing as discussed in section III below, the nonforgivable penalty is due and payable to the Minnesota Department of Health on the 31st day after the order was received regardless of whether the regulated party has performed the corrective action required in the order. Interest at the rate established by the state court administrator pursuant to Minnesota Statutes, section 549.09 begins to accrue on the nonforgivable penalty on the 31st day after the regulated party received the order.

D. Combination Violations

The division issues a combination administrative penalty order when the case represents forgivable and nonforgivable violations. In determining which violations are forgivable and which violations are not forgivable, and in determining the penalty amounts, the factors will be considered as described in sections A, B and C above.

As in the case of a nonforgivable administrative penalty order, division staff will issue a ten-day letter before issuing a combination administrative penalty order and request any information relating to the violation unless a meeting or other communication has occurred relating to the violation.

The forgivable penalty is due and interest owed for the forgivable portion of the combination administrative penalty as described in section B for forgivable penalties. The nonforgivable penalty portion of the combination administrative penalty is due and interest owed as described in section C for nonforgivable penalties.

E. Cross Program Administrative Penalty Orders

Administrative penalty orders issued by the division may cite violations of more than one regulatory program. When the staff of one program discovers violations of another program, they must contact the supervisor of that program immediately. In general, the program that cites the most serious violations will take the lead in the case once violations have been identified. Communication among all staff involved in an enforcement action is critical.

F. Referral for Collection of Penalty

For more information on collections, see the Revenue Recapture Act, MN Satutes, sections 270A.01 to 270A.12.

All penalties, interest, costs, attorney fees and litigation expenses collected under an administrative penalty order or the enforcement of an administrative penalty order must be paid by the regulated party within a specified time by certified or cashier's check made payable to the Minnesota Department of Health.

- Any penalty, interest, costs, attorney fees and litigation expenses not timely remitted to the division may be collected by using such lawful means as determined will be efficient and cost effective, including those specified in the Minnesota Revenue Recapture Act, Minnesota Statutes, sections 270A.01 to 270A.12.
- In addition, or alternatively, the division may, within 30 days of the regulated party's failure to make timely remittance, refer the matter for collection to the Office of the Attorney General.

III. Hearing Requests

A. Expedited hearing

The recipient of an administrative penalty order has the right to challenge the order by requesting an expedited administrative hearing. Deadlines for requesting a hearing are described in Minnesota Statutes, section 144.991, subdivision 5. Deadlines for requesting a hearing depend on whether the penalty is forgivable, nonforgivable, or a combination of both are discussed below.

1. Forgivable administrative penalty orders

The recipient of a forgivable administrative penalty order has two alternative deadlines for requesting a hearing.

- The recipient of a forgivable administrative penalty order who fails to provide information showing the violation has been corrected or fails to submit a corrective plan, has 30 days from receipt of the administrative penalty order to request an expedited administrative hearing.
- Alternatively, if a recipient of a forgivable administrative penalty order provides information showing the violation has been corrected or submits a corrective plan, and if the recipient receives notice that the director has determined that a violation has not been corrected or an appropriate plan has not been approved, then the recipient has 20 days after receipt of the director's notice to request a hearing on the director's determination of the inadequacy of the corrective action or plan.

Regardless of which deadline the recipient of a forgivable administrative penalty order meets, the recipient may challenge the penalty, the corrective action required, or both.

2. Nonforgivable administrative penalty orders

If the recipient of a nonforgivable administrative penalty order wants to challenge the penalty, the recipient has 30 days from receipt of the nonforgivable administrative penalty order to request an expedited administrative hearing on the penalty. If the recipient of a nonforgivable administrative penalty order wants to challenge the corrective action required in the administrative penalty order, then the recipient has two deadlines for requesting a hearing on the corrective action.

- A recipient of a nonforgivable administrative penalty order who fails to provide information showing the violation has been corrected and fails to submit a corrective plan has 30 days from receipt of the administrative penalty order to request an expedited administrative hearing on the corrective action.
- Alternatively, if a recipient of a nonforgivable administrative penalty order provides information showing the violation has been corrected or submits a corrective plan, and if the recipient receives notice that the director has determined that a violation has not been corrected or a submitted plan has not been approved, then the recipient has 20 days after receipt of the notice to request a hearing on the corrective action.

3. Combination nonforgivable and forgivable administrative penalty orders

If the recipient of a combination administrative penalty order wants to challenge the nonforgivable penalty, the recipient has 30 days from receipt of the combination administrative penalty order to request an expedited administrative hearing. If the recipient of a combination administrative penalty order wants to challenge the forgivable penalty, or the corrective action required in the order, or both, then the recipient has two alternative deadlines for requesting a hearing.

- A recipient of a combination administrative penalty order who fails to provide information showing the violation has been corrected and fails to submit a corrective plan has 30 days from receipt of the administrative penalty order to request an expedited administrative hearing.
- Alternatively, if a recipient of a combination administrative penalty order provides information showing the violation has been corrected or submits a corrective plan, and if the recipient receives notice that the director has determined that a violation has not been corrected or a submitted plan has not been approved, then the recipient has 20 days after receipt of the notice to request a hearing on the corrective action, the forgivable penalty, or both.

In any hearing request, the recipient of the administrative penalty order must specifically state the reasons for requesting the hearing. If the recipient does not respond to the administrative penalty order, agency staff may contact the recipient before the end of the 30-day compliance period to determine the recipient's intentions.

Procedural time lines for the hearing process are set out in Minnesota Statutes, section 144.991, subdivision 5. The hearing must be held within 30 days after the recipient of an administrative penalty order files a hearing request with the commissioner, unless all parties agree to a later date. The commissioner must notify the recipient of the time and place of the hearing at least 15 days before the hearing.

Hearing procedures are in MN Rules, parts 1400.8510 to 1400.8612.

An administrative law judge from the Office of Administrative Hearings will conduct the hearing. The procedures for the conduct of the hearing are set out in Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by Minnesota Statutes, section 144.991.

At the hearing, both parties will have an opportunity to present evidence. Any party wishing to submit written arguments to the administrative law judge must do so within ten days after the end of the hearing. The administrative law judge must issue a report making recommendations to the commissioner within 30 days after the close of the hearing record. After the commissioner receives the administrative law judge's report, the recipient of the administrative penalty order has five days in which to submit comments for consideration by the commissioner before the commissioner issues a final administrative penalty order. If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the penalty the costs charged to the agency by the Office of Administrative Hearings for the hearing.

The recipient of the final administrative penalty order may appeal it to the Minnesota Court of Appeals. If the recipient does not appeal a final administrative penalty order to the Minnesota Court of Appeals, or the order is reviewed and upheld by the court, then the recipient must pay the amount of the penalty plus interest accruing from 31 days after the recipient received the original administrative penalty order.

4. Independence of the commissioner

Enforcement Teams and Advising Teams.

To provide for the issuance of an unbiased final administrative penalty order, the division has a procedure for separating persons involved in the issuance of the administrative penalty order from persons involved in consideration of an appeal through the expedited hearing process. Persons involved in the issuance of the administrative penalty order are the "enforcement team"; persons involved in advising the commissioner are the "advisory team."

When an administrative penalty order is anticipated, division staff identifies members of the enforcement team and the advisory team. The staff member set forth the membership of these groups. In a case involving more than one regulatory program, the enforcement team and advisory team will each contain representatives of all programs that have cited violations in the administrative penalty order.

The enforcement team consists of division staff and attorney general staff involved in the process of issuing the administrative penalty order. The enforcement team defends the division and department if there are any challenges to the administrative penalty order and conducts any meetings with the regulated party.

The advisory team consists of the deputy commissioner of health, an attorney from the Attorney General's Office and one or more division staff who has had no involvement with the decision-making process of issuing the administrative penalty order. To maintain the commissioner's independence, the advisory team has no involvement with the administrative penalty order until the administrative law judge's order is issued.

The only contact the enforcement team will have with the commissioner, until the commissioner's decision is issued and the appeal process has concluded or the time for appeal has expired, will be through the adversarial process in conjunction with the contested case proceedings with contemporaneous notice to the administrative penalty order recipient.

To preserve its independence, the advisory team must have no ex parte discussions with members of the enforcement team, other program staff or attorney's representing the enforcement team (discussions without the APO recipient or representatives of the administrative penalty order recipient present) of the case until the appeal process has concluded or the time for appeal has expired.

5. Mediation; Collection; District court petition

In addition to review of a penalty assessment by the Office of Administrative Hearings on these proceedings, the commissioner may enter into mediation.

The attorney general may enforce penalties that are due and payable in any manner provided by law for the collection of debts and may bring a civil action in district court seeking payment of the penalties, injunctive or other appropriate relief including monetary damages, attorney fees, costs and interest.

The attorney general may petition the district court to file the administrative penalty order as an order of the court. At any court hearing the only issues a party may contest are procedural and notice issues. Once entered, the administrative penalty order may be enforced in the same manner as a final judgment of the district court. In any judicial action brought by the attorney general, if the state finally prevails and if the proven violation was willful, the state may be allowed an amount determined by the court to be the reasonable value of all or part of the litigation expenses incurred by the state. In determining the

amount, the court will give consideration, in addition to other penalties, to the economic circumstances of the defendant.

B. Hearings related to denial, refusal to renew, suspension, or revocation of a permit, license, registration, or certificate

As stated in Minnesota Statutes, section 144.99, subdivision 10, if the division proposes to deny, refuses to renew, suspends, or revokes a permit, license, registration, or certificate for any of the reasons described in section II, item H of this plan, the commissioner must first notify, in writing, the person against whom the action is proposed to be taken. The division must give the person an opportunity to request a hearing under the contested case provisions of Minnesota Statutes, Chapter 14. If the person does not request a hearing by notifying the commissioner within 20 days after receipt of the notice of proposed action, the commissioner may proceed with the action without a hearing.

This does not apply to:

- the denial of or refusal to renew a permit, license, registration, or certificate based on the applicant's failure to meet or maintain the minimum qualifications for holding the permit, license, registration, or certificate;
- the denial of or refusal to renew a permit, license, registration, or certificate based on the applicant's failure to submit a complete application, including any application fee;
- the denial of, refusal to renew, suspension of, or revocation of a permit, license, registration, or certificate if the person against whom the action is proposed to be taken has been granted a hearing described above within the previous 12 months;
- the denial of, refusal to renew, suspension of, or revocation of a permit, license, registration, or certificate, due, for example, to an outstanding tax liability or child support payments, under the authority of another government agency.

IV. Use of Cease and Desist Order Authority

A. General; Immediate Risk to Public Health

The director may issue a cease and desist order to stop an activity covered by Minnesota Statutes, section 144.99, subdivision 1, if continuation of the activity would result in an immediate risk to public health.

Generally, a cease and desist order may be appropriate if an individual or group is in danger of specific harmful consequences in the immediate future if an action or activity goes unchecked.

Some programs of the division had similar authority in the past and those programs suggest the kinds of violations which may call for the use of a cease and desist order.

In addition to the general statutory test of "posing an immediate risk to public health," each regulatory program specified under Minnesota Statutes, section 144.99, subdivision 1, has provided program specific additional examples in Appendix A of violations which would warrant issuance of a cease and desist order. The list of program specific examples of violations which would warrant cease and desist action is not exclusive. It is expected that each program may determine additional cease and desist violations using the statutory criteria.

B. Procedures for Issuance

To issue a cease and desist order, the division must make a prior determination that failure to issue the order would result in an immediate risk to public health.

- A cease and desist order may be issued on-site by division staff after prior approval by the director. A sign or notice indicating a cease and desist order has been issued and specifying the duration of the order may be posted and may be removed only on authorization by the commissioner or the director.
- A cease and desist order must be issued in writing except in cases of extreme emergency.
- If a cease and desist order is issued on-site, formal written confirmation to the regulated party from the director must follow within 24 hours. Written confirmation of a cease and desist order must include:
  - a concise statement of the fact alleged to constitute a violation;
  - a reference to the section of the statute, rule, variance, order, or term or condition of a permit violated; and

- a statement requiring that the violations cited be corrected or ceased immediately.

- The director will provide a copy to the commissioner of all cease and desist orders upon issuance. A copy will also be provided to the assistant attorney general representing the regulatory program issuing the order in case further action becomes necessary.

C. Compliance Verification

Once a regulated party has resolved a violation, compliance must be verified.

- The director will review and evaluate all information related to the issuance of a cease and desist order to determine if violations have been corrected and there is no longer an immediate risk to public health.
- The director may make compliance verification by site visit, re-inspection, examination of documentation, or other means as may be reasonable under the facts of the case.
- The director will determine whether a violation has been corrected and notify the regulated party of the determination.
- The director must document compliance verification. Division program's have established record keeping procedures as necessary to enable the status of cease and desist orders to be followed and reporting made to the commissioner.

D. Further Action

The commissioner, in addition to any other remedy, may take further actions such as injunctive relief to restrain activities for a period beyond 72 hours or referral for criminal prosecution.

V. Plan Revision

The division will evaluate this plan as necessary and at least every five years according to the process delineated in Appendix B. If revisions are necessary, public notice that the plan has been modified will be made.

VI. Adoption of Revised Plan

Pursuant to authority granted under the Health Enforcement Consolidation Act, Minnesota Statutes, sections 144.989 to 144.993, and pursuant to the

procedures specified in section V above, I approve and adopt this revised plan for the use of administrative penalty and cease and desist orders.

SO APPROVED AND ADOPTED this _____ day of _____, 19____.

_____

Anne M. Barry, Commissioner of Health

Appendix A
Specific Program Information

Use of Appendix A

In addition to the general criteria for the assessment of administrative penalties described in section II and the general criteria for the use of cease and desist orders described in section IV, each regulatory program specified under Minnesota Statutes, section 144.99, subdivision 1, has provided examples of violations which the program considers serious and subject to a nonforgivable administrative penalty order or a violation warranting a cease and desist order. The program specific examples are not exclusive.

These examples are in addition to the common elements of division wide serious violations described in section II, item C (see pages 15 and 16 of this plan) and the common element of *"posing an immediate risk to public health"* for the issuance of a cease and desist order (see page 24 of this plan).

Violations that warrant a cease and desist order are presumed to be serious violations and may also warrant an administrative penalty assessment. Each program may determine additional violations using the statutory criteria specified in the consolidated enforcement act. When new or modified rules or laws are adopted or changes in public health hazard are determined by the agency, Appendix A will be updated to reflect these changes.

Indoor Air Quality

Serious violations

1. **Minnesota Rules, part 4620.4600, subpart 3:** An enclosed sports arena which exceeds one-hour average air concentration of 125 parts per million of carbon monoxide or 2.0 parts per million of nitrogen dioxide and the facility fails to shut down operation immediately and evacuate the arena.

2. **Minnesota Rules, part 4620.4500:** Failure of an enclosed sports arena to measure carbon monoxide levels or nitrogen dioxide levels at least once every week when internal combustion engines are operated.

3. **Minnesota Rules, part 4620.4600, subpart 2:** Failure by an enclosed sports arena to notify the department of one-hour average of carbon monoxide which exceeds 30 parts per million or nitrogen dioxide which exceeds 0.5 parts per million within five working days.

4. **Minnesota Rules, part 4620.4500, subpart 1:** Failure of an enclosed sports arena to submit air quality testing logs as requested by the department.

5. **Minnesota Statutes, section 144.416 and Minnesota Rules, part 4620.0700:** Failure of the proprietor or other person in charge of a public place to provide an acceptable nonsmoking area.

6. **Minnesota Statutes, sections 144.414, subdivision 2 and 144.416:** Failure by the proprietor or person in charge to prohibit smoking in a child care center or family child care home during the hours of operation.

7. **Minnesota Statutes, sections 144.414, subdivision 3 and 144.416:** Failure by the proprietor or person in charge to prohibit smoking in a health care facility or clinic.

8. **Minnesota Statutes, sections 144.4165 and 144.416:** Failure to prohibit smoking in a public school.

Cease and desist

1. **Minnesota Rules, part 4620.4600, subpart 3:** An enclosed sports arena which exceeds 125 parts per million of carbon monoxide or 2.0 parts per million of nitrogen dioxide and the facility fails to shut down operation immediately, evacuate the arena, and notify the department within five working days.

2. **Minnesota Rules, part 4620.4600, subpart 2:** Failure to notify the department within five working days when there is a violation of Minnesota Rules, part 4620.4600, subpart 3.

Food, Beverage And Lodging Establishments Manufacture Home Parks Recreational Camping Areas Children's Camps

Serious violations

1. **Minnesota Rules, parts 4625.1300; 4625.3901, subpart 1; 4630.0600; 4630.3100; chapter 4720; and Code of Federal Regulations, title 40, part 141.63:** Failure to take appropriate corrective action (disinfect) for coliform maximum contaminant level.

2. **Minnesota Rules, parts 4625.1300; 4625.3901, subpart 1; 4630.0600; 4630.3100; chapter 4720; and Code of Federal Regulations, title 40, part 141.32:** Failure to provide public notice for acute maximum contaminant level violations (coliform and nitrates).

3. **Minnesota Rules, parts 4625.1300; 4625.3901, subpart 1; 4630.0600; 4630.3100; chapter 4720; and Code of Federal Regulations, title 40, part 141.73:** Failure to continuously provide required treatment at surface water systems.

4. **Minnesota Statutes, section 327.20, subdivision 1, clauses (6) and (7):** Failure to provide a municipally-approved shelter or evacuation plan for a manufactured home park after notification by the department.

5. **Minnesota Rules, part 4625.1700:** Failure to comply with an order for a lodging establishment to hire a pest control operator licensed by the state to exterminate pests.

6. For food establishments, failure to provide convenient hand washing facilities.

7. For food establishments, failure to wash hands.

8. For food establishments, potentially hazardous food found to be at improper temperatures on two or more consecutive occasions.

9. For food establishments, possession or service of food obtained from an unapproved source.

10. For food establishments, no certified food service operator as required by law and rule.

11. For permanent food service establishments, lack of hot and cold water under pressure.

12. For permanent food service establishments, lack of approved utilities so hand washing, warewashing, and food preparation equipment are operable.

13. For food establishments, removing embargoed or condemnation signs.

14. For food establishments, rodent, cockroach or fly infestation.

15. In a lodging facility, hot water that exceeds 130 degrees Fahrenheit at hand washing sinks, showers or bathtubs.

16. Failure to comply with a commissioner's order relating to food, waterborne outbreaks, flooding, sewage backup that endangers water or food sources, sources of contamination, ill employees, service or possession of embargoed or condemned food, or use of condemned equipment.

17. For food establishments, lack of approved functional toilet facilities.

18. For a food establishment, an inspection rating score falling in the marginal category of 60 to 69 percent on two or more consecutive inspections.

19. Failure to correct a failing on-site sewage treatment system.

20. Failure to correct the same or similar serious violations on two or more consecutive inspections.

Cease and desist

1. **Minnesota Rules, part 4717.3800:** Operation of a public pool after notification to close.

2. **Minnesota Rules, part 4625.2601, subparts 2 and 3 and part 4625.3601, subpart 2:** Failure to comply with a commissioner's order dealing with food or waterborne outbreaks, flooding, or sewage backup which endangers water or food sources, sources of contamination, ill employees, serving of embargoed or condemned food, or use of condemned equipment.

3. **Minnesota Rules, parts 4625.1300; 4625.3901, subpart 1; 4630.0600; 4630.3100; chapter 4720; and Code of Federal Regulations, title 40, parts 141.32 and 141.63:** Failure to take appropriate corrective action (disinfect) and provide public notice for coliform maximum contaminant level violation.

4. Lack of approved ware washing facilities, convenient hand washing facilities, adequate food preparation and storage equipment, or functional toilet facilities.

5. The licensed food establishment scores below 60 on two consecutive inspections on a rated inspection as measured by the rating system approved by the Minnesota Department of Health.

6. The licensed lodging establishment scores below 60 on two consecutive inspections on a rated inspection as measured by the rating system approved by the Minnesota Department of Health.

Public Water Supplies

Regulated under Minnesota Statutes, sections 144.381 to 144.385
Minnesota Rules, chapter 4720 incorporates federal code by reference.

Serious violations

1. **Code of Federal Regulation, title 40, section 141.63:** Failure to take appropriate corrective action (disinfect) for coliform maximum contaminant level.

2. **Code of Federal Regulation, title 40, section 141.32:** Failure to provide public notice for acute maximum contaminant level violations (coliform and nitrates).

3. **Code of Federal Regulation, title 40, section 141.73:** Failure to continuously provide required treatment at surface water systems.

Cease and desist

1. **Code of Federal Regulation, title 40, sections 141.63 and 141.32:** Failure to take appropriate corrective action (disinfect) and provide public notice for coliform maximum contaminant level violation.

Public Pools

Regulated under Minnesota Statutes, section 144.12, subdivision 1, paragraph (6).

Serious Violations

In addition to those violations described in section II, item C of this plan, any violation cited for pool closure in Minnesota Rules, part 4717.3970.

Cease and desist

Any violation cited for pool closure in Minnesota Rules, part 4717.3970.

Plumbing And Water Conditioning

Serious violations

See those violations which are described in section II, item C of this plan.

Cease and desist

1. Working without a required current license or registration.

2. Working without approved plans.

Wells And Borings

Serious violations

1. **Minnesota Rules, part 4725.2020:** Interconnection of Aquifers

2. **Minnesota Rules, part 4725.2050:** Disposal of Contaminants in Wells

3. **Minnesota Rules, parts 4725.2250, 4725.2350, 4725.2450, 4725.2550, and 4725.2650:** Certain Casing Requirements

   Termination of casing below grade.
   Use of non-watertight casing.
   Use of previously rejected casing.
   Telescoped casing.
   Failure to properly join casing.
   Screwing plastic casing together.
   Drilling inside plastic casing.
   Use of plastic in limestone or dolomite.
   Driving plastic casing.

4. **Minnesota Rules, part 4725.2850:** Gravel Pack

   Extending gravel pack >10 feet above static or top or bottom of screen.

5. **Minnesota Rules, part 4725.2950:** Drilling Fluids

   Use of non-potable water for drilling.

6. **Minnesota Rules, part 4725.3050:** Grouting

Failure to grout where grouting is required.
Use of bentonite where cement is required.
Use of unapproved grout materials.
Failure to extend tremie line to bottom of space to be grouted.
Dump grouting through more than 10 feet.
Failure to use drive shoe.
Improper bore hole size.
Gross violation of above ground, below ground casing connection requirements.
Interconnecting wells without proper connection.
No back flow prevention device for chemigation systems.

7. **Minnesota Rules, part 4725.4450:** Flowing Wells or Borings

Failure to control the flow on a flowing well.
Failure to grout.
Failure to use neat cement grout.

8. **Minnesota Rules, part 4725.3650:** Special Well Construction Areas

Failure to have plan review prior to construction.
Failure to comply with special construction area requirements.

9. **Minnesota Rules, part 4725.3850:** Well Sealing

Failure to fill well with proper grout.
Use of improper grout material.
Dump grouting.
Failure to submerge tremie pipe during grouting.
Failure to remove obstructions and debris prior to sealing.
Failure to remove or perforate casing where required.

10. **Minnesota Rules, part 4725.4450:** Isolation Distances

Gross violation of isolation distance requirements.

11. **Minnesota Rules, part 4550:** Minimum Protective Depth

Failure to construct with at least 15 feet of casing.

12. **Minnesota Rules, part 4725.5150:** Buried Suction Line

    Installation of buried suction line without proper protection.

13. **Minnesota Rules, part 4725.5550:** Disinfection

    Failure to disinfect.

14. **Minnesota Rules, part 4725.6150:** Dewatering Wells

    See grouting and sealing violations.

15. **Minnesota Rules, part 4725.6450:** Monitoring Wells

    See grouting and sealing violations.

16. **Minnesota Rules, part 4725.6850:** At-Grade Monitoring Wells

    Flagrant at-grade violations.
    At-grade without permit.

17. **Minnesota Rules, part 4725.7050:** Vertical Heat Exchangers

    Improper heat transfer fluid.
    Improper piping.
    Grouting violations.

18. **Minnesota Rules, part 4725.7250:** Elevator Shafts

    Improper grouting.
    Improper sealing.

19. **Minnesota Rules, part 4725.7450:** Environmental Bore Holes

    See grouting and sealing violations.
    See casing and construction violations.

20. Willful or Flagrant Disregard of Construction or Sealing Requirements: Failure to obtain a Maintenance Permit after Third Notice

Cease and desist

1. **Minnesota Statutes, section 103I.205:** Location of a Source of Contamination

   Placement of contaminant source too close to existing well.

2. Construction in well advisory area without plan review.

3. **Minnesota Rules, part 4725.2050:** Injection of Contaminants into Groundwater

4. Improper construction, repair or sealing that poses an imminent threat to health or groundwater.

Asbestos

Serious violations

1. **Minnesota Statutes, section 326.74, Minnesota Rules, part 4620.3410, Minnesota Rules, part 4620.3420:** Failure to provide advance notification and reporting of asbestos-related work.

2. **Minnesota Statutes, section 326.73; Minnesota Rules, parts 4620.3300, subpart 1; 4620.3310, subpart 1; 4620.3330, subpart 1; 4620.3340, subpart 1; and 4620.3350, subpart 1:** Failure to obtain certification prior to performing asbestos-related work or asbestos management activity.

3. **Minnesota Statutes, section 326.72, subdivision 1 and Minnesota Rules, part 4620.3200, subpart 9:** Failure to be licensed to perform asbestos-related work.

4. **Minnesota Rules, part 4620.3250, items A and C:** Failure to employ only persons certified to do asbestos-related work and failure to ensure that certified asbestos site supervisor is present at the work site at all times when asbestos-related work is performed.

5. Violations of **Minnesota Statutes, section 326.76 and Minnesota Rules, part 4620.3450, item B** relating to the Duties of Contracting Entities.

6. Violations of **Minnesota Rules, part 4620.3460** relating to Inspection and Assessment of Asbestos-containing Materials.

7. Violations of **Minnesota Rules, part 4620.3559** relating to Applicable Work Practices for Abatement.

8. **Minnesota Rules, part 4620.3566, Cleaning Containment Area before Abatement; Minnesota Rules, part 4620.3567, Installation of Critical Barriers; Minnesota Rules, part 4620.3568, Containment; Minnesota Rules, part 4620.3569, Decontamination Units; Minnesota Rules, part 4620.3570, HEPA-filtered Negative Pressure; Minnesota Rules, part 4620.3571, Removal of Asbestos-containing Material; Minnesota Rules, part 4620.3572, Encapsulation of Asbestos-containing Material; Minnesota Rules, part 4620.3573, Permanent Enclosure of Asbestos-containing Material; Minnesota Rules, part 4620.3575, Completion of Abatement; Minnesota Rules, part 4620.3580, Glove Bag Procedures; Minnesota Rules, part 4620.3581, Mini-containment Procedures; Minnesota Rules, part 4620.3582, Removal of Entire Facility Components with Intact Asbestos-containing Material; Minnesota Rules, part 4620.3585, Abatement for Demolition by Destruction to the Ground; Minnesota Rules, part 4620.3592, Indoor Air Monitoring; Minnesota Rules, part 4620.3594, Clearance Air Sampling; Minnesota Rules, part 4620.3596, General Requirements for Air Monitoring Sample Collection; Minnesota Rules, part 4620.3597, Phase Contrast Microscopy; and Minnesota Rules, part 4620.3598, Transmission Electron Microscopy:** Violations of minimum standards for the safe abatement of asbestos-containing material and air monitoring associated with safe abatement of asbestos-containing materials.

Cease and desist

1. Absence or severe impairment of one or more of the protective measures that potentially allows asbestos fibers to escape into the surrounding space if not corrected immediately. This situation could involve one or more violations of **Minnesota Rules, part 4620.3559, Applicable Work Practices for Abatement; Minnesota Rules, part 4620.3566, Cleaning Containment Area before Abatement; Minnesota Rules, part 4620.3567, Installation of Critical Barriers; Minnesota Rules, part 4620.3568, Containment; Minnesota Rules, part 4620.3569,**

Decontamination Units; Minnesota Rules, part 4620.3570, HEPA-filtered Negative Pressure; Minnesota Rules, part 4620.3571, Removal of Asbestos-containing Material; Minnesota Rules, part 4620.3572, Encapsulation of Asbestos-containing Material; Minnesota Rules, part 4620.3573, Permanent Enclosure of Asbestos-containing Material; Minnesota Rules, part 4620.3575, Completion of Abatement; Minnesota Rules, part 4620.3580, Glove Bag Procedures; Minnesota Rules, part 4620.3581, Mini-containment Procedures; Minnesota Rules, part 4620.3582, Removal of Entire Facility Components with Intact Asbestos-containing Material; Minnesota Rules, part 4620.3585, Abatement for Demolition by Destruction to the Ground; Minnesota Rules, part 4620.3592, Indoor Air Monitoring; Minnesota Rules, part 4620.3594, Clearance Air Sampling; Minnesota Rules, part 4620.3596, General Requirements for Air Monitoring Sample Collection; Minnesota Rules, part 4620.3597, Phase Contrast Microscopy; and Minnesota Rules, part 4620.3598, Transmission Electron Microscopy.

2. **Minnesota Rules, part 4620.3571, subparts 1 and 2:** Abatement of asbestos-containing material without adequate water.

3. **Minnesota Rules 4620.3592, subparts 2 and 5:** Absence of indoor air monitoring for greater that one work shift during asbestos-containing material disturbance.

4. **Minnesota Rules, part 4620.3575, subpart 5:** Removal of critical barriers and the decontamination unit prior to clearance air monitoring and sample analysis.

5. **Minnesota Rules, part 4620.3594, subpart 1:** Failure to conduct clearance air monitoring.

Lead

Serious violations

1. **Minnesota Rules, part 4761.0500, subpart 2:** Failure to contain a work site as required.

2. **Minnesota Rules, part 4761.0500, subpart 4:** Use of prohibited abatement methods.

3. **Minnesota Rules, part 4761.0700:** Failure to use personal protective equipment, including respirators, as required.

4. **Minnesota Statutes, sections 144.9504, subdivision 8 and 144.9505, subdivision 4:** Failure to provide advance notice and reporting of lead abatement work.

5. **Minnesota Rules, part 4761.0700, subpart 1:** Failure of lead abatement workers or supervisors to properly use personal protection equipment.

6. **Minnesota Statutes, section 144.9504, subdivision 8:** Failure to complete an ordered lead hazard reduction with the required time frame.

Cease and desist

1. **Minnesota Rules, part 4761.0500:** Improper containment that allows abatement waste to escape into the surrounding area.

2. **Minnesota Statutes, section 144.9505, subdivision 1 and Minnesota Rules, part 4761.0700, subpart 3:** Use of personnel for lead abatement who are not certified as lead abatement workers.

3. **Minnesota Rules, part 4761.0500, subpart 6:** Failure to clean up site daily.

Radiation Control

Serious violations

1. **Minnesota Rules, parts 4730.1510, subpart 6, items A, D and F and 4730.2050, subpart 3, item B:** Staff, ancillary personnel or other individuals in the x-ray room when not required for the radiographic procedure.

2. **Minnesota Rules, part 4730.0380:** Dose level in unrestricted area exceeded.

3. **Minnesota Rules, part 4730.1510, subpart 6, items B, C, D, E, and F and subpart 7:** Personnel shielding not used.

4. **Minnesota Statutes, section 144.121, subdivision 4 and Minnesota Rules part 4730.1510, subpart 11:** Required personnel monitoring devices not worn.

5. **Minnesota Rules, part 4730.1950, subpart 4, item A:** Intraoral film holders and bite blocks not used.

6. **Minnesota Rules, parts 4730.1510, subpart 8, items A and D and 4730.2050, subpart 2, item D:** Mechanical cassette holders not used.

7. **Minnesota Rules, part 4730.0360:** Minors occupationally exposed.

8. **Minnesota Rules, parts 4730.1510, subpart 6, items B, C, D, E and F; 4730.2050, subpart 3, item C; and 47300.2150, subpart 11, item B, subitem (1), items C and D:** Improper shielding of non-patients.

9. **Minnesota Rules, part 4730.1655:** No quality assurance program in place.

10. **Minnesota Rules, part 4730.1850, subpart 9:** Minimum source-to-skin distance not maintained on any portable x-ray unit.

11. **Minnesota Rules, part 4730.2150, subpart 9:** Source-to-skin restrictions less than the minimum specified on fluoroscopic equipment.

12. **Minnesota Rules part 4730.2150, subpart 11:** Scatter radiation levels exceeded when any fluoroscopic equipment is used.

13. **Minnesota Rules part 4730.0300, subparts 7 and 8:** Failure to calibrate radiation survey instruments and alarming ratemeters at intervals required.

14. **Minnesota Rules, part 4730.2510, subpart 3; part 4730.2710, subpart 2; and 4730.2750, subpart 3:** Failure to provide the registrant's employees with written operating and emergency procedures.

15. **Minnesota Rules, part 4730.2510, subpart 11; and 4730.2710, subpart 9:** Failure to properly secure an operable industrial ionizing radiation producing equipment, nonmedical accelerator or active NARM source that is left unattended.

16. **Minnesota Rules, part 4730.2510, subpart 13:** Failure of the registrant to provide at a permanent or temporary jobsite the personnel monitoring and radiation survey requirements for class A, class B or class E industrial radiographic equipment

17. **Minnesota Rules, part 4730.2580, subpart 4, items A to G; part 4730.2710, subpart 10:** Failure of the registrant to perform leak tests on sealed NARM sources that are in use at the proper intervals as required.

Cease and desist

1. **Minnesota Rules, part 4730.0310, subpart 2, items A or C and part 4730.2450, subpart 2:** Dose levels in restricted areas exceeded.

2. **Minnesota Rules, part 4730.0380:** Dose level in unrestricted area exceeded.

3. **Minnesota Rules, part 4730.1210:** Any prohibited use of ionizing radiation.

4. **Minnesota Rules, part 4730.1450:** Opportunity to inspect not afforded.

5. **Minnesota Rules, part 4730.1750, subpart 11:** Timer not functioning properly.

6. **Minnesota Rules, part 4730.1750, subpart 13, item A:** X-ray exposure control dead-man switch not functioning properly.

7. **Minnesota Rules, part 4730.1750, subpart 15, item E:** Certified x-ray equipment not meeting the compliance standards.

8. **Minnesota Rules, parts 4730.1691, subpart 4, item B; 4730.1850, subpart 6, item B; and 4730.2050, item A:** X-ray length field alignment exceeded five percent of total SID.

9. **Minnesota Rules, parts 4730.1850, subparts 4, 5, 6, item A; 4730.2050, subpart 2, item C; and 4730.2150, subpart 2, item A:** Field size exceeds receptor size by 5 percent.

10. **Minnesota Rules, part 4730.2150, subpart 4:** Fluoroscopic exposure control dead-man feature not operational. Ability to get a fluoroscopic exposure while unit is in the parked position.

11. **Minnesota Rules, part 4730.2150, subpart 5, items A, B, C and E:** Fluoroscopic entrance exposure limits exceeded.

12. **Minnesota Statutes, section 144.121 and Minnesota Rules part 4730.5000:** Operator of equipment not qualified by having passed the x-ray operator examination or equivalent.

13. **Minnesota Statutes, section 144.121 and Minnesota Rules part 4730.5000:** Registrant allowing x-ray equipment to be operated by individual who was not qualified by passing the x-ray operator examination or equivalent.

14. **Minnesota Rules, part 4730.1310:** Healing arts screening conducted without the commissioner's approval.

15. **Minnesota Rules, part 4730.0300, subpart 5:** Failure to install or use warning devices.

16. **Minnesota Rules, part 4730.0300, subpart 6:** Failure to properly warn and use control devices at entrances to areas of high and very high radiation.

17. **Minnesota Rules, parts 4730.2510, subpart 4; 4730.2710, subpart 4; and 4730.2750, subpart 4:** Failure of the registrant to properly train and ensure that an employee is trained to use the industrial radiation producing equipment or nonmedical accelerator equipment and maintains this training.

18. **Minnesota Rules, part 4730.2550, subpart 13:** Failure to provide proper shielding of components for class D industrial equipment.

19. **Minnesota Rules, part 4730.2560, subpart 2:** Failure of the registrant to provide the necessary safety interlock system, separate circuits and manual resetting capability.

20. **Minnesota Rules, part 4730.2580, subpart 4, item H:** Failure of registrant to immediately withdraw from service any sealed NARM source that reveals the presence of 0.005 microcurie or more or removable contamination.

21. **Minnesota Rules, part 4730.2750, subpart 6:** Failure of the registrant to remove a sealed source that has become lodge, damaged, or rupture in a well, boring, or drilled hole.

22. **Minnesota Rules, part 4730.2750, subpart 7:** Failure of a registrant to receive a variance before using a sealed source in a well or boring without casing.

Appendix B
Plan Review and Modification

Procedure to Review and Modify Plan for Use of Administrative Penalty and Cease and Desist Authority

1. Publish in the *State Register* a notice soliciting comment on existing plan. Request comment relating to existing plan and any modifications the division or department may be considering.

(a) A copy of the notice will be sent to all persons on the agency certified list and to persons representing Environmental Health Division regulated parties.

(b) Comment shall be requested for 30 calendar days.

2. Staff of the Environmental Health Division, along with representatives of the Office of the Attorney General, Health Division, will consider revisions to the plan and appendixes. After the close of the comment period, these persons will review external comment and recommend modifications.

3. Modifications to the existing plan shall be presented to representatives of regulated programs and any other interested parties at an informational meeting. Comment within 30 days on the modifications shall be requested.

4. Notice shall be published in the *State Register* that modifications have been proposed to the existing plan. A copy of the revised plan shall be made available. The public shall be afforded at least 30 days to comment.

(a) A copy of the notice shall be sent to all persons on the agency certified list for rulemaking and to a list of representatives of Environmental Health Division regulatory programs.

(b) Comment will be requested for at least 30 days.

5. At the close of the comment period, division staff, in consultation with representatives of the Office of the Attorney General, Health Division, will review comment and make a final recommendation to the commissioner for modifications to the existing plan.

6. Revision of the plan may occur when a new or modified rule or law are adopted or changes related to public health hazards are determined by the agency. To update the plan when a new or revised rule is adopted, notice of the changes to the plan will be published in the *State Register* when notice of the adoption of rules are published or through separate notice. Changes to the plan will be effective with the new or revised rules or as specified in the notice.

7. Revisions to the existing plan must be adopted by the commissioner of health and are effective on adoption.

Appendix C
Penalty Calculation Worksheet

Appendix C is a template of the worksheet used by division staff to calculate administrative penalties.

Draft;

Minnesota's Health Enforcement Consolidation Act of 1993

(Better known as the Administrative Penalty Order, APO)

I. OBJECTIVE.

To provide a mechanism by which enforcement would be uniform, fair, and consistent across the Health Department and its regulatory functions.

II BACKGROUND.

Since the passing of the above statute, the Radiation Control unit has functioned under this APO statute for its enforcement actions. We have discovered that it is a method to be uniform, fair and consistent in enforcement actions against a regulated party.

II PROCEDURE.

A. The need arises for an enforcement action, whether that is a registration issue or an inspection issue. The initial procedure is the same. The issue is brought to forward to an APO forum. The forum consists of the individual who brings the issue forward, that could be the individual in charge of registration or an inspector; and all others that are present in the office.

B. At the forum the case is presented using the matrix within and the parts of the APO plan that are applicable.

C. A decision is made at that time as to if there should be enforcement action; what that action should be; amount of fine (which has a cap of $10,000 per inspection or registration issue), corrective actions needed to bring compliance and the expected response.

D. This decision is sent by certified mail to the individual/facility. A copy is also sent to the appropriate licensing board for notification of a serious violation and fine has been issued.

E. The facility has 10 days to request a hearing. If a hearing is requested, a copy of the entire file is sent to the Attorney General's office, where the assigned attorney reviews the case, discusses it with Radiation Supervisor. A decision is made to either move forward with the hearing or attempt a meeting with the party involved.

F. If a hearing is requested and held, the 30 day compliance is also on hold until the hearing and review time has passed. During the review time period, the Administrative Law Judge (ALJ) is reviewing the hearing record, their decision is sent to the Commissioner, who then assembles their review panel. This review panel does have of the one radiation staff on it. This individual had been designated to be neutral because their function is to assist the Commissioner in reviewing any hearing judgements that come into question. They were not included in the APO forum.

G. The decision of the Commissioner and the ALJ are then sent to the party for final dispensation. That means either they must still come into

compliance and pay the fine, or there has been a change and that change is now needing to be fulfilled.

H. If either incident above comes from a complaint by the public or an employee, that complainant always remains anonymous. The complaint is referred to as a "call of concern" and unless the individual wants to hear the results by a phone call or letter when the conclusion has been reached, the name and other identifying information is never asked for by the Department.

I. All information gathered for this procedure or even a routine inspection is always confidential until the process is complete. At that time, the official record becomes public knowledge, with a few exceptions of items that remain private.

4.6
TECHNICAL STAFF

4.6.1
TECHNICAL STAFF ORGANIZATION

DRAFT

Technical staff organization

I. INTRODUCTION.

This document describes how Minnesota will implement its radiation responsibilities.

II STAFF OBJECTIVES

A. To illustrate that Minnesota does nave sufficient staffing for its Agreement State responsibilities.

B. Include an analysis of the workload as an Agreement State, considering the number of licenses and types of licenses that will be transferred to Minnesota at the time of transition.

II BACKGROUND.

The expansion of the Radiation Control unit both in size and expertise through the training and preparation for the Agreement State status is exciting. These preparations have including formal training provided by NRC and other external training, the ability to accompany NRC staff on inspections, decommissioning interviews and the overall review of the 10 CRF documents have been beneficial.

The training, qualifications, dedication, and excitement of the staff enables us to assume the responsibilities of the Agreement State Program without the expectation of staff turnover or burnout. With this as a background, we are protected against a large turnover in staff or excitement.

IV ROLES AND RESPONSIBLITY.

The AILR Manager and the Agreement State Program Supervisor are responsible for the

adequacy of the staff and their training. The AILR Manager is Ms. Linda Bruemmer and the Agreement State Program Supervisor is yet to be hired. The AILR Manager is ultimately responsible for the assignment of staff to conduct inspections in accordance with frequency guidelines and the follow-up if needed is completed.

V. GUIDANCE.

Assignment of staff at the time of the transition from NRC to Minnesota:

Alice Dolezal Hennigan:

Rules development	05%
Agreement State inspections	00%
Agreement State licensing	85%
Other duties	10%

Timothy Donakowski:

Rules development	05%
Agreement State inspections	80%
Agreement state licensing	10%
Other duties	05%

John Goepferd:

Rules development	05%
Agreement State inspections	60%
Agreement state licensing	05%
Mammography inspections	15%
Non Agreement inspections	10%
Other duties	05%

Craig Verke:

Rules development	05%
Agreement State inspections	45%
Agreement state licensing	05%
Mammography inspections	20%
Non Agreement inspections	20%
Other duties	05%

Agreement State Program Supervisor:

Program oversite	100%

The time will be spent in management review of inspection and licensing actions, auditing of inspectors for annual management review, and general supervision of the program.

The inspection assignments will be made based on the inspection frequency for the licence type and will be made by the Agreement State Program Supervisor. These would be assigned as necessary. With 167 licenses in Minnesota and 1 ½ dedicated inspectors who are currently doing other inspections, so knowledge base of the inspection process is well known, the assignment of inspections is routine.

While Mr. Verke and Mr. Goepferd have not completed all of the required courses by this submission, it should be noted that this will be accomplished by August of 2003.

DRAFT

Minnesota's Staff Qualification Plan

I. INTRODUCTION.

The purpose of this document is to lay out the qualification plan that is followed and would continue to be followed for the replacement or addition of any staff to the Agreement State Program.

II STAFF QUALIFICATION PLAN.

A. To provide staff that are qualified professionals to conduct inspections, licensing and other Agreement State functions and responsibilities in Minnesota.

B. To ensure that staff have adequate training, experience and knowledge to apply the regulations appropriately, conduct inspections and license reviews with professionalism that Minnesota requires. This being done in a manner that is effective and professional . The staff must demonstrate that they can interact with the licensees and the public in a manner required by Minnesota.

III. ROLES AND RESPONSIBILITIES.

A. The Agreement State Program Supervisor is responsible for ensuring that staff complete the required training and preparation before conducting any Agreement State functions.

B. The Agreement State Program Supervisor is responsible for assisting in the tracking of training, monitoring any upcoming training opportunities for staff. Coordinating any in-house training with the x-ray training person, June Hawkinson. Working with staff on training needs to maintain a list of future courses or training opportunities to take advantage of for the staff.

IV GUIDANCE.

A. Staff Background. The present staff, which are the proposed Minnesota Agreement State Program Staff, are currently doing the equivalent activities in the x-ray program. That of inspections, registration review prior to inspections, review of files for previous violations and a very strong working knowledge of the Minnesota Rules for Radiation, Chapter 4730. This also encompasses the creation of the inspection report, Final Report and Correction Order, review with peer reviewer and discussions with the present Radiation Supervisor. In addition, these staff members are involved in all enforcement actions, either as the inspector presenting the case or the peer reviewers in the forum for consistency and fairness. These traits will be followed as Agreement State Program Staff

B. Radiation Training.

New employees for the radiation program, whether x-ray or Agreement State Program, are required to enter employment with some background in radiation. This could be from nuclear navy to registered radiologic technologist.

C. In-house training.

The radiation control unit has in-house training or refresher courses at staff meetings at least quarterly. This training covers current use of equipment, reviews of non-power plant emergency response procedures, current topics, new technologies and other related physics and radiation topics. This will continue as we enter the Agreement State status.

D. Initial experiences for new staff.

(1) The positions for Agreement State Program will be screened for basic

radiation knowledge and then the additional training to complete their knowledge of specifics of radioactive materials, regulations of Chapter 4731, Code of Federal Regulations and Minnesota requirements.

(2) Inspections will be conducted in teams until the knowledge base of the new employee is sufficient to conduct them alone.

(3) After a period, to be determined by the Agreement State Program Supervisor, of supervised training, observation and accompanying other inspectors or license reviewers, the new employee will be allowed to do work on their own, reporting to the Supervisor any problems or concerns that might indicate that more training is needed. Minnesota, because of the number of licenses, will have 1 ½ inspectors trained to perform inspections on all the types of licenses. The back up inspector will be taking courses to add to this knowledge base.

(4) Basic classes (or knowledge or experience) that Minnesota will expect for employees designated as inspectors is as follows:

(a) Working knowledge of radiation

(b) Radiation work experience

(c) Completion of Health Physics course, equivalent to the NRC 5 week Applied Health Physics Course or that course.

(d) Completion of the NRC inspection course..

(e) Experience in NARM/X-ray and/or accelerator inspectors

(f) Accompany inspectors on 3-4 inspections of each license type.

(g) Completion of 3 inspections of different license types with a

mentor accompaniment.

(5) Basic classes (or knowledge or experience) that Minnesota will expect for employees designated as a license reviewer is as follows:

(a) Working knowledge of radiation

(b) Completion of a Health Physics course, either the NRC 5 week Applied Health Physics Course a a course equivalent to it.

(c) Completion of the NRC licensing course

(d) Experience in reviewing registration or licensing documents

(e) Sitting with license reviewer for 3 license applications for different types of licenses.

(f) Accomplishing the review of 3 licence applications for different types of licenses while being overseen by a mentor.

(6) Minnesota's goal is that all Agreement State Program staff will be cross-trained in both licensing and inspections as the two functions go hand in hand. This would cover an unexpected staff turnover and reduce the possibility of the program being short staffed in any area.

(7) Minnesota has an extensive library from which the employees can choose to review literature to enhance their skills. This is encouraged by management.

DRAFT

The staffing picture for agreement state program for Minnesota consists of four FTE's, two .75 FTE's and one ½ FTE. The positions are listed and some of the major responsibilities identified for each position. See individual procedure pages for full outline of duties. The individuals are identified, if known, as the program start's in August, 2003.

1. Support staff: (one FTE and one ½ time FTE) (To be determined)
   Data entry (radioactive material and x-ray computer system and the Nmed, system, etc)
   Communications with supervisor, license reviewer, inspectors as needed
   Communications with licensees as needed
   Inspection Reports
   License printing
   Tracking of activities
   Sending out fee statements and make sure the correct amount is sent in
   Make any changes to either the inspection forms, procedure book or licenses through discussion with supervisor, license reviewer and inspectors.

2. License reviewer: (one FTE and one back up) (Alice Dolezal-Hennigan)
   Review the current licenses and G.L. device registrations
   Review any amendment applications or new applications
   Communicate with supervisor, support staff and inspectors as needed
   Communicate with licensees/registrants concerning their applications, amendments and answer questions
   Send letters and make phone calls to obtain information as necessary
   Make sure the fees previously submitted are correct in the data base prior to fee statements being sent out.
   Review of licensing forms and procedures with both the inspectors and supervisor, to ensure that the most current policies are being covered.

3. Inspectors: (1½ FTE's for number of licenses plus one ½ FTE as backup) (Timothy Donakowski, John Goepferd and Craig Verke)
   Conduct inspections including routine, investigative, followup, reinspections and incident or reactive, in timely fashion according to schedule or supervisors request.
   Review license, conditions, history prior to inspection.
   Create inspection plan and review with supervisor prior to inspection.
   Compile report for licensee and review before it is mailed to licensee or registrant.
   Communicate with supervisor, support staff, license reviewer as needed.
   Review of inspection forms and procedures with the license reviewer and the supervisor, to ensure the most current policies are being covered.
   Monitor the calibration and acquisition of needed equipment in conjunction with the designated x-ray staff member.
   Responds to radioactive materials emergency situations as part of the radiation emergency team.

4. Supervisor: (one FTE with radiation knowledge) (To be determined)

Supervises the agreement state program
Communicate with license reviewer, inspectors, and support staff as needed
Review inspection plans with inspectors prior to inspection
Reviews inspection reports prior to being mailed to licensee or registrant.
Reviews licenses with license reviewer prior to acceptance.
Review NRC rule/policy changes to ensure the program is always up to date
Appoint someone to work with on rule writing or revision as needed
Work with web page person to develop web page to include radioactive materials information
Review Nmed computer program for needed concerns for Minnesota
Review agreement state program staffing needs as needed, due to retirement, new hires, training, classes, in discussion with manager.

5. Manager: (Linda Bruemmer)
Reviews, approves and signs the licenses prior to mailing to licensee or registrant
Reviews and signs any administrative penalty orders that are needed to be issued.

Minnesota's entire program staff is able to interact with each of the other positions with knowledge of the other positions responsibilities, because the inspectors and license reviewer have come from the well established radiation control program. They have been involved with inspections, enforcement and incidents for many years. However, in some instances, Minnesota will be cross training to be used as backup individual positions, to strengthen the program.

The overall plan for the program is to back fill the x-ray portions of the two inspectors to free up their time for more full time work in Agreement state issues as time progresses.

The program will continue to grow with the development of more PET scanners and more PET pharmaceuticals being shipped and as more nuclear medicine departments become stand alone or interested in doing PET scanning screening.

<u>Current staffing in Radiation control and their duties.</u>

June Hawkinson is currently a mammographic and level II inspector and does the tracking of x-ray rule changes, rule revisions and did the majority of the last x-ray rule writing in 1999. Chapter 4730 has had three changes since 1991. She is also the x-ray web page person and is in the process of creating the radiation control web page and its links. (full time)

Chuck Doerr is currently a x-ray and industrial x-ray inspector and does the maintaining of the x-ray inspection equipment, making sure they are calibrated in a timely fashion and in good repair. His background allows staff to know about equipment. (full time)

Ronald Peterson is currently a x-ray, mammographic, level II inspector. His background allows staff to know about equipment and has a network of vendors to get inportant information from for staff as needed. (full time)

Darrel Holtz is currently a x-ray, mammographic, level II and CT inspector. He has been responsible for the recent research into issues that have come up, including Health Technologies Action Committee attendance for various issues, CT procedures, overexposures

on film badges found during inspections and the review of the information sent in for that. (full time)

John Goepferd is currently a x-ray, mammographic, level II inspector. John also manages the Level II agreement with FDA. John is designated as an agreement state inspector. (full time)

Craig Verke is currently a x-ray, mammographic, level II inspector. Craig is designated to be the backup agreement state inspector. (full time)

Alice Dolezal-Hennigan is a health physicist and has spent the last 3 years writing the agreement state rules, Chapter 4731. She is designated to be our initial license reviewer. She also covers food irradiation for the radiation control unit. (full time)

Tim Donakowski is a health physicist who oversees the environmental monitoring that Dan Van Horn does for radiation control and monitors the information from the two computers at Prairie Island power plant. Tim is designated to be the lead agreement state inspector. He could be the backup license reviewer. (full time)

Marge Shaw currently reviews all the x-ray reports, responses and does the draft for the APO's. She also manages the MQSA contract.(full time; 2 days working at home and 3 in the office)

Tina Leland and Johnetta Jefferson share all the support staff duties for the x-ray inspection program, registration, Administrative Penalty Orders, mammography tracking, filing, correspondence and deposits.
Tina is the network assistant for the Snelling Office Park district office. She is also our phone contact person. (both are full time)

Dan Van Horn does the environmental monitoring and maintains the monitoring equipment, making sure it is calibrated in a timely fashion and in good repair. (half time position)

Sue McClanahan is the environmental health radiation supervisor. Oversees the x-ray inspection program, NARM inspection program, environmental monitoring program, radiologic emergency response program for both power plants and non-power plant incident responses. (full time)

Attorney general's office has a lawyer assigned to the Health Department designated to work with Radiation Control. Presently, this is Jennifer Harper.

List of NRC Training Courses					
Course #	Course Title				
		Alice Dolezal-Hennigan	Timothy Donakowksi	John Goepferd	Craig Verke
G-108	Inspection procedures	NA	X 9/13-9/17/99	X 9/13-9/17/99	TBT
G-109	Licensing Practice and Procedures	X 9/27-10/1/99	X 9/10-9/14/01	TBT	TBT
G-205	Root Cause/Incident Invest. Workshop	NA	X 7/8-7/12/02	TBT	X 7/8-7/12/02
G-304	Inspecting for performance materials version	NA	TBT	X 6/11-6/13/02	X 6/11-6/13/02
H-109	Applied Health Physics	NA	NA	X 3/4-4/5/02	X 3/4-4/5/02
H-111	Environmental Montoring for Radioactivity	NA	NA	NA	TBT
H-117	Intro. Health Physics	NA	NA	X 8/30-9/3/99	NA
H-119	Air Sampling for Radioactive Materials	NA	X 6/7-6/11/99	X 6/4-6/8/01	X 6/4-6/8/01
H-121	Multi-Agency Radiation Survey and Site Invest. Manual	NA	X 5/7-5/9/02	NA	NA
H-201	Health Physics Technology	NA	TBT	TBT	TBT
H-304	Diagnostic & Therapeutic Nuclear Medicine	NA	X 8/9-8/13/99	TBT	TBT
H-305	Safety Aspects of Industrial Radiography	NA	TBT	TBT	TBT
H-308	Transportation of Radioactive Materials	X 6/25-6/29/01	X 6/20-6/24/99	X 6/20-6/24/99	X 6/25-6/29/01
H-312	Internal Dosimetry & Whole Body Counting	NA	TBT	TBT	TBT
H-313	Teletherapy & Brachytherapy	NA	TBT	TBT	TBT
H-314	Safety Aspects of Well logging	NA	X 4/23-4/27/02	TBT	TBT
H-315	Irradiator Technology	NA	TBT	TBT	NA

TBT= To Be Taken

STAFF RESOURCE ANALYSIS

Staff Member											Total	
License Category	Insp	Lic	Insp	Lic	Insp	Lic	Insp	Lic	Insp	Lic	Insp	Lic
Academic												
Broad Scope Academic												
Nuclear Med - Uptake, etc												
Nuclear Med - Imaging												
Nuclear Med - therapy												
Bone Mineral												
Brachytherapy												
Teletherapy												
Medical - Broad Scope												
Nuclear Pharmacy												
Fixed Gauge												
Portable Gauge												
Industrial - other												
Broad Scope Industrial												
Industrial Radiography												
Well Logging												
LLW broker												
LLW site												
U mill												
SS&D												

STAFF BALANCE ANALYSIS

	Inspection staff days		Licensing staff days	
License Category	Needed	Available	Needed	Available
Academic				
Broad Scope Academic				
Nuclear Med - Uptake, Dilution, and Excretion				
Nuclear Med - Imaging				
Nuclear Med - Therapy				
Bone Mineral Analysis				
Brachytherapy				
Teletherapy				
Medical - Broad Scope				
Nuclear Pharmacy				
Fixed Gauge				
Portable Gauge				
Industrial - other				
Broad Scope Industrial				
Industrial Radiography				
Well Logging				
LLW broker				
LLW site				
U mill				
SS&D				

