

November 21, 2006

John Linc Stine, Director
Environmental Health Division
Minnesota Department of Health
625 Robert St. N.
P.O. Box 64975
St. Paul, MN 55164-0975

Dear Mr. Stine:

An orientation meeting with Minnesota was held on November 14, 2006. The purpose of this meeting was to review and discuss the implementation of Minnesota's Agreement State program. The U.S. Nuclear Regulatory Commission was represented by Aaron McCraw from the NRC's Office of Federal and State Materials and Environmental Programs, and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you believe that the comments, conclusions, or actions to be taken do not accurately summarize the meeting discussion, or you have any additional remarks about the meeting in general, please contact me at (630) 829-9661, or e-mail to JLL2@NRC.GOV to discuss your comments.

Sincerely,

/RA/

James L. Lynch
State Agreements Officer

Enclosure:
As stated

cc: Linda Bruemmer, MN
George Johns, MN

Distribution:
J. Schlueter, FSME
A. McCraw, FSME
S. Reynolds, RIII

DOCUMENT NAME: C:\FileNet\ML063260258.wpd

To receive a copy of this document, indicate in the box: **C** = Copy without enclosure **E** = Copy with enclosure **N** = No copy

OFFICE	RIII		RIII		RIII		RIII	
NAME	Lynch:jc							
DATE	11/21/06							

OFFICIAL RECORD COPY

ORIENTATION MEETING SUMMARY FOR MINNESOTA

DATE OF MEETING: NOVEMBER 14, 2006

ATTENDEES:

NRC

Jim Lynch
Aaron McCraw

STATE

John Stine
Linda Bruemmer
George Johns
Sherrie Flaherty
Craig Verke
Brandon Juran
Susan McClanahan
Tim Donakowski

DISCUSSION:

Agreement

Minnesota became the 34th Agreement State on March 31, 2006. The Agreement discontinued NRC regulatory authority in the State for: a) Byproduct materials as defined in Section 11e.(1) of the Atomic Energy Act; b) Source materials; and c) Special nuclear materials in quantities not sufficient to form a critical mass. The Agreement does not cover land disposal of radioactive material, uranium recovery processes, or sealed source and device evaluation.

Organization

The Agreement State Program is administered by the Radioactive Materials Unit, Indoor Environments and Radiation Section, Division of Environmental Health, Department of Health. George Johns is the supervisor of the Radioactive Materials Unit. The Section manager position is currently vacant, with the recent promotion of Linda Bruemmer to Assistant Division Director. Interviews for the position are ongoing, with a decision expected shortly. Minnesota regulates approximately 196 specific licenses, including naturally occurring or accelerator-produced radioactive material (NARM). A recent reorganization separated the x-ray program into its own Unit, allowing the Radioactive Materials Unit Supervisor to focus on the radioactive materials program. Management support for the Program appears excellent.

Radiation Control Program Staffing

The Program is fully staffed, with no vacancies or significant turnover since the Agreement signing. Four staff members perform inspections and licensing reviews. All are cross-trained in both inspection and licensing to provide maximum flexibility and backup. Another experienced staff member provides technical support to the program. A full-time administrative staff person also supports the Radioactive Materials Unit.

Training

Enclosure

Formalized training requirements have been developed for inspectors and license reviewers. The Radioactive Materials Unit Supervisor trains and accompanies each inspector before certifying them to conduct independent inspections. All staff members have completed all of the core training courses with the exception of the Root Cause course. Additionally, three staff members, as well as the Supervisor, have attended the NRC Security Systems and Principles Training Course for Materials Inspectors. Inspectors are accompanied at least annually by the Radioactive Materials Unit Supervisor.

The Program initiated an excellent outreach program for licensee physicists. Approximately semiannually, general information meetings are held with medical physicists and health physicists. Good attendance and participation was noted.

Inspections

At the time of Agreement, Region III provided an approximate three-month "cushion" of completed inspections to allow Minnesota to concentrate on structuring its program without concern about overdue inspections. Only one inspection was completed overdue since the Agreement, a result of a program code error. Since the signing of the Agreement, the Program has completed 22 routine inspections, as well as 8 reciprocity inspections of 23 candidate licensees that have entered the State.

The Program has enforcement authority and has issued administrative penalty orders, with associated fines, to two licensees.

The State has also made considerable progress in completing actions associated with the implementation of increased controls. The Program is currently on pace to complete all 24 of the inspections required in the first three years of implementation, by Spring 2007.

The State has a considerable array of radiation detection instrumentation. The Program is capable of detecting alpha, beta, gamma, and neutron radiation. The Program is very proactive at securing detection equipment for HAZMAT teams and commercial vehicle inspection units and training the individuals on the principles of radiation and the proper use of the detection equipment.

Licensing

No significant licensing backlog exists. A considerable number of licensing actions have been completed since the Agreement was signed. All licenses have been converted to Minnesota format and the State has taken commendable efforts to make all Minnesota licenses consistent and easy to use for the license reviewers, inspectors, and licensees. Licenses are peer reviewed and then signed by the Unit Supervisor and the Section Manager.

A total of 7 Minnