

November 18, 2002

Ms. Patricia A. Bloomgren, Director
Division of Environmental Health
Minnesota Department of Health
121 E. Seventh Place
P.O. Box 64975
St. Paul, MN 55164-0975

Dear Ms. Bloomgren:

It is important to the Nuclear Regulatory Commission's (NRC) budget planning process that the best projections are made regarding your schedule for becoming an Agreement State. NRC's resources are allocated and committed based upon your projected schedule. We have attempted to develop a projected schedule for completion of your Agreement based upon your July 22, 2002 submittal of a draft application and our September 12, 2002 completion review letter. However, we are unable to proceed further in the projected Agreement schedule until the State adequately addresses and resolves the comments resulting from the completion review.

In the September 12 letter, we informed you that our review was based on a Commission Policy Statement that provides criteria for new agreements, and an Office of State and Tribal Programs (STP) procedure for processing new agreements. The completeness review determined whether the draft application contained sufficient information to enable staff to conduct a detailed review of the final application, which would be submitted by the Governor. During the completeness review, the team identified a number of areas where additional information or documentation is needed. Some of the areas in which comments were made may require a considerable amount of time for the State to address. For example, several comments were made on the Minnesota legislation and draft regulations. The Minnesota final application should contain final legislation and final regulations that resolve our comments and meet the criteria for entering into an Agreement.

In addition, our September 12 letter provided comments on the qualifications of current technical staff. We noted that Minnesota staff was scheduled for several NRC training courses during the 2002 calendar year. Our records indicate that during this year, there were seven instances in which Minnesota staff canceled or did not show up for training. In addition, we were recently informed of the retirement of Ms. Alice Dolezal Hennigan, who was designated in the draft application as the person responsible for 85% of the Minnesota Agreement State licensing activities. In view of the incomplete staff training, and the retirement of the principal license reviewer, we are concerned with the State's ability to have adequately trained staff at the time of the signing of the Agreement.

We request that Minnesota reassess its schedule for becoming an Agreement State. We have enclosed an incomplete draft schedule for completion of an Agreement. The schedule is incomplete because we are unaware of your plans, e.g., when the State plans to respond to our September 12, 2002 letter. The enclosed schedule was prepared using the guidance in Appendix C-1 of the STP Procedure SA-700, *Processing an Agreement*, which can be viewed at the STP website: <http://www.hsr.d.ornl.gov/nrc/procedures/sa700.pdf>.

We would like to hold a conference call with you to discuss your schedule for the completion of the Agreement. Please contact Ms. Cardelia Maupin of my staff at 301-415-2312 or e-mail: chm1@nrc.gov to arrange the call.

In preparation for our call, please be prepared to discuss when you will be able to complete a final application, which will address and resolve all the comments in our September 12, 2002 letter including your schedule for finalizing legislation and regulations.

In addition, previously you had established a completion date of August 1, 2003 for the Minnesota Agreement. Please note that because of the slippage in your previously established schedule and the unresolved comments identified in the completion letter, you will be unable to meet your projected date.

Thank you for your attention to this matter.

Sincerely,

/RA By Josephine M. Piccone Acting for/
Paul Lohaus, Director
Office of State and Tribal Programs

Enclosure:
As stated

cc: Linda Bruemmer, MN
Susan McClanahan, MN

PROCESSING SCHEDULE FOR MINNESOTA AGREEMENT¹

EVENT	EVENT TIME (weeks)	ELAPSED TIME (weeks)	DATE
Part 1 - Review of the Request for an Agreement (24 weeks)			
Minnesota Program notifies the Office of State and Tribal Programs (STP) that a Draft Request will be submitted (2 months prior to submittal)			5/16/02
STP establishes NRC Review Team (Team established between notification and receipt of draft request)			6/14/02
STP receives draft request ² from Minnesota Program	0	0	7/22/02
NRC Review Team concludes completeness review	3	3	8/12/02
NRC Review Team provides any comments resulting from the completeness review to Minnesota Program ³	3	6	9/12/02
NRC Chairman receives formal request from Governor of Minnesota ⁴	8	14	
NRC Review Team completes review of formal request ⁴	8	22	
NRC Review Team completes negative consent Commission Paper, including draft staff assessment and FR notice	2 ⁵	24	

¹ Minnesota's legislation requires the Agreement to be in place by August 1, 2003. The legislation states: "The Governor may not enter into an initial agreement with the NRC after August 1, 2003. If an agreement is not entered into by August 1, 2003, any rules adopted under this section are repealed effective August 1, 2003."

² Presumes two month alert by State, allowing four weeks to establish the NRC staff review team.

³ Presumes two week office concurrence

⁴ Presumes no unresolved issues

⁵ The schedule was slightly modified to reflect the Federal holidays during this period.

EVENT	EVENT TIME (weeks)	ELAPSED TIME (weeks)	DATE
Part 2 - FR publication & public comment period (16 weeks)			
NRC Offices concur on Commission Paper	3	27	
EDO sends Paper to Commission	2	29	
Commission gives negative consent	2	31	
First publication in FR	1	32	
Public comment period ends	4	36	
NRC Review Team analyzes comments; completes final assessment and Commission paper	4	40	
Part 3 - Final processing and Commission approval (13 weeks)			
NRC Offices concur on final assessment and paper	3	43	
EDO signs paper	2	45	
Commission SRM approving Agreement (includes arrangements for signing Agreement)	4	49	
Effective date of Agreement	4	53	