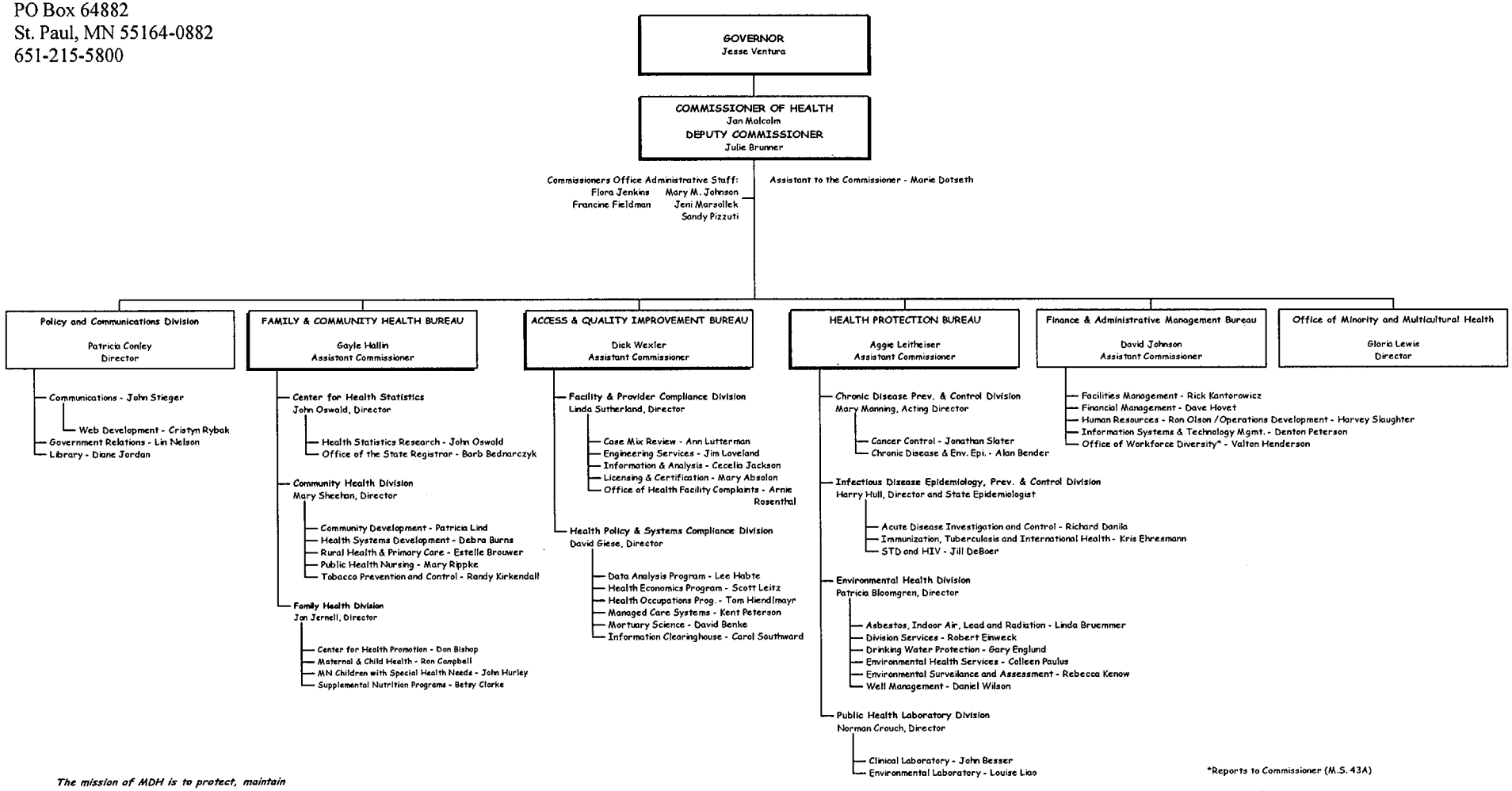
STAFF NEEDS ANALYSIS

License Category	Number of Licenses	Licensing actions / yr	Staff days per action	Licensing staff days	Inspections per year	Staff days / inspection	Inspection staff days
Academic							
Broad Scope Academic							
Nuclear Med - Uptake, etc							
Nuclear Med - Imaging							
Nuclear Med - therapy							
Bone Mineral							
Brachytherapy							
Teletherapy							
Medical - Broad Scope							
Nuclear Pharmacy							
Fixed Gauge							
Portable Gauge							
Industrial - other							
Broad Scope Industrial							
Industrial Radiography							
Well Logging							
LLW broker							
LLW site							
U mill							
SS&D							

MINNESOTA MDH DEPARTMENT OF HEALTH

85 E. Seventh Place, Ste. 400
PO Box 64882
St. Paul, MN 55164-0882
651-215-5800

MDH Organizational Chart

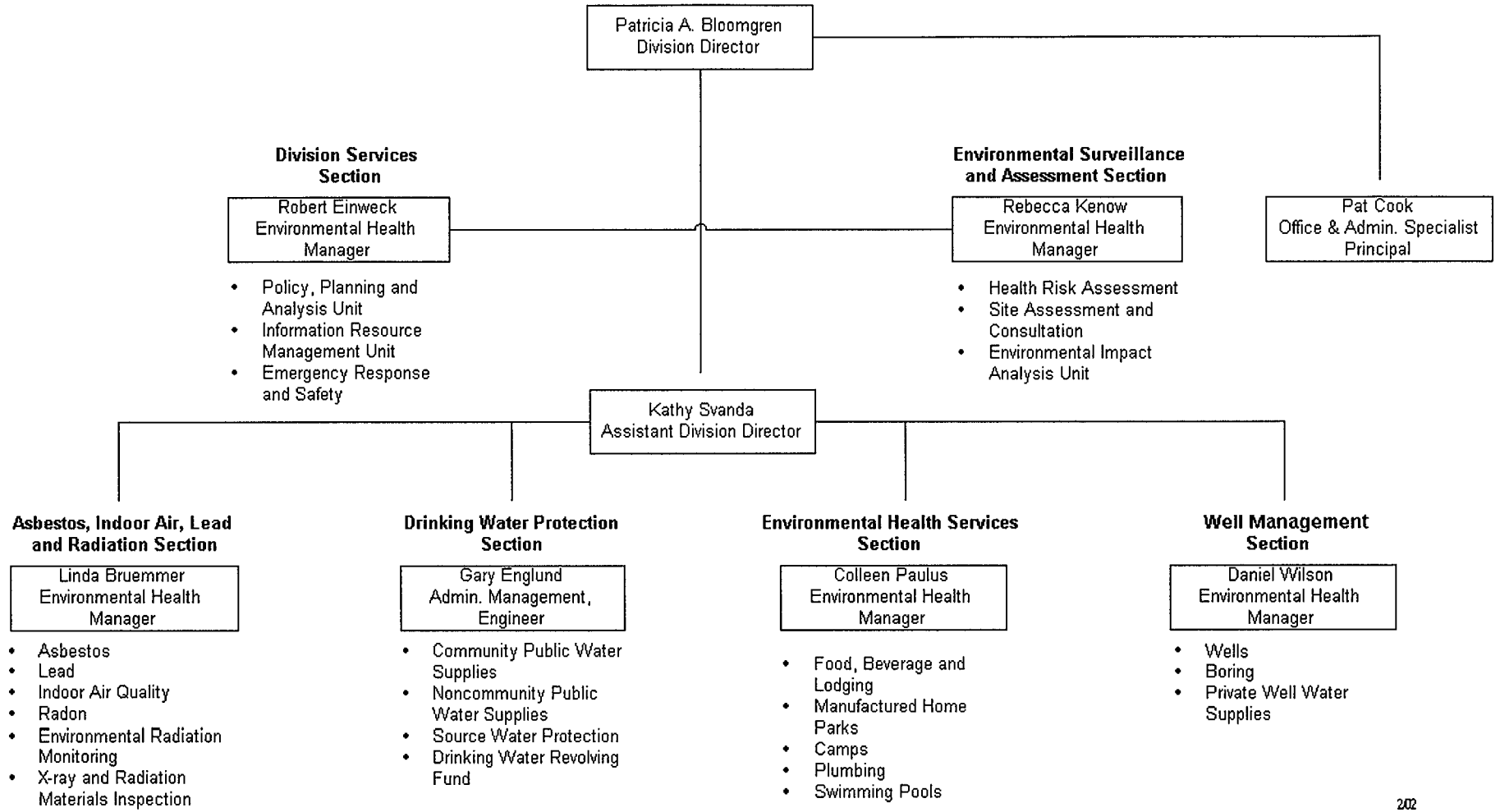


The mission of MDH is to protect, maintain and improve the health of all Minnesotans

*Reports to Commissioner (M.S. 43A)

Updated 12/5/01

Environmental Health Division
Minnesota Department of Health



Asbestos, Indoor Air, Lead and Radiation Section
Minnesota Department of Health
Division of Environmental Health

Linda Bruemmer
Environ. Health Manager

Asbestos and Lead Unit

- Tom Hogan, Environ. Health Supervisor
  - Nancy Jo LaPlante, Industrial Hygienist 3, Leadworker
  - Pincus Weitzman, Industrial Hygienist 3, Temporary
  - Dan Locher, Industrial Hygienist 3, QAC - Lead
  - Greg Boole, Industrial Hygienist 2
  - Danial Miller, Industrial Hygienist 2
  - Bruce Lange, Industrial Hygienist 1
  - Vacant, Industrial Hygienist 1
  - Bob Miles, Public Health Sanitarian 2

Indoor Air Unit

- Laura Oatman, Environ. Health Supervisor
  - David Jones, Research Scientist 3, Leadworker
  - Dale Dorschner, Industrial Hygienist 3
  - Georg Fischer, Research Scientist 2
  - Vacant, Research Scientist 2
  - Earnest Tate, Health Physicist 1
  - Daniel Tranter, Project Analyst, Unclassified

Radiation Control Unit

Sue McClanahan
Environ. Health Supervisor

Environmental Radiation Monitoring

- Tim Donakowski, Health Physicist 1
- Daniel VanHorn, Environ. Sample Collector

X-Ray & Radiation Materials Inspection

- June Hawkinson, Radiation Specialist 3
- John Goepferd, Radiation Specialist 2
- Darrel Holtz, Radiation Specialist 2
- Marge Shaw, Radiation Specialist 2
- Charles Doerr, Radiation Specialist 2
- Craig Verke, Radiation Specialist 2
- Ronald Petersen, Radiation Specialist 1
- Vacant, Radiation Specialist 1
- Alice Dolezal Hennigan, Health Physicist 1

Radiation Support Staff Unit

- Tina Leland, Office & Admin. Specialist Inter.
- Johnetta Jefferson, Office & Admin. Specialist

Support Staff Unit

- Rick Kipp, Office Services Supervisor 1
- Todd Schaefer, Customer Service Specialist Sr.
- Linda Nelson, Office & Admin. Specialist Inter.
- Norma Leland, Office & Admin. Specialist
- Lisa Smith, Office & Admin. Specialist

MINNESOTA MDH DEPARTMENT OF HEALTH

Radiation Control
Minnesota Department of Health
Division of Environmental Health

Linda Bruemmer
Environ. Health Manager

Radiation Control Unit

To Be Hired
Agreement State
Supervisor

Environment Monitoring

- Daniel VanHorn, Environ. Sample Collector
- Vacant

Agreement State Program

- Alice Dolezal Hennigan, Health Physicist 1
- Tim Donakowski, Health Physicist 1
- John Goepferd, Radiation Specialist 2
- Craig Verke, Radiation Specialist 2
- Vacant

Support Staff Unit

- To Be Determined
- To Be Determined

Sue McClanahan
Environ. Health Supervisor

X-Ray & Radiation Materials Inspection

- June Hawkinson, Radiation Specialist 3
- Darrel Holtz, Radiation Specialist 2
- Marge Shaw, Radiation Specialist 2
- Charles Doerr, Radiation Specialist 2
- Ronald Peterson, Radiation Specialist 2
- Vacant, Radiation Specialist 1
- Vacant, Radiation Specialist 1
- Vacant, Radiation Specialist 1

Support Staff Unit

- Tina Leland, Office & Admin. Specialist Inter.
- Johnetta Jefferson, Office & Admin. Specialist

DRAFT 7/02

4.6.2
FORMAL
QUALIFICATION PLAN

List of NRC ining Courses					
Course #	Course Title				
		Alice Dolezal-Hennigan	Timothy Donakowksi	John Goepferd	Craig Verke
G-108	Inspection procedures		X 9/13-9/17/99	X 9/13-9/17/99	
G-109	Licensing Practice and Procedures	X 9/27-10/1/99	X 9/10-9/14/01		
G-205	Root Cause/Incident Invest. Workshop		X 7/8-7/12/02		X 7/8-7/12/02
G-304	Inspecting for performance materials version			X 6/11-6/13/02	X 6/11-6/13/02
H-109	Applied Health Physics			X 3/4-4/5/02	X 3/4-4/5/02
H-111	Environmental Montoring for Radioactivity				
H-117	Intro. Health Physics			X 8/30-9/3/99	
H-119	Air Sampling for Radioactive Materials		X 6/7-6/11/99	X 6/4-6/8/01	X 6/4-6/8/01
H-121	Multi-Agency Radiation Survey and Site Invest. Manual		X 5/7-5/9/02		
H-201	Health Physics Technology				
H-304	Diagnostic & Therapeutic Nuclear Medicine		X 8/9-8/13/99		
H-305	Safety Aspects of Industrial Radiography				
H-308	Transportation of Radioactive Materials	X 6/25-6/29/01	X 6/20-6/24/99	X 6/20-6/24/99	X 6/25-6/29/01
H-312	Internal Dosimetry & Whole Body Counting				
H-313	Teletherapy & Brachytherapy				
H-314	Safety Aspects of Well logging		X 4/23-4/27/02		
H-315	Irradiator Technology				

Training of staff for agreement state status.

The staff for the agreement state are current employees with a wealth of background in radiation and radioactive materials.
Alice Dolezal Hennigan has attended the licensing class as that will be her role in the agreement state program.

1958 She received a B.A. majoring in mathematics, with minors in Physics and chemistry from Alverno College, in Milwaukee, Wisconsin.

1959- 1967 Other courses she as taken:
radiation biology,
microbiology,
physical chemistry,
nuclear physics,
chemistry,
biology,
radiation biology,
nuclear physics, and
advanced mathematics.

1968 She worked in the Lawrence Radiation Laboratory in Berkeley California with radioactive materials in research.

1969 Received a M.S. Environmental Health, with a major in Radiological Health.

1969-1993 Other courses she has taken:
radioactive waste,
naturally occurring radioactive materials,
environmental monitoring,
radiation emergency management,
radon,
decommissioning of radiation facilities,
accelerators, x-ray machine inspection,
non-ionizing radiation
biomedical mixed waste, and
monitoring radioactive waste.

1999 Attended class on food irradiation.

1999 Attended the NRC training in "Licensing practices and procedure course, G-109."

2000 Attended seminar on food irradiation, "Food Safety in the New Millennium".

2001 Attended the NRC training in "Detectable Activity Review Seminar, Decommissioning".

Her work history as section chief of the Radiation Control Section from 1969-1992 covered non-power plant emergency response, power plant emergency response, establishing the procedures and protective actions for environmental monitoring and evaluation of data, evaluation of data by MDH following the Chernobyl nuclear reactor accident, evaluation of the the Chinese and other above ground testing environmental data, management of program for the inspection of x-ray machines, management of incident responses, management of the the high-level radioactive waste shipments from Monticello to Morris, Illinois, radioactive waste shipments from TMI going through Minnesota and low level waste shipments from both Monticello and Prairie Island

reactors. Periodic inspections were performed on the radioactive waste shipments under her direction.
Alice did much of the investigation of the types of surveys, methods for and programs for environmental monitoring for pre and post operational power plants.
She initiated many programs such as mammography inspections and the FDA level II compliance x-ray inspections. These still continue. She also continued many of the programs that were started for special issues, such as the Strontium-90 and Cessium-137 in milk. This type of sampling is still continuing today because of her involvement early on in the program.

Management feels that she has enough education and experience to accomplish her role in the agreement state program without taking more NRC classes.

Her involvement with outside agencies consists of past chairman of the Conference of Radiation Control Program Directors, Inc.; past executive board member, chaired X-ray Suggested State Regulations Committee, Emergency Response Plan Committee, National Evaluation of X-ray Trends Committee, Liaison to the American College of Radiology, and other committee memberships. In addition, she was Past President of the North Central Chapter of the Health Physics Society and has served as a member of the U.S. Department of Health and Human Services Technical Electronics Product Radiation Safety Standards Committee, and as a member of the U.S. Environmental Protection Agency Radiation Advisory Committee.

Training of staff for agreement state status continued

Timothy Donakowski has attended the following NRC classes in preparation for the agreement state program. Tim's role in the agreement state program will be that of lead inspector and back up license reviewer.

G-108 "Inspection procedures"
G-109 "Licensing Practice and Procedures"
G-205 "Root Cause/Incident Investigation Workshop"
H-119 "Air Sampling or Radioactive Materials"
H-121 "Multi-agency Radiation Survey and Site Investigation Manual"
H-304 "Diagnostic and Therapeutic Nuclear Medicine"
H-308 "Transportation of Radioactive Materials"
H-314 "Safety Aspects of Well Logging"

Tim has:

1973 He received a B.S.E., in Chemical engineering from the University of Michigan
1977 He received a M.P.H., in Environmental health from the University of Minnesota
1989-1999 Other courses he has taken:

Environmental Radiation Surveillance;
Advanced Radiologic Accident Assessment;
Fundamentals for Radiological Response team;
Minnesota Biomedical Mixed Waste Workshop;
Revised 10 CFR Part 20 training; and
Technology transfer of radiation risk assessment.

The NRC training classes are accounted for in Tim's other courses and will be exempted from the list of courses are:

H-117 "Introductory to Health Physics";
H-109 "Applied Health Physics"; and
H-111 "Environmental Monitoring for Radioactivity".

The remainder of the NRC classes will be covered by attendance in the class are:

G-304 "Inspecting for performance materials version";
H-201 "Health Physics Technology";
H-305 "Safety Aspects of Industrial Radiography";
H-312 "Internal Dosimetry and Whole Body Counting";
H-313 "Teletherapy and Brachytherapy"; and
H-315 "Irradiator Technology".

Tim's work history with Minnesota Department of Health, Radiation Control Unit, covers many aspects of inspection of NARM facilities, developing inspection procedures, coordination and participation in environmental radioactivity studies and the interpretation of data for control of radiation. Tim has also worked with the power plant emergency response program in the aspect of dose assessment for the state emergency operations center. He does the analysis of radioactivity at the Prairie Island independent spent fuel storage installation. He has done the

review of the environmental impact statements for the University of Minnesota integrated radwaste management facility and the Mayo Foundation medical waste incinerator.

His involvement with outside agencies consists of membership in the Conference of Radiation Control Program Directors, Inc and North Central Chapter of the Health Physics Society.

Management feels that with his experience and courses taken does give him the knowledge to be exempted from the three courses listed above and to allow him to fulfill his roles in the agreement state program.

Training of staff for agreement state status continued.

John Goepferd has attended the following NRC classes in preparation for his role as inspector in the agreement state program.

G-108 "Inspection procedures"
G-304 "Inspecting for Performance material version"
H-109 "Applied Health Physics"
H-117 "Introduction Health Physics"
H-119 "Air Sampling for Radioactive Materials"
H-308 "Transportation of Radioactive Materials"

John has:

1969 He graduated from the School of Radiographic Technology at Mount Sinai Hospital, Minneapolis, Minnesota and is registered as a Radiologic Technologist with the American Registry of Radiologic Technologists
1975 He received a B.A.S. from the University of Minnesota
1995-2002 Other courses he has taken:
Radiation Emergency Response Operations Course (RERO);
FDA compliance testing for diagnostic ionizing machines;
Mammography Quality Standards Act classes for certification as a mammography inspector;
Lasers in medicine;
Mammography refresher course,
Mammography training on final regulations; and
Methods of Radiation shielding designs for diagnostic and therapy facilities. PET imaging techniques.

The NRC training classes that are accounted for in John's other courses and will be exempted from the list of courses are:

H-111 "Environmental Monitoring for Radioactivity"
H-121 "Multi-Agency Radiation Survey and Site Investigation Manual"

The remainder of the NRC training classes will be covered by attendance in the class are:

G-205 "Root Cause/Incident Investigation Workshop";
H-201 "Health Physics Technology";
H-304 "Diagnostic and Therapeutic Nuclear Medicine";
H-305 "Safety Aspects of Industrial Radiography";
H-312 "Internal Dosimetry and Whole Body Counting";
H-313 "Teletherapy and Brachytherapy"; and
H-314 "Safety Aspects of Well Logging".

John's work history includes inspection of x-ray equipment, mammography equipment and technical incident response from calls of concern. He has been a chief radiologic technologist in several facilities prior to joining the state and also was director of school of radiologic technology, so his background in radiation and radiation related issues is very vast.

Management feels that his experience and courses taken does give him the knowledge to be exempted from the two courses listed above. Minnesota also has the CD- rom program for the MARSSIM course to refer to as the issues arise.

His involvement in outside agencies consists of his certification with the American Registry of Radiologic Technologists, interaction with the dental association in Minnesota due to his prior work experiences and with the other regulated community members due to his inspection history.

Training of staff for agreement state status continued

Craig Verke has attended the following NRC classes in preparation for his role as backup inspector in the agreement state program.

G-205 "Root Cause/Incident Investigation Workshop";
G-304 "Inspecting for performance materials version";
H-109 "Applied Health Physics";
H-119 "Air Sampling for Radioactive Materials"; and
H-308 "Transportation of Radioactive Materials"

Craig has:

1987 Took course in the fundamentals of physics at the University of North Dakota
1992 He graduated from the School of Radiologic Technology at North Memorial Medical Center, Robbinsdale, Minnesota.
1997-2001 Other courses he has taken:
FDA compliance testing for diagnostic ionizing machine
Mammography Quality Standards Act classes for certification as a mammography inspector
2 NEXT training courses
Mammography refresher course
Quality Assurance in Radiation Oncology course
Minnesota Incident Management System course
Mammography quality accountability and responsibility course

The NRC training classes that are accounted for in Craig's other courses and will be exempted form the list of courses are:

G-109 "Licensing Practice and Procedures";
H-111 "Environmental Monitoring for Radioactivity"; and
H-117 "Introduction to Health Physics".

The remainder of the NRC training classes will be covered by attendance in the class are:

G-108 "Inspection procedures";
H-201 "Health Physics Technology";
H-304 "Diagnostic and Therapeutic Nuclear Medicine";
H-305 "Safety Aspects of Industrial Radiography";
H-312 "Internal Dosimetry and Whole Body Counting";
H-313 "Teletherapy and Brachtherapy"; and
H-314 "Safety Aspects of Well Logging".

Craig's work history includes inspection of x-ray equipment, mammography equipment and compliance inspections for FDA, and technical incident response from calls of concern. Craig is a part of the non- power plant response team for emergencies/incidents and also a part of the power plant emergency response team. He will be taking the RERO course in the fall of 2002.

Management feels that his experience and course taken does give him the knowledge to be

exempted form the two courses listed above. Minnesota also has the CD-rom program for the MARSSIM course to refer to as the issues arise.

His involvement in outside agencies consists of his certification with the American Registry of Radiologic Technologists, which gives him a wide network of interaction with the regulated community.

4.6.3
CURRENT TECHNICAL STAFF QUALIFICATIONS

Alice T. Dolezal-Hennigan

2313 East 122nd Street
Burnsville, Minnesota 55337

EDUCATION AND PROFESSIONAL TRAINING

2001: NRC Training - Detectable Activity Review Seminar (Decommissioning)

2001: NRC Training - Transportation of Radioactive Material Course

2000: Food Safety in the New Millennium (Food Irradiation) seminar.

1999: NRC Training - Licensing Practices and Procedures Courses

1999: Food Irradiation Seminar.

1969 - 1993: Environmental Protection Agency, Nuclear Regulatory Commission, Department of Energy - Attended short courses on radioactive waste, naturally occurring radioactive materials, environmental monitoring, radiation emergency management, radon, decommissioning of radiation facilities, accelerators, x-ray machine inspection, nonionizing radiation, biomedical mixed waste and monitoring radioactive waste.

1967 - 1969: University of Michigan - M.S., Environmental Health, Major in Radiological Health

1968: Lawrence Radiation Laboratory in Berkeley - Experience with Radioactive materials in research.

1967: Stanford University - Courses in Nuclear Physics and Advanced Mathematics.

1967: St. Mary's College, Winona, Minnesota - Course in Radiation Biology.

1964 - 1966: University of California in Berkeley - Courses in radiation biology, microbiology, physical chemistry, nuclear physics.

1959 - 1962: Alverno College, Milwaukee, Wisconsin - Courses in Chemistry and Biology.

1954 - 1958: Alverno College, Milwaukee, Wisconsin - B.A., Major: Mathematics, Minors: Physics & Chemistry.

WORK EXPERIENCE

1992 - Present: Health Physicist, Minnesota Department of Health, Section of Asbestos, Indoor Air, Lead and Radiation, Radiation Unit.

Duties include reviewing changes in NRC rules and write proposed rules for agreement state status. Meet with advisory Committee and the public to get input on proposed rules. Participate in the general radiation protection emergency response plan, assist in determining protective actions needed. Conduct literature research, prepare reports and orgranize data for assigned projects.

1969 - 1992: Chief of Radiation Control, Minnesota Department of Health, Section of Radiation Control.

Duties included coordinating Minnesota Department of Health response for recommending protective action for the public and conducting environmental monitoring during the accident at the Prairie Island reactor in 1979 and many non-power plant emergencies with radioactive materials. Managed environmental monitoring and evaluation of data by Minnesota Department of Health following Chernobyl nuclear reactor accident, managed inspection of x-ray machines in Minnesota. Managed the Minnesota Department of Health surveying of imported contaminated steel both in use and still in warehouses. Established environmental monitoring program around Monticello and Prairie Island nuclear reactors when they became operational. Managed Minnesota Department of Health inspections of high- level radioactive waste shipments from Monticello to Morris, Illinois, shipment from TMI going through Minnesota and low-level waste shipments from Monticello and Prairie Island reactors.

1964 - 1967: Science and Math Teacher, Archbishop Bergan High School, Fremont, Nebraska

1962 - 1964: Science and Math Teacher, St. John's High School, Petersburg, Nebraska

1958 - 1962: Science and Math Teacher, St. Joseph High School, Milwaukee, Wisconsin

PROFESSIONAL ASSOCIATIONS

1969 - Present: Conference of Radiation Control Program Directors, Inc.- Past Chairman, Past Executive Board member,Chaired X -Ray Suggested State Regulations Committee, Emergency Response Plan Committee, National Evaluation of X -Ray Trends Committee, Awards Selection Committee, Liaison to the American College of Radiology, and other committee memberships.

1970 - Present: North Central Chapter - Health Physics Society Past President, Past Councilman, Education Committee

1968 - 1987: Health Physics Society State and Federal Legislative Committee, Placement Committee

Served as Member:

1987 - 1989: Member of U.S. Department of Health and Human Services Technical Electronics product Radiation Safety Standards Committee

1973 - 1975: Member of U.S. Environmental Protection Agency Radiation Advisory Committee

Craig Verke

559 Logan Street
Anoka, Minnesota 55303

EDUCATION AND PROFESSIONAL TRAINING

2002: "Inspecting for performance materials version," U.S. Nuclear Regulatory Commission.

2002: "Applied Health Physics," U.S. Nuclear Regulatory Commission.

2002: Attended Mammography Quality Accountability & Responsibility course.

2002: Attended MN Incident Management System Course.

2001: "Air Sampling for Radioactive Materials," U.S. Nuclear Regulatory Commission.

2001: "Transportation for Radioactive Materials," U.S. Nuclear Regulatory Commission.

2001: Attended NEXT Training.

2000: Attended course Quality Assurance in Radiation Oncology.

2000: Attended MQSA Continuing Education Course.

2000: Attended NEXT Training.

1998: Attended MQSA training, had a course in Mammography Physics & equipment.

1997: Attended Level II training for the Food & Drug Administration, had refresher course in Physics.

1990 - 1992: Radiologic Technologist Schooling, North Memorial Medical Center, Robbinsdale, Minnesota. A course in The fundamentals of X-ray and radium Physics.

1985 - 1987: Bismarck State University, Bismarck, North Dakota. Course in the fundamentals of Physics.

1985: Graduated from High School, North Dakota.

WORK EXPERIENCE

July 1996 - September 98: Radiation Specialist II, Minnesota Department of Health, Section of Asbestos, Indoor Air, Lead and Radiation, Radiation Unit, St. Paul, Minnesota

Duties include surveying x-ray equipment in facilities statewide for compliance with Minnesota Department of Health ionizing radiation rules, surveying mammography and level II facilities, developing inspection reports and answering technical calls from the regulated community and the public related to radiation.

July 1996 - Present: Radiologic Technologist, Part-time Casual, North Memorial Medical Center, Robbinsdale, Minnesota.

Duties include taking general radiographic studies, fluoroscopic studies, surgical cases and trauma.

October 1991 - July 1996: Radiologic Technologist, Full-time, North Memorial Medical Center, Robbinsdale, Minnesota.

Duties included taking general radiographic studies, fluoroscopic studies, surgical cases and trauma. Tech representative for ADIT from March of 1995 to July 1996.

October 1995 - June 1996: Radiographic Technologist, Part-time Casual, Unity Hospital, Fridley, Minnesota.

Duties included taking general radiographic studies, fluoroscopic studies, surgical cases and trauma.

John Goepferd

5641 Dupont Avenue South
Minneapolis, Minnesota 55419

EDUCATION AND PROFESSIONAL TRAINING

June 2002: Inspecting for performance materials version G304

May 2002: Methods of Radiation shielding designs for Diagnostic and Therapy facilities, PET Imaging Techniques

March 2002: Applied Health Physics Course H109

2002: Attended MN Incident Management System Course.

June 2001: Air Sampling for Radioactive Materials H119

September 1999: Intro Health Physics Course H117

September 1999: Inspection Procedures Course G108

June 1999: Transportation of Radioactive Materials Course H308

March 1999: FDA Mammography IV Training Final Regulations

April 1998: Mammography refresher course by CRCPD

May 1997: Seminar - Lasers in Medicine, University of Iowa

April 1996: Mammography Quality Standard Act, Certified FDA Mammography Inspector

April 1995: Federal Drug Administration Compliance Testing for Diagnostic Ionizing Machines

March 1995: Radiation Emergency Response Operation Course (RERO)

September 1973 - December 1975: University of Minnesota, Minneapolis, Minnesota, BAS Degree.

June 1967 - June 1969: Mount Sinai Hospital, School of Radiographic Technology, Minneapolis, Minnesota

WORK EXPERIENCE

April 1993 - Present: Radiation Specialist II, Minnesota Department of Health, Section of Asbestos, Indoor Air, Lead and Radiation, Radiation Unit, St. Paul, Minnesota

Duties include surveying x-ray equipment in facilities statewide for compliance with Minnesota Department of Health ionizing radiation rules, surveying mammography and level II facilities, developing inspection reports and answering technical calls from the regulated community and the public related to radiation.

November 1983 - March 1993: Chief Radiologic Technologist, University of Minnesota, School of Dentistry, Oral Radiology Program, Minneapolis, Minnesota

Duties include technical Director of the Oral Radiology Clinic. Patient contact 60% and 40% administration.

June 1980 - November 1983: Director of Professional Services, Golden Valley Health Center, Golden Valley, Minnesota

Duties included Administrative and Technical Director of Radiology

January 1980 - June 1980: Acting Chief Radiologic Technologist, St. Joseph's Hospital, St. Paul, Minnesota

March 1977 - January 1980: Assistant Chief Technologist and Director of School of Radiologic Technology, St. Joseph's Hospital, St. Paul, Minnesota

July 1969 - September 1973: Assistant Instructor and Staff Technologist, Hennepin County Medical Center, Minneapolis, Minnesota

PROFESSIONAL AFFILIATIONS

ARRT - certified 1969

Susan McClanahan

2757 Laport Drive Northeast
Moundsview, Minnesota 55112

EDUCATION AND PROFESSIONAL TRAINING

May 2002: CRCPD Meeting "Shielding"

May 2001: CRCPD Meeting "Radiation Therapy"

2001: Minnesota Incident Management System Course

May 1999: CRCPD Meeting "Mammography Training"

August 1998: Laser Classes at Lawrence Labs in Berkley, Califorina

June 1998: HPS Physics Classes Annual Meeting, Minneapolis, Minnesota

May 1998: CRCPD Annual Meeting several courses related to radiation

July 1997: Northeast Mammography Conference, Springfield, Massachusetts

May 1997: Seminar - Lasers in Medicine, University of Iowa, Iowa City, Iowa

November 1992: Completed mammography categorical course at RSNA. This course contained positioning.

September 1992: Completed the Mammography Radiation Measurements Workshop in Milwaukee, Wisconsin by FDA.

June 1992: ASPEN computer program training for HCFA report

March 1992: Completed a Mammography Training Course, sponsored by Food and Drug Administration in Atlanta, Georgia. (HCFA)

March 1991: Completed Food and Drug Administration course on Compliance Testing and Physics in Atlanta, Georgia.

January 1990: Completed Survey Inspection Training, conducted in-house for Minnesota Department of Health, Environmental Health, Radiation Control Section.

December 1973 - January 1990: Attended University of Minnesota - misc. courses and Attended Metro State University - management, public relations, writing, physics and other related courses.

1958 - Present: Numerous Seminars and workshops on related radiation physics and medicine

June 1958 - June 1960: Attended School of Radiology Technology at Swedish Hospital, Minneapolis, Minnesota: Graduated in 1960, specialized in Radiation Therapy, X-ray and Radiation Physics.
June 1958 - September 1958: Attended University of Minnesota for Radiation Technology School.

WORK EXPERIENCE

1993 - Present: Radiation Supervisor, Minnesota Department of Health, Section of Asbestos, Indoor Air, Lead and Radiation, Radiation Unit, St. Paul, Minnesota

Duties include supervision of radiation inspection staff, supervising radiation program, including inspections, response program, environmental monitoring and sampling, budgeting, legislation, rule writing, responding to public and other misc. supervisory duties.

Also includes personnel appraisals, hiring, dismissal, scheduling, budgeting as well as maintenance of all equipment.

January 1990 - 1993: Radiation Specialist II, Minnesota Department of Health, Section of Radiation Control.

Duties include surveying x-ray equipment in facilities statewide for compliance with Minnesota Department of Health ionizing radiation rules, surveying mammography and level II facilities, developing inspection reports and answering technical calls from the regulated community and the public related to radiation and conducted rule workshops around the state of Minnesota.

December 1973 - January 1990: Principal Radiographic Technologist, University of Minnesota College of Veterinary Medicine, Veterinary Hospital, Radiology Section.

Duties including teaching junior and senior veterinary students in veterinary radiology and safety. This also included quality control tests, routine radiography, special procedures, nuclear medicine, radiation therapy and physics doing hospital cases on large, small, exotic or research cases.

Also, civil supervisor during this period of time. Duties included personnel appraisals, hiring, dismissal, scheduling, budgeting, acquisition of equipment as well as maintenance of all equipment.

June 1983 - January 1990: Sole Owner of "Radiographic Technique Consultants".

Duties included consulting with radiographic facilities on positioning, techniques, and processing problems. Assisted in the specification writing and purchasing of equipment, both radiographic and processing, for any radiographic facilities. Taught staff on QA, positioning and physics.

July 1969 - December 1973: Credit Manager (Evening), Justers Men's store, Brookdale Shopping Center, Brooklyn Center, Minnesota

Duties included all credit responsibilities as well as conducting the responsibilities of the office staffing during the evening hours and weekends.

June 1961 - September 1968: Radiologic Technologist (Part-time), Grundy County Memorial Hospital, Grundy Center Iowa.

Duties included performing radiographic studies when necessary assisting the full time technologist with the fluoroscopy procedures, processing and covering call.

ACHIEVEMENTS AND AWARDS

-- Registered Radiologic Technologist, 1960
-- First Place Exhibit Winner 1981 and 1982 at Minnesota Society of Radiologic Technologist (MSRT) Fall Educational Conferences.
-- Continuing Education Director for Minnesota Society of Radiologic Technologists (MSRT)
-- Spoke for 3M Animal Care Section
-- Authored chapter on Quality Control for Veterinary Technicians, Published by W.B. Saunders, book titled "Radiography in Veterinary Technology", authored by Lisa Lavin.
-- Speaker on various subject; QC, radiographic procedures and techniques, physics of x-ray and radiation stress in the work place, radiation safety issues and various management topics.
-- CRCPD annual meeting 1998 Bone Densitometry talk.
-- MDH Merit award in 1990

PROFESSIONAL AFFILIATIONS

Minnesota Society of Rad Techs - Life Member
ARRT - certified 1958 - present
CRCPD- (1990 - Present)
MSRT- (1959 - Present)
ASRT - (1958 - Present)
HPS - (1993 - Present)
NCCHPS- (1990 - Present)

Timothy Donakowski

183 North Wilder
St. Paul, Minnesota 55104

EDUCATION AND PROFESSIONAL TRAINING

2002: Attended MN Incident Management System Course.

2002: "Multi-Agency Radiation Survey and Site Investigation Manual," U.S. Nuclear Regulatory Commission.

2001: "Licensing Practices and Procedures," U.S. Nuclear Regulatory Commission.

2001: "Safety Aspects of Well Logging," U.S. Nuclear Regulatory Commission.

1999: "Air Sampling for Radioactive Materials," U.S. Nuclear Regulatory Commission.

1999: "Transportation of Radioactive Materials," U.S. Nuclear Regulatory Commission.

1999: "Diagnostic and Therapeutic Nuclear Medicine," U.S. Nuclear Regulatory Commission.

1999: "Inspection Procedures," U.S. Nuclear Regulatory Commission.

1999: Technology Transfer of Radiation Risk Assessment," U.S. Environmental Protection Agency.

1993: "Revised 10 CFR Part 20 Training," U.S. Nuclear Regulatory Commission.

1993: "Minnesota Biomedical Mixed Waste Workshop," U.S. Department of Energy.

1992: "Fundamentals for Radiological Response Team," Minnesota Department of Public Safety.

1991: "Advanced Radiological Accident Assessment," Federal Emergency Management Agency.

1990: "Environmental Radiation Surveillance," Harvard School of Public Health.

1989: "Nuclear Testing Equipment," Troxler Electronic Laboratories, Inc.

1977: M.P.H., University of Minnesota, Environmental Health

1973: B.S.E., University of Michigan, Chemical Engineering

WORK EXPERIENCE

February 1988 - Present: Health Physicist, Minnesota Department of Health, Section of Asbestos, Indoor Air, Lead and Radiation, Radiation Unit, St. Paul, Minnesota

Duties include inspecting facilities that have NARM registered, assist in developing inspection procedures and rules, coordinate and participate in environmental radioactivity studies and special projects, interpret data for control of radiation in the State, coordinate and assess doses during radiation emergencies.

Completed an analysis of radioactivity trends in the State since 1960. Reviewed EIS for Prairie Island Independent Spent Fuel Storage Installation, the University of Minnesota Integrated Radwaste Management Facility, and the Mayo Foundation medical waste incinerator.

1977 - 1988: Engineering Supervisor, Institute of Gas Technology, Chicago, Illinois

Duties included assessed nuclear electrolysis for hydrogen production, studied safety of steam reforming natural gas using high-temperature gas-cooled nuclear reactors.

1976 - 1977: Student Intern, Northern States Power Company, Minneapolis, Minnesota

Duties included planning for electric power needs and lime sludge disposal.

1973 - 1975: Process Engineer, Ford Motor Company, Dearborn, Michigan

1971 - 1972: Summer appointments with Oak Ridge National Laboratory (1972) and Ames (Iowa) Laboratory (1971).

PROFESSIONAL AFFILIATIONS

Member of the Conference of Radiation Control Program Directors, Inc.
Member of the North Central Chapter of the Health Physics Society.

STATE OF MINNESOTA **POSITION DESCRIPTION A**	EMPLOYEE'S NAME Alice Dolezal-Hennigan	
AGENCY/DIVISION Health/Environmental Health	ACTIVITY Radiation Unit	
CLASSIFICATION TITLE Health Physicist 1	WORKING TITLE (IF DIFFERENT) None	POSITION CONTROL # 00022950
PREPARED BY: Sue McClanahan	PREVIOUS INCUMBENT None	APPRAISAL PERIOD FROM 3/02 TO 3/03

EMPLOYEE'S SIGNATURE (THIS POSITION DESCRIPTION ACCURATELY REFLECTS MY CURRENT JOB)	DATE	SUPERVISOR'S SIGNATURE (THIS POSITION DESCRIPTION REFLECTS THIS EMPLOYEE'S CURRENT JOB)	DATE

POSITION PURPOSE	To work on various activities related to radiation materials, NRC Agreement State status, Non-power plant, emergency response and other radiation duties to protect the public health.
REPORTABILITY REPORTS TO:	Radiation Unit Supervisor
SUPERVISES:	None
DIMENSIONS BUDGET:	
CLIENTELE:	1. Personnel and public who frequent the 4,5000 facilities in which the sources are located or who may be exposed to elevated levels of natural or man-made radiation. 2. Persons living near nuclear power plants.

POSITION DESCRIPTION B	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Alica Dolezal-Hennigan	00022950

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
1.	Review NRC rules for changes and applicability, write proposed rules for agreement state status. Tasks: A. Review information available to become aware of changes to the Code of Federal Regulations, Chapter 10. B. Maintaining familiarity with the Code of Federal Regulations, Chapter 10. C. Write proposed rules, in assigned areas, for implementation as an agreement state. Indicators: A. Review communication sent by NRC, Federal Register notices, and internet information to be aware of changes in the Code of Federal Regulations, Chapter 10 when the information becomes available. B. Read portions of the Code of Federal Regulations, Chapter 10 weekly maintain familiarity. C. Write proposed rules for agreement state status based on the Code of Federal Regulations, Chapter 10 and discussion with MDH staff in the assigned areas, as requested.	A	50	A
2.	Meet with Advisory Committee and others for discussion of proposed rules. Tasks: A. Meet with Advisory Committee to obtain input on current Code of Federal Regulations, Chapter 10 and on proposed agreement state rules. B. Meet with members of the public and MDH staff to discuss the current Code of Federal Regulations, Chapter 10 and proposed agreement state rules. Indicators: A. Write a report of discussion with Advisory Committee members within a week of the meeting. B. Make notes on discussion with public members and MDH staff, write report as requested.	A	15	A

POSITION DESCRIPTION B	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Alica Dolezal-Hennigan	00022950

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
3.	Review the Federal Register, the internet, and NRC publications for information regarding the Code of Federal Regulations, Chapter 10. Tasks: A. Review the Federal Register table of contents for articles that are applicable to the Radiation Unit. B. Review items on the internet pertaining to the proposed agreement state rules. Indicators: A. Review the Federal Register table of contents, print appropriate articles daily. B. Review the NRC Agreement State web pages, as needed, at least monthly. C. Review NRC publications as they are circulated.	A	15	A
4.	Obtain NRC training needed to complete assigned tasks. Tasks: A. Obtain lists of available seminars and classes in the areas where training is needed. B. Determine which seminars, classes and meetings will provide the appropriate training. Indicators: A. Obtain necessary permissions and attend the training sessions. B. Review to ensure that the training was adequate for completing the task.	A	7	A

POSITION DESCRIPTION **B**	EMPLOYEE'S NAME Alica Dolezal-Hennigan	POSITION CONTROL NUMBER 00022950

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
5.	Perform and complete special projects as needed or assigned by radiation supervisor. Tasks: A Continue to obtain information on food irradiation. B. Conduct literature research on assigned topics. C. Prepare spreadsheets for collecting data. D. Prepare reports on assigned projects. E. Conduct other projects as assigned. Indicators: A. Review the information on the internet and other sources for new developments with food irradation. B. Obtain literature from library, internet, and other appropriate sources, review information, report as needed. C. Prepare appropriate spreadsheets for organizing data in an assigned area. D. Write reports on assigned topics, research and meetings. E. Complete projects on assigned topics as needed.	B	5	A
6.	Communicate with the public and others as needed or assigned by Section Manager or Radiation Supervisor. Tasks: A. Take telephone calls, e-mails, letters and other communication from the public and others. B. Attend meetings and discussion groups with the public and others. Indicators: A. Prepare responses for information requested in telephone calls, e-mails, letters and other forms of communication. B. Provide information oral and or written for meetings, presentations and group discussions. C. Prepare written reports of all meetings, external and internal that are attended to be provided to within one week of the meeting.	B	5	A

POSITION DESCRIPTION B	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Alica Dolezal-Hennigan	00022950

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
7.	Participate in the Non- power plant Emergency Response Plan Tasks: A. Be familiar with non power plant emergency response plan. B. Take telephone calls related to such incidents as needed. Indicators: A. Review the non power plant emergency response plan, monthly. B. Take telephone calls from persons regarding an incident, get the required information. C. Complete the required form, to the extent possible.	A	3	A

POSITION DESCRIPTION C	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Alica Dolezal-Hennigan	00022950

NATURE AND SCOPE (RELATIONSHIPS, KNOWLEDGE, SKILLS AND ABILITIES; PROBLEM SOLVING AND CREATIVITY; AND FREEDOM TO ACT.)

RELATIONSHIPS:

This position interacts with the regulated community to conduct specialty inspections, enforce compliance with the radiation rules, educate staff, registrants, the general public and provide technical research and assistance when needed. This position reports to the unit supervisor. Relationships are maintained with staff of the section, staff of other departmental programs, other state and federal agencies, licensing boards, as well as the general public.

KNOWLEDGE, SKILLS, AND ABILITIES:

The following knowledge and skills is essential:

1. To be knowledgeable in the basic health physics as well as basic physics and biological science
2. Familiarity with the instrumentation and it's use
3. The ability to present information and train other people
4. Communication and human relation skills
5. Organizational and prioritizing skills
6. Self motivation skills
7. A broad knowledge of the English language, including composition, spelling, grammar and punctuation
8. A broad understanding of the department's and division's administrative rules, policies, and procedures

The following abilities are necessary:

1. To interact cooperatively and professionally with coworkers, division and department employees and customers/clients
2. To receive and react to changes in priorities and be able to implement these changes into the daily schedule
3. To exercise good judgment, especially as it relates to matters of confidentiality
4. To organize work and meet deadlines
5. To use a personal computer utilizing various software programs
6. To work independently

PROBLEM SOLVING:

This position has some flexibility in solving radiation problems. Whenever situations arise that require determination of policy or involve other state or federal agencies, the Radiation Unit Supervisor is informed and consulted as necessary. The manager and supervisor are always informed of lost sources or non-power plant radiation emergencies.

FREEDOM TO ACT:

Upon approval from the radiation unit supervisor, this position has the freedom to perform many of the tasks outlined above. Routine reporting to the radiation unit supervisor is accomplished through regular meetings. The supervisor will be consulted on actions that will involve other agencies and the general public. This position has the freedom to respond to technical questions and report to supervisor.

STATE OF MINNESOTA	EMPLOYEE'S NAME	
POSITION DESCRIPTION A	Craig Verke	
AGENCY/DIVISION	ACTIVITY	
Health/Environmental Health	Radiation Unit	
CLASSIFICATION TITLE	WORKING TITLE (IF DIFFERENT)	POSITION CONTROL #
Radiation Specialist 2	None	00026140
PREPARED BY:	PREVIOUS INCUMBENT	APPRAISAL PERIOD
Sue McClanahan	Don Mass	FROM 3/02 TO 3/03

EMPLOYEE'S SIGNATURE (THIS POSITION DESCRIPTION ACCURATELY REFLECTS MY CURRENT JOB)	DATE	SUPERVISOR'S SIGNATURE (THIS POSITION DESCRIPTION REFLECTS THIS EMPLOYEE'S CURRENT JOB)	DATE

POSITION PURPOSE	This position exists to ensure that the public does not receive unnecessary exposure to ionizing radiation.
REPORTABILITY	
REPORTS TO:	Radiation Unit Supervisor
SUPERVISES:	None
DIMENSIONS	
BUDGET:	Travel and Expenses $6,500
CLIENTELE:	1. Owners and users of approximately 12,000 sources of ionizing radiation. 2. Personnel and public who frequent the 4,500 facilities in which the sources are located. 3. Food and Drug Administration (FDA).

POSITION DESCRIPTION **B**	EMPLOYEE'S NAME Craig Verke	POSITION CONTROL NUMBER 00026140

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
1.	To determine compliance with state and federal regulations by performing routine, mammographic, and special radiation safety inspections of x-ray radiation sources. Tasks: A. Schedule and conduct radiation safety inspections in areas assigned by the unit supervisor. B. Schedule and conduct inspections required under the federal contract for the Mammographic Quality Standards act. C. Schedule and conduct inspections under the FDA agreement for compliance testing (Level II) for newly installed x-ray equipment in areas assigned by the Radiation Supervisor. D. Respond to questions regarding ionizing radiation sources. E. Locate unregistered sources of ionizing radiation. Indicators: A. Perform radiation safety inspections at the rate to accomplish the team's annual goal. B. Perform inspections on federal contracts for MQSA. C. Compliance equipment testing (Level II) based on the number required in the federal contracts. D. Review city business directories and other information publications for unregistered sources of ionizing radiation.	A	50	B
2.	To prepare written reports on inspections conducted. Tasks: A. Complete reports of inspections performed. Indicators: A. Complete reports of inspections in accordance with section or appropriate agency procedures. B. Reports will typically be turned in within two weeks of the inspection. C. Reports for FDA mamographic inpspections will be sent to FDA within 5 days of the inspection.	A	20	B

POSITION DESCRIPTION B	EMPLOYEE'S NAME Craig Verke	POSITION CONTROL NUMBER 00026140

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
3.	To assist compliance reviewer on follow up of deficiencies found during inspections to ensure compliance with Minnesota Rules, Chapter 4730 or applicable agency regulations. Tasks: A. Advise unit supervisor of inspections needing further follow up. B. Provide information for 10 day letters and Administrative Penalty Orders. C. Prepare and present penalty calculation forms. D. Participate in enforcement forums. E. Deliver enforcement forms. Indicators: A. Review deficiency follow up letters for compliance when requested by compliance reviewer. B. Perform follow up inspections for compliance as directed.	A	10	C

POSITION DESCRIPTION B	EMPLOYEE'S NAME Craig Verke	POSITION CONTROL NUMBER 00026140

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
4.	To perform other work related to the Radiation Unit. Tasks: A. Perform assigned collateral duties. B. Work on rule and policy development. C. Assist in rule enforcement. Indicators: A. Complete requirements of extra duties for the unit, section, and division. B. Participate as a team member in development of new rules and policy. C. Identify those rules and policies that need revision or rescission. D. Written reports of external meetings attended are to be provided to the unit supervisor within one week of the meeting.	B	5	C
5.	Training for agreement state inspector position. Tasks: A. Training for NRC agreement state status for the inspection portion as available. B. Perform assigned collateral duties. C. Work on rule and policy development. D. Assist in rule enforcement meetings. Indicators: A. Complete training for NRC agreement state inspection portion. B. Complete requirements of extra duties for the unit, section, and division. C. Participate as a team member in development of new rules and policy. D. Identify those rules and policies that need revision or rescission. E. Written reports of external meetings attended are to be provided to the unit supervisor within one week of the meeting.	C	10	B

POSITION DESCRIPTION B	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Craig Verke	00026140

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
6.	To participate as a member of the MDH Non-Power Plant Emergency Response Team to assist in preventing unnecessary radiation exposure to the public. Tasks: A. Review notification and response procedures and guidelines in the emergency plan. B. Maintain a capability for using and reading the appropriate equipment and instruments. C. Maintain the capability for interpreting environmental data to determine abnormal data and unusually high readings. D. Assist with assessing radiation dose information. Indicators: A. Attend seminars and meetings on emergency response at least annually. B. Attend, if assigned, team briefing and debriefing meetings associated with drills, two or four times a year. C. Review radiation dose and preventive action information monthly. D. Respond to radiation emergencies when notified.	C	5	B

POSITION DESCRIPTION C	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Craig Verke	00026140

NATURE AND SCOPE (RELATIONSHIPS, KNOWLEDGE, SKILLS AND ABILITIES; PROBLEM SOLVING AND CREATIVITY; AND FREEDOM TO ACT.)

RELATIONSHIPS:

This position interacts with the regulated community to conduct inspections, enforce compliance with the radiation rules, educate staff, registrants, the general public and provide technical assistance. This position reports to the unit supervisor. Relationships are also maintained with staff of the section, staff of other departmental programs and other state agencies, as well as the general public.

KNOWLEDGE, SKILLS, AND ABILITIES:

The following knowledge and skills is essential:

1. To be knowledgeable in the basic health physics as well as basic physics and biological science
2. Familiarity with the instrumentation and it's use
3. The ability to present information and train other people
4. Communication and human relation skills
5. Organizational and prioritizing skills
6. Self motivation skills
7. A broad knowledge of the English language, including composition, spelling, grammar and punctuation
8. A broad understanding of the department's and division's administrative rules, policies, and procedures

The following abilities are necessary:

1. To interact cooperatively and professionally with coworkers, division and department employees and customers/clients
2. To receive and react to changes in priorities and be able to implement these changes into the daily schedule
3. To exercise good judgment, especially as it relates to matters of confidentiality
4. To organize work and meet deadlines
5. To use a personal computer utilizing various software programs
6. To work independently

PROBLEM SOLVING:

The problems confronted by this position are mostly technical in nature. These problems relate to the application of radiation protection principles in inspecting sources of ionizing radiation.

FREEDOM TO ACT:

This position has the freedom to act only on these matters outlined previously under the heading principal responsibilities. Any actions taken will conform the Minnesota Department of Health, Rules relating to Ionizing Radiation, Chapter 4730. Any actions that would involve determination of policy or would concern other state departments, sections, or federal agencies must be brought to the attention of the unit supervisor. Reporting to the unit supervisor is done routinely through the completed inspection reports and other reports that are submitted.

STATE OF MINNESOTA	EMPLOYEE'S NAME	
POSITION DESCRIPTION A	John Goepferd	
AGENCY/DIVISION	ACTIVITY	
Health/Environmental Health	Radiation Unit	
CLASSIFICATION TITLE	WORKING TITLE (IF DIFFERENT)	POSITION CONTROL #
Radiation Specialist 2	None	00329640
PREPARED BY:	PREVIOUS INCUMBENT	APPRAISAL PERIOD
Sue McClanahan	None	FROM 3/02 TO 3/03

EMPLOYEE'S SIGNATURE (THIS POSITION DESCRIPTION ACCURATELY REFLECTS MY CURRENT JOB)	DATE	SUPERVISOR'S SIGNATURE (THIS POSITION DESCRIPTION REFLECTS THIS EMPLOYEE'S CURRENT JOB)	DATE

POSITION PURPOSE	This position exists to ensure that the public does not receive unnecessary ionizing radiation.
REPORTABILITY	
REPORTS TO:	Radiation Unit Supervisor
SUPERVISES:	None
DIMENSIONS	
BUDGET:	Travel and Expenses $6,500
CLIENTELE:	1. Owners and users of approximately 12,000 sources of ionizing radiation. 2. Personnel and public who frequent the 4,500 facilities in which the sources are located. 3. Food and Drug Administration (FDA).

POSITION DESCRIPTION **B**	EMPLOYEE'S NAME John Goepferd	POSITION CONTROL NUMBER 00329640

POSITION DESCRIPTION B	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	John Goepferd	00329640

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
1.	To determine compliance with state and federal regulations by performing routine, mammographic and FDA Level II compliance inspections of ionizing radiation sources. Tasks: A. Schedule and conduct radiation safety inspections in areas assigned by the unit supervisor. B. Schedule and conduct inspections required under the federal contract for the Mammographic Quality Standards act and under the federal contract for compliance testing for newly installed x-ray equipment. C. Locate unregistered sources of ionizing radiation. D. Respond to questions regarding ionizing radiation sources. Indicators: A. Perform radiation safety inspections at the rate to accomplish the team's annual goal. B. Perform inspections on federal contracts for MQSA and compliance equipment testing based on the number required in the federal contracts. C. Review city business directories and other information publications for unregistered sources of ionizing radiation.	A	50	B
2.	To prepare written reports on inspections conducted. Tasks: A. Complete appropriate reports of inspections performed. Indicators: A. Complete reports of inspections in accordance with section or appropriate agency procedures. B. Reports will typically be turned in within two weeks of the inspection. C. Reports for FDA mamographic inspections will be sent to FDA within one week of the inspection.	A	20	B

POSITION DESCRIPTION B	EMPLOYEE'S NAME John Goepferd	POSITION CONTROL NUMBER 00329640

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
3.	To assist compliance reviewer on follow up of deficiencies found during inspections to ensure compliance with Minnesota Rules, Chapter 4730 or applicable agency regulations. Tasks: A. Advise unit supervisor of inspections needing further follow up. B. Provide information for 10 day letters and Administrative Penalty Orders. C. Prepare and present penalty calculation forms. D. Participate in enforcement forums. E. Deliver enforcement forms. Indicators: A. Review deficiency follow up letters for compliance when requested by compliance reviewer. B. Perform follow up inspections for compliance as directed.	A	10	C

POSITION DESCRIPTION **B**	EMPLOYEE'S NAME John Goepferd	POSITION CONTROL NUMBER 00329640

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
4.	To perform other work related to the Radiation Unit. Tasks: A. Perform assigned collateral duties. B. Work on rule and policy development. C. Assist in rule enforcement. D. Create inspection procedures for Radiation Therapy. Indicators: A. Complete requirements of extra duties for the unit, section, and division. B. Participate as a team member in development of new rules and policy. C. Identify those rules and policies that need revision or rescission. D. Written reports of external meetings attended are to be provided to the unit supervisor within one week of the meeting. E. Create inspection procedures for Radiation Therapy.	B	5	C
5.	Training for agreement state inspector position. Tasks: A. Training for NRC agreement state status for the inspection portion as available. B. Perform assigned collateral duties. C. Work on rule and policy development. D. Assist in rule enforcement meetings. Indicators: A. Complete training for NRC agreement state inspection portion. B. Complete requirements of extra duties for the unit, section, and division. C. Participate as a team member in development of new rules and policy. D. Identify those rules and policies that need revision or rescission. E. Written reports of external meetings attended are to be provided to the unit supervisor within one week of the meeting.	C	10	B

POSITION DESCRIPTION B	EMPLOYEE'S NAME John Goepferd	POSITION CONTROL NUMBER 00329640

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
6.	To participate as a member of the MDH Non-Power Plant Emergency Response Team to assist in preventing unnecessary radiation exposure to the public. <u>Tasks:</u> A. Review notification and response procedures and guidelines in the emergency plan. B. Maintain a capability for using and reading the appropriate equipment and instruments. C. Maintain the capability for interpreting environmental data to determine abnormal data and unusually high readings. D. Assist with assessing radiation dose information. <u>Indicators:</u> A. Attend seminars and meetings on emergency response at least annually. B. Attend, if assigned, team briefing and debriefing meetings associated with drills, two or four times a year. C. Review radiation dose and preventive action information monthly. D. Respond to radiation emergencies when notified.	C	5	B

POSITION DESCRIPTION C	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	John Goepferd	00329640

NATURE AND SCOPE (RELATIONSHIPS, KNOWLEDGE, SKILLS AND ABILITIES; PROBLEM SOLVING AND CREATIVITY; AND FREEDOM TO ACT.)

RELATIONSHIPS:

This position interacts with the regulated community to conduct inspections, enforce compliance with rules, educate staff, registrants, the general public and provide technical assistance. This position reports to the unit supervisor. Relationships are also maintained with staff of the section, staff of other departmental programs and other state agencies, as well as the general public.

KNOWLEDGE, SKILLS, AND ABILITIES:

The following knowledge and skills is essential:

1. To be knowledgeable in the basic health physics as well as basic physics and biological science
2. Familiarity with the instrumentation and it's use
3. The ability to present information and train other people
4. Communication and human relation skills
5. Organizational and prioritizing skills
6. Self motivation skills
7. A broad knowledge of the English language, including composition, spelling, grammar and punctuation
8. A broad understanding of the department's and division's administrative rules, policies, and procedures

The following abilities are necessary:

1. To interact cooperatively and professionally with coworkers, division and department employees and customers/clients
2. To receive and react to changes in priorities and be able to implement these changes into the daily schedule
3. To exercise good judgment, especially as it relates to matters of confidentiality
4. To organize work and meet deadlines
5. To use a personal computer utilizing various software programs
6. To work independently

PROBLEM SOLVING:

The problems confronted by this position are mostly technical in nature. These problems relate to the application of radiation protection principles in inspecting sources of ionizing radiation.

FREEDOM TO ACT:

This position has the freedom to act only on these matters outlined previously under the heading principal responsibilities. Any actions taken will conform the Minnesota Department of Health, Rules relating to Ionizing Radiation, Chapter 4730. Any actions that would involve determination of policy or would concern other state departments, sections, or federal agencies must be brought to the attention of the unit supervisor. Reporting to the unit supervisor is done routinely through the completed inspection reports and other reports that are submitted.

STATE OF MINNESOTA	EMPLOYEE'S NAME	
POSITION DESCRIPTION A	Timothy Donakowski	
AGENCY/DIVISION	ACTIVITY	
Health/Environmental Health	Radiation Unit	
CLASSIFICATION TITLE	WORKING TITLE (IF DIFFERENT)	POSITION CONTROL #
Health Physicist 1	None	00312880
PREPARED BY:	PREVIOUS INCUMBENT	APPRAISAL PERIOD
Sue McClanahan	None	FROM 3/02 TO 3/03

EMPLOYEE'S SIGNATURE (THIS POSITION DESCRIPTION ACCURATELY REFLECTS MY CURRENT JOB)	DATE	SUPERVISOR'S SIGNATURE (THIS POSITION DESCRIPTION REFLECTS THIS EMPLOYEE'S CURRENT JOB)	DATE

POSITION PURPOSE	The purpose of this position is to assist in controlling and minimizing radiation exposure to occupational workers and members of the public through the application and enforcement of radiation safety procedures and standards.
REPORTABILITY REPORTS TO:	Radiation Unit Supervisor
SUPERVISES:	None
DIMENSIONS BUDGET:	1. Tracking of statewide sampling results per year 2. Tracking of ISFSI monitoring results per year
CLIENTELE:	1. Users of sources of ionizing radiation. 2. Personnel and public that frequent facilities in which the sources are located or who may be exposed to elevated levels of natural or man-made radiation. 3. The 60,000 people living near the Monticello and Prairie Island Nuclear Generating Plants Emergency Planning zones.

POSITION DESCRIPTION B	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Timothy Donakowski	00312880

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
1.	To maintain the program to monitor the independent spent fuel storage installation (ISFSI) and the statewide Environmental Monitoring program ensure that environmental samples are being collected. Tasks: A. Ensure that the PIC's at the ISFSI are operating properly. B. Maintain current detailed operating protocols to obtain data from the computer located at MDH. C. Write, analyze and send monthly reports of data to those on the MDH list. D. Review the MDH ISFSI computer to ensure that it is functioning properly. E. Respond to inquiries on the status of the ISFSI. F. Ensure that each new cask that is added to the ISFSI is wiped and surveyed. Indicators: A. Telemetry data will be reviewed twice daily as soon as there is an indication of a problem with the PIC's. B. Protocol will be maintained so that required individual can get information from the on line ISFSI computer at any time. C. Data will be collected, processed, and analyzed on ISFSI; monthly report on ISFSI will be prepared by the tenth day of the following month. D. The ISFSI computer and associated equipment will be examined weekly and when the on-call person indicates a potential problem. E. Inquiries will be responded to by the telephone or in writing on the safety and operation of the ISFSI. F. A schedule to ensure that the staff review telemetered information twice daily will be maintained. G. Eighteen month calibration of the PIC will be performed.	A	10	B

POSITION DESCRIPTION B	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Timothy Donakowski	00312880

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
	I. Write and maintain protocol for monitoring casks after the fuel rods are loaded and the monitoring of the cask will be conducted. J. Annual report will be written based on an analysis of statewide sampling data within two months of the end of the year.			
2.	To participate as a Technical Advisor for the nuclear power plant emergency response team in order to obtain data and provide protective guides needed to protect the public. <u>Tasks:</u> A. Keep correct procedures and use of equipment. B. Attend classes and seminars in emergency preparedness. C. Become familiar with the protocol and standard operating procedures for the functions assigned in the emergency response plans. D. Become familiar with the software and documents needed to complete the responsibilities of the assigned functions in the emergency response plans. E. Maintain NMC documents in common file. <u>Indicators:</u> A. Applicable portions of emergency plans will be reviewed quarterly. B. Participate in pre and post drill sessions. C. Participate as a Technical Advisor during drills and exercises. D. Software and documents needed for position and practice problems when training sessions are held will be solved. E. Technical Advisor on-call duty on a rotational basis will be performed. F. NMC folders will be current.	A	10	C

POSITION DESCRIPTION B	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Timothy Donakowski	00312880

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
3.	To perform and complete inspection and Agreement State. Tasks: A. Participate in the Agreement State or other rule amendment process. B. Perform radioactive material inspections. C. Perform industrial x-ray machine inspections. D. Research and review current issues in x-ray imaging. E. Learn NRC inspection and license review procedures. F. Monitor radioactive shipments. Indicators: A. Rule documents will be developed when required, rule workgroup meetings will be attended. B. Inspection procedures and NARM inspections will be performed as necessary per year. C. Answer x-ray calls on a rotating basis. D. X-ray calls will be responded to when necessary. E. Attend NRC or Agreement State training. F. Notify state duty officer of shipments and issue exemptions, as required.	A	70	B
4.	To communicate effectively with the public on radiation health and safety practices. Tasks: A. Respond to inquiries about radiation safety as directed. B. Assist with preparing and conducting presentations and seminars on radiation safety and the MDH role in maintaining radiation protection. Indicators: A. Letters, calls and meetings with the public will dealt with as necessary. B. Assistance will be provided in the preparation of presentation materials, local arrangements and contacts in preparation for seminars. C. Written report to unit supervisor within two weeks on any meetings.	B	5	C

POSITION DESCRIPTION B	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Timothy Donakowski	00312880

RESP. NO.	PRINCIPAL RESPONSIBILITIES, TASKS AND PERFORMANCE INDICATORS	PRIORITY	% OF TIME	DISCRETION
5.	To participate as a member of the MDH Non-Power Plant Emergency Response Team to assist is preventing unnecessary radiation exposure to the public. Tasks: A. Respond to calls when on call. B. Investigate and report on emergencies. C. Assist in training Radiation Unit staff quarterly. D. Assist in update procedure. Indicators: A. Calls will be responded to as necessary. B. Emergency calls will be investigated and reported as necessary. C. Assistance in training Radiation Unit staff will be provided quarterly. D. Updated procedures will be kept on file.	A	5	B

POSITION DESCRIPTION C	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Timothy Donakowski	00312880

NATURE AND SCOPE (RELATIONSHIPS, KNOWLEDGE, SKILLS AND ABILITIES; PROBLEM SOLVING AND CREATIVITY; AND FREEDOM TO ACT.)

RELATIONSHIPS:

This position interacts with the regulated community to conduct specialty inspections, enforce compliance with the radiation rules, educate staff, registrants, the general public and provide technical research and assistance when needed. This position reports to the unit supervisor. Relationships are maintained with staff of the section, staff of other departmental programs, other state and federal agencies, licensing boards, as well as the general public.

KNOWLEDGE, SKILLS, AND ABILITIES:

The extensive use of sources of ionizing radiation in medicine, industry, utilities and educational institutions requires a readiness by the unit to respond to many different types of emergencies and regulatory and environmental situations. To effectively perform the work assigned by the supervisor, it is necessary to be knowledgeable in basic health physics principles as well as in the basic physics, chemistry, biological health, public health, environmental and biological sciences. Familiarity with the instrumentation and it's use is essential in obtaining accurate, consistent information for monitoring and surveys. Because reports, technical assistance and appointments are involved, verbal and written communication skills must be utilized. An understanding of human relations is necessary as a significant proportion of time is spent dealing directly with the public and professional people.

PROBLEM SOLVING:

Problems involving environmental studies, equipment, and radiation protection surveys of radioactive materials are handled through previously established procedures. Whenever a situation arises that is not covered by normal procedures, requires determination of policy or involves other state or federal agencies, the supervisor is informed and consulted as necessary. The supervisor and manager are always informed of lost sources or non-power plant radiation inquiries.

FREEDOM TO ACT:

Upon approval from the radiation unit supervisor, this position has the freedom to perform many of the tasks outlined above. Routine reporting to the radiation unit supervisor is accomplished through regular meetings. The supervisor will be consulted on actions that will involve other agencies and the general public. This position has the freedom to respond to technical questions and report to supervisor. This is accomplished through regular meetings.

STATE OF MINNESOTA	EMPLOYEE'S NAME	
POSITION DESCRIPTION A	Susan McClanahan	
AGENCY/DIVISION	ACTIVITY	
Health/Environmental Health	Radiation Control Unit	
CLASSIFICATION TITLE	WORKING TITLE (IF DIFFERENT)	POSITION CONTROL #
Environmental Health Supervisor	Radiation Unit Supervisor	00389500
PREPARED BY:	PREVIOUS INCUMBENT	APPRAISAL PERIOD
Linda Bruemmer	None	FROM TO

EMPLOYEE'S SIGNATURE (THIS POSITION DESCRIPTION ACCURATELY REFLECTS MY CURRENT JOB)	DATE	SUPERVISOR'S SIGNATURE (THIS POSITION DESCRIPTION REFLECTS THIS EMPLOYEE'S CURRENT JOB)	DATE

Position Purpose

To provide administrative, policy and technical direction for the Radiation Control Unit in order to promote and protect the health of the public within the scope of the activities assigned to the unit.

Reportability

Reports to: Manager, Asbestos, Indoor Air, Lead and Radiation Section

Supervises: 1 Radiation Specialist 3, 6 Radiation Specialist 2, 1 Radiation Specialist 1, 2 Health Physicist 1, .5 Pollution Control Technician, 2 Support Staff

Dimensions

Budget: Radiological Emergency Preparedness (Dept of Public Safety, Division of Emergency Management annual contract) ($62,000); CDC Preventive Block Grant ($84,000); USDA Mammography Contract ($200,000); State General Fund – Environmental Monitoring ($97,000); X-Ray Program Fees ($838,000); and Agreement State Fees ($120,000) TOTAL FY02: $1,401,000

Clientele: The programs of this unit affect all users of radiation and the general public. This unit is charged with enforcing the rules relating to Ionizing Radiation, M.R. Chapter 4730, as they relate to all forms of radiation. This unit is also responsible for monitoring environmental radiation, particularly around the two nuclear power plants. The unit responds to requests for information on radiation.

POSITION DESCRIPTION **B**	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Susan McClanahan	00389500

Responsibility #1 A 20% A

1. **Responsibility #1** To supervise unit staff to ensure that all supervisory functions required by the state and employee contracts are met.

TASKS AND PERFORMANCE INDICATORS:

A. Review position descriptions with unit staff as necessary, to ensure accurate reflections of job responsibilities.
B. Establish performance standards for staff.
C. Plan and direct appropriate mechanisms for evaluating staff performance.
D. Evaluate the performance of unit staff through oral communication on a regular basis and through annual written performance reviews.
E. Interview and hire qualified candidates for vacancies in accordance with affirmative action goals and department policies.
F. Transfer staff as needed to fill vacancies.
G. Identify educational and training needs of staff and provide and/or facilitate training to meet those needs.
H. Review and approve or correct staff time books.
I. Review and approve/deny employee requests for vacation leave, sick leave, and other leaves.
J. Assign overtime in accordance with bargaining unit contracts and department policy.
K. Reward employees by writing letters of commendation for their personnel files and/or recommending achievement awards, and/or submitting nominations for division awards when appropriate.
L. Effectively recommend reallocation and/or promotion of employees, as appropriate.
M. Discipline employees through warnings, oral or written reprimands, and design and implement corrective action as appropriate.
N. Effectively recommend suspension and/or discharge of employees if appropriate remedies for solving significant problems have failed to correct those problems.
O. Hear and decide first step grievances.

Responsibility #2 A 15% A

2. **Responsibility #2**

To establish and administer operating policies and direct the activities of the Radiation Control Unit in order to assure that program elements are implemented.

TASKS AND PERFORMANCE INDICATORS:

A. Establish and administer policies for the unit that are consistent with department, division, and section objectives; written policies are available for review and updated annually or as needed.
B. Serve as liaison between unit staff and division management.
C. Supervise day-to-day operations of the Radiation Control Unit; includes making work assignments and communicating those assignments verbally or thru e-mail.
D. Review staff work for consistency with unit, section, division, and department policies.
E. Ensure worker safety requirements, including training needs, are met on an annual basis or as needed.

F. Monitor staff assigned to administer federal or state grant programs and assist when necessary with grant management.
G. Unit staff meetings are held monthly or as needed.

Responsibility #3 A 15% A

3. **Responsibility #3**

To supervise the activities of the Radiation Control Unit so that owners/operators of x-ray equipment are brought into compliance with existing statutes and rules, in order to ensure the health and welfare of the public.

TASKS AND PERFORMANCE INDICATORS:

A. Direct a program of compliance inspections and follow-up enforcement actions as necessary to ensure compliance.
B. Establish a priority system for inspections by unit staff.
C. Review and approve all compliance inspection reports, records and letters sent to regulated parties.
D. Conduct unit forums to discuss appropriate enforcement actions(s) as a result of an inspection or complaint.
E. Make technical decisions to assure that the appropriate statute or rule violation has been identified and that sufficient documentation exists to begin enforcement actions.
F. Review and approve all proposed enforcement documents including letters of warning, correction orders, administrative penalty orders, stipulation agreements and cease and desist orders for final signature by division management staff.
G. Negotiate stipulation agreements, including penalties, with regulated parties, and recommend execution of stipulation agreements to division management.
H. Represent MDH in negotiations with affected clientele.
I. Consult with Attorney General staff on violation situations that may escalate to litigation status.
J. Direct the development of appropriate litigation documents as determined necessary by Attorney General Staff.
K. Assess the effectiveness of the Minnesota Health Enforcement Consolidation Act as a tool for gaining compliance with the Minnesota Ionizing Radiation Act and Rules.
L. Participate as needed in enforcement team meetings.

Responsibility #4 A 10% A

4. **Responsibility #4**

To direct administration of the Radiation Control Unit so that the goals and objectives of the unit, section, division and department are met.

TASKS AND PERFORMANCE INDICATORS:

A. Develop workplans when requested which include distinct measurable outcomes and priorities.
B. Prepare reports as requested on the completion of activities.
C. Develop annual budget and related supporting documents for unit.
D. Collaborate with other division staff and division management in the analysis and development of

policy for emerging issues related to the goals and objectives of the unit, section, division, and department.

E. Provide legislative analysis and draft legislation, prepare and provide testimony or information to legislative committees, special interest groups, regulated community, media, and general public.

F. Periodically evaluate the effectiveness of the Minnesota Ionizing Radiation Act and the Minnesota Ionizing Radiation Rules.

G. Monitor and assist in preparing grant applications and submit by established due dates.

Responsibility #5 A 10% A

5. **Responsibility #5**

To analyze the functions and responsibilities of the Radiation Control Unit to determine the proper organization, staffing, and resource allocation in order to assure efficient program operation.

TASKS AND PERFORMANCE INDICATORS:

A. Evaluate the current work activities to determine if priorities and projects for current conditions have changed.

B. Evaluate budget to determine if funding is adequate for revised workplan contingencies.

C. Based upon evaluation of work activities and budget (A & B), implement new priorities and work assignments.

Responsibility #6 A 10% A

6. **Responsibility #6**

Direct the registration and testing activities of a fee supported program, and determine the adequacy of funding for the program.

TASKS AND PERFORMANCE INDICATORS:

A. Supervise the activities associated with x-ray registration and training courses so that issuance of these documents occurs within timeframes and requirements established by Minnesota statutes, rules and/or department and program policies.

B. Assure that program fees collected are deposited in accordance with state and department policies.

C. Analyze and compare unit records of monthly revenue deposits to those of MDH Financial Management for accuracy, and address any discrepancies which may occur.

Responsibility #7 A 5% A

7. **Responsibility #7**

To Assist in developing and maintaining, in collaboration with the division's Data Management Unit, a data management system capable of tracking all pertinent documents issued to the regulated community by the Radiation Control Unit.

POSITION DESCRIPTION B	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Susan McClanahan	00389500

TASKS AND PERFORMANCE INDICATORS:

A. Design flowcharts which illustrate all the processes involved with certification, licensure, permitting, training course permits and audits, site inspections and enforcement activities to assist with development of a data management system and for training of new employees.
B. Once the data management system is established, ensure that staff receive adequate training to continually use the system for updating and tracking the status of all pertinent program documents.
C. Assess on a regular basis, the effectiveness of the data management system in meeting the needs of users, and make improvements as necessary.

Responsibility #8 B 5% A

8. **Responsibility #8**

Direct and apply radiation research and methodologies in a consistent and collaborative manner throughout the unit, section, and division and ensure that methods, procedures, rules and policies are effectively communicated to various audiences and are based upon scientifically accurate research.

TASKS AND PERFORMANCE INDICATORS:

A. Confer with and advise staff, as needed, on scientific and logistical issues and questions regarding radiation exposure research; forming hypotheses, planning, designing and implementing research.
B. Review workplans and protocols, in a timeframe to meet staff schedules, and as appropriate, progress in research.
C. Review draft and final reports on radiation research.
D. Confer with and advise appropriate staff and management, as needed, in their resolution of conflicts and concerns within and outside the unit, section, and division pertaining to radiation. This includes methods, and technical and policy positions. Conflicts and concerns are discussed openly and resolved.
E. Determine that radiation input and/or advice (in the form of rulemaking, committees, work groups, and other formats) to state agencies and programs is consistent with division and department policies. Also consult with section managers and division management.
F. Advocate methods, positions, and policies to clients in instances where public health principles are paramount in asbestos decisions; establish collaborative working relationships with clients, primarily other divisions, MPCA, Administration, Public Service, EPA, University of Minnesota, and local health agencies.
G. Advocate and employ the principles and methods of health education and risk communication so that methods and procedures, rules, and policies are presented in an understandable manner to various audiences with a need for this information; promote the use and understanding of health education principles and methods.
H. Coordinate and establish priorities for program resources in instances of competing client requests.

Responsibility #9 **B** **5%** **B**

9. **Responsibility #9**

Conduct special projects when requested by section manager.

TASKS AND PERFORMANCE INDICATORS:

A. Complete projects within timeframes established by manager.
B. Serve as member of division teams and committees as assigned by management.
C. Complete projects as assigned by team or committee chair.
D. Serve as member of external (outside department) committees, task forces, and work groups as assigned by management. Complete projects as assigned.

Responsibility #10 **A** **3%** **A**

10. **Responsibility #10**

Supervise the Environmental Radiation Monitoring Program.

TASKS AND PERFORMANCE INDICATORS:

A. Ensure that all environmental samples are collected on schedule and that lab analyses are reported to staff.
B. Develop and monitor annual budget for MDH lab analyses.
C. Ensure that the PIC monitoring system performs as designed and that reports are generated regularly.
D. Research any unusual situations found during regular environmental monitoring if necessary.
E. Develop appropriate responses to unusual radiation situations.
F. Ensure that monthly and annual monitoring reports are completed and distributed.

Responsibility #11 **A** **2%** **A**

11. **Responsibility #11**

Supervise and work with Radiation Control staff to respond to radiation incidents not related to the nuclear power plants and participate in the state radiological emergency response team in order to respond to radiation incidents at the nuclear power plants.

TASKS AND PERFORMANCE INDICATORS:

A. Be familiar with radiation detection and measuring instruments and the division emergency response procedures.
B. Maintain emergency preparedness skills as directed by the division safety officer.
C. Respond to radiation incidents as necessary.
D. Participate in emergency drills and exercises around the nuclear plants as requested by the division safety officer.

POSITION DESCRIPTION C	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Susan McClanahan	00389500

NATURE AND SCOPE (RELATIONSHIPS, KNOWLEDGE, SKILLS AND ABILITIES; PROBLEM SOLVING AND CREATIVITY; AND FREEDOM TO ACT.)

RELATIONSHIPS:
The supervisor of the Radiation Unit is expected to represent the unit, section, division and department both externally and internally on difficult issues and problems concerning exposures to radiation. The person in this position directs a major portion of the division's literature review, research rule making and risk communication activities for preventing public and occupational exposure to radiation. This position is also responsible for directing the development and adoption of the rules to regulate radiation.

The supervisor of the Radiation Unit communicates almost daily with the section manager. This position must also maintain a close relationship with other division and department staff to ensure issues related to the radiation program are managed efficiently. Regular contact with the public occurs in response to inquiries on radiation. The position must coordinate the unit's activities with the section manager, other units, and with interested parties outside the department.

The position must develop and maintain collegial and collaborative relationships with federal, state, and local environmental and public health agencies; regulated parties; environmental advocacy groups; peer scientific experts within research institutions and universities; professional societies and interested individual citizens so that complex radiation issues can successfully be resolved, and so that a coordinated approach in service delivery and program management can be developed.

KNOWLEDGE, SKILLS, AND ABILITIES:
The incumbent must be able to develop and maintain open, objective, and balanced relationships with representatives from the above relationships. As needed, the position must be able to draw these resources into technical advisory committees or work groups so that parties with vested interests have input into department rule making, risk communications, public education, and enforcement activities.

To serve effectively, this position requires a broad range of technical, human relations, and leadership skills, knowledge and abilities. The supervisor must have the ability to effectively supervise, motivate, and discipline. The ability to establish priorities and provide policy direction to unit staff is also necessary. The ability to work in high pressure situations when decisions must be made quickly and where recognition, evaluation, and solutions are required to protect public health. Knowledge of all applicable state personnel policies such as affirmative action and worker safety is required.

Extensive knowledge and experience in radiation, environmental health, environmental science, and general public health are essential to direction, coordination, and preparation of studies, research, or reports on radiation issues.

This position must be able to recognize and understand the potential impact of exposure to radiation on human health. The unit supervisor must, through experience or training, possess a level of knowledge of the application of scientific methods to assess real or potential health risks from exposure(s) to radiation. The supervisor must have the ability to both direct and perform the formulation of hypotheses, literature reviews, data analyses, and development of scientifically valid conclusions, and prepare reports which clearly convey the relevant information.

The unit supervisor must ensure that the Radiation Control Unit's solutions and strategies developed for its clientele (including the department) address socio-economic concerns as well as health concerns.

In addition to scientific expertise, the supervisor must also have a thorough understanding of and the ability to effectively apply the principles and theory of risk communication in all personal interactions, particularly those involving regulated parties, environmental advocacy groups, and local government and other organizations, and the general public concerned about radiation issues. This includes an ability to accurately assess the interests and technical sophistication of the audience, to identify issues (possibly non-health related) that inhibit effective communication, and to prepare written and verbal risk communication materials that clearly and concisely address the issues and concerns of the audience as well as those of the state.

The supervisor must have a thorough knowledge of the regulations enforced by the Radiation Control Unit and the division's administrative penalty order (APO) procedures. This includes the ability to interpret and enforce the rules in a consistent and fair manner. The unit supervisor must ensure that enforcement correspondence clearly and concisely addresses the violations and the actions necessary for the regulated parties to achieve compliance.

This position requires leadership ability and a high level of human relation skills to form and maintain the relationships required of this position. The supervisor and staff must have the trust and respect of diverse groups such as industry, environmental groups, academia, and peer group regulators. Coordination of collaborative efforts between the Radiation Control Unit staff and different clientele takes a high degree of planning and organizational skills.

PROBLEM SOLVING:
Problem solving is the key component of this position. The general problem facing the Radiation Control Unit is the protection of Minnesota citizens from adverse health effects resulting from unnecessary excess or potential exposure to radiation. To have the greatest positive impact on radiation problems, the unit supervisor must be able to solve technical, managerial, and human resource problems. As the unit supervisor, the incumbent is required to be aware of program problems and needs, and be able to respond accordingly. Types of problems to be solved include:

- Providing staff the necessary resources and training to successfully accomplish assigned responsibilities.
- Providing opportunities for staff to gain experience at advanced levels of responsibilities.
- Conducting performance based outcome analysis to ensure that radiation programs are fulfilling the department's public health goals and objectives.
- Prioritizing and balance research and projects to meet needs of clientele and achieve department's public health goals and objectives.
- Directing the unit's assessment of new concepts and developments in radiation monitoring and instructing the unit to utilize those that provide a higher level of achievable health protection.
- Ensuring that strategies and policies for radiation monitoring, risk communications, and regulations are being developed in a way that protects public health and maximizes consistency and harmony with policies and objectives of other environmental programs.
- Directing the unit's regulatory program to ensure consistent and fair enforcement of the rules and statute.

POSITION DESCRIPTION C	EMPLOYEE'S NAME	POSITION CONTROL NUMBER
	Susan McClanahan	00389500

FREEDOM TO ACT:
The unit supervisor has the freedom to act on those matters outlines previously. The section manager is available for technical consultation. The section manager reviews all unit reports. Any action that would deviate from department policy is reviewed with the section manager before action is taken.

4.7
EVENT & ALLEGATION

Draft

Minnesota's Procedures for Responding to incidents and allegations.

I. INTRODUCTION.

This document describes the procedure for responding to material or events, complaints, incidents, and allegations involving radioactive materials which would be regulated under the Agreement State Program.

II OBJECTIVES.

A. To provide guidance and instructions for actions to be taken in response to a radioactive material, medical event, incident, complaint or allegation.

B. To identify appropriate actions to be taken after the response has been achieved.

C. To ensure that appropriate follow-up actions have been taken or initiated.

D. To ensure that information between MDH and the NRC is accomplished in an efficient and timely manner.

E. To ensure that the public and news medial are properly informed about the events and or incidents.

II BACKGROUND

A. This procedure applies to all events and incidents that involve radioactive material. This procedure is the basic one that is in place now for non-power plant emergency responses carried out by the radiation staff.

B. This procedure does not include any events or incidents involving

radioactive material that is under the jurisdiction of the U.S. NRC.

II ROLES AND RESPONSIBILITIES.

A. The Agreement State Program Supervisor will assign the investigation to staff and promptly assess the preliminary information received and will determine if a reactive or incident inspection is necessary.

B. The inspector who is assigned to do the investigation will conduct that in a timely and efficient manner. The results of which will be discussed with the Agreement State Program Supervisor, report created and mailed out if applicable, entered into the RAMIS system and into the NRC Nuclear Materials Events Database (Nmed) system. The inspector will also be responsible for reviewing all relevant response documentation and conducting staff discussions.

C. The Agreement State Program Supervisor will transmit the information to NRC as updates become available.

D. The MDH public information office will be informed at the onset so that media and public information can be given appropriately and in accordance with MDH policies and procedures.

V. GUIDANCE.

A. Basic information for all events, complaints, incidents, allegations, and abnormal occurrences must be collected in a uniform manner to provide sufficient information to investigate the matter. NMED will be used to notify NRC of these issues.

B. The information collected would be:

(1) Name

(2) Address

(3) Numerical file reference number

(4) Priority (i.e. emergency, routine inspection)

(5) Assigned inspector

(6) Date information received

(7) Date of investigation

(8) Action taken by MDH

C. Evaluation of the event, incident etc.

If the Agreement State Program Supervisor determines that the situation constitutes an imminent hazard to the public health and/or the environment, staff will be deployed immediately. Some examples that would be included are:

(1) Any release of radioactive materials;

(2) Loss or theft of radioactive materials;

(3) Any life threatening situation;

(4) Fire where ash may be hazardous (i.e. in industrial facility with radioactive materials in use);

(5) Natural disaster with community-wide effect with undetermined consequences (i.e. tornado though hospital with nuclear medicine lab); or

(6) Contaminated water supply (i.e. unknown contaminant)

In these types of cases, investigation is immediate to determine imminent hazards and what corrective or restrictive actions must be taken to ensure

safety of the public health.

The investigation should determine any findings that constitute a violation and whether the event or incident remains in MDH authority.

D. If it is not an emergency, the inspector will contact the reporting party within two days after report is received. This is to explain the how and when the investigation will proceed and provide the name and phone number of the inspector. If the assigned inspector was the individual who received the call then the two-day contact will be considered to have occurred simultaneously.

E. Responding to incidents and allegations

(1) The incident response may include notification of federal authorities, invocation of the Federal Radiological Emergency Response Plan (FRERP), notification of local media, requests for assistance form local emergency response authorities and/or radiological consultants, and collection of environmental samples for immediate analysis by the Minnesota Public Health Laboratory.

(2) If the event or incident involves exposure of an individual to radiation levels high enough for health risks to be a concern, medical consultation will be obtained from Radiation Emergency Assistance Center/Training Site (REAC/TS).

(3) Whenever possible, the inspector will meet with the responsible party to discuss the allegations and recommend corrective measure where appropriate. The information shall be recorded in the

appropriate section of the report concerning this discussion with the responsible party.

(4) The emphasis of the inspection will be to an analysis of the events leading to the situation or episode. That would include the conditions of what was going on when the situation occurred.

(5) Issues of compliance will be addressed after all safety issues and program weaknesses are identified and clearly understood by all parties.

F. Violations and corrective actions.

When violations are identified, the inspector will provide written correspondence to the responsible party describing the violations and cites which Chapter 4731 regulations were involved. This correspondence will be done only after a discussion with the Agreement State Program Supervisor. The Supervisor may order a follow-up inspection if established in the correspondence or Final Report and Correction Order. The follow-up inspection should address the following items:

(1) Has the violation been corrected? If so, the inspector will note corrective action and complete the report closing the investigation.

(2) If violation has not been fully corrective, what progress has been made and what is the expected time for full correction? A discussion should be held again with the Agreement State Program Supervisor concerning a second letter indicating the final time line and what is then expected.

(3) If no significant progress has been made toward correcting the violations, then a discussion with the Supervisor concerning the APO enforcement action and forum will be held.

(4) Each time a step in the inspection or investigation is made, this information will be entered into RAMIS and NMED.

G. Confidentiality

Because some reporting parties feel that it is important to remain anonymous or have identity remain confidential, this also falls under Radiation Control's call of concern procedures. The individual is alerted to the possibility of the information becoming released under a court order. All this information will go into RAMIS but the system is equipped with access limitations for security purposes of confidentiality.

H. Data tracking and management

It is essential that both the RAMIS system and the NMED system maintain current records of all activities in this area. The inspector with the support staff assigned to data entry duties will ensure that this updating of these systems occurs in a timely manner. The Supervisor will review the summaries of these systems to ensure that all actions stay current with schedules designated by MDH schedules.

I. It is the responsibility of the inspector to determine when an investigation/inspection of events, incidents, etc are ready to be closed. A discussion with the Supervisor for consideration of closure when:

(a) An enforcement action is determined by rule;

(b) Determined that the Department has no authority to act;

(c) The allegations are not confirmed; or

(d) The violation is corrected.

Draft

Minnesota's procedures for reporting radioactive material events, abnormal occurrences, and allegations and for entering event reports into NMED.

I.. INTRODUCTION

This document describes the procedure for collection, control, preliminary review, and reporting of radioactive material events, incidents and allegations.

II OBJECTIVES

A. To assure that actions taken in response to radioactive material events, incidents or allegations are appropriate reported to NRC.

B. To provide guidance to staff in reporting events.

II BACKGROUND

A. Establishment of rules and regulations, Minnesota Rules, Chapter 4731, have been created to monitor and control activities that could lead to radiation exposure to employees and the public. To maintain information from reports of radioactive material events, incidents and allegations, for both MDH and NRC, the data entry must be timely and efficiently accomplished. The reported and entered information forms the basis for aiding in identification of any actions necessary to improve the effectiveness of NRC and Agreement State regulatory programs.

B. The data to be collected and entered will be in a uniform manner . This then provides the AILR Manager and Agreement State Program Supervisor and accurate, up to date organized account of activities in this area. To achieve these goals, NMED will be used in addition to RAMIS system of MDH. The individual receiving the report will complete each section of the NMED database. The final

information will be entered when the inspection/investigation is complete. However, data will be entered as the process unfolds.

IV ROLES AND RESPONSIBILITIES.

A. The Agreement State Program Supervisor will be responsible in the determination of events to be reported and ensuring radioactive material events, incidents, and allegations are reported in a timely manner. The Supervisor will also assign the report to an inspector.

B. The inspector who is assigned the inspection, the individual who received the initial report, and the support staff designated to do data entry will all the determination of what gets reported, the review and discuss the entrance of information into the two systems.

V. GUIDANCE

A. It is essential that the two systems, RAMIS and NMED, be kept up to date and accurate. The inspector will regularly update the record with progress reports in order to maintain these records. In most cases, that frequency will be every two weeks until the situation is resolved. The Supervisor will review the data and ensure that all actions maintain compliance with schedules assigned.

B. The Radiation Control unit, X-ray and Agreement State Program, will process any complaints, allegations, incidents or radioactive material events according to procedures and the data will be entered into both systems, RAMIS and NMED. This procedure will be done by either the inspector or support staff, to be determined by the Agreement State Program Supervisor.

MDH Radiation Incident/Emergency Form

Date (call received): Time (call received):	Call taken by:
INCIDENT INFORMATION	
Reported by (name): Phone number(s):	Affiliation/Location:
Description of the incident (including individuals, sources, locations, times, site involved. (If more room is needed, please use back of sheet)	
Source involved (type of object, container) be specific:	
Radiation Safety Officer or other contact person: Phone number(s):	
Media at incident site (inform Division Director immediately): Yes ☐ No ☐	
FOLLOW-UP INFORMATION	
Date follow-up conducted:	How was follow- up conducted by: Inspection ☐ Phone ☐
Brief description of results of follow up (corrective actions taken) : (If more room is needed, please use back of sheet)	

Additional follow-up: Yes ☐ No ☐	Date:	Additional follow-up conducted by: Inspection ☐ Phone ☐
Incident closed date:	Closed by (name):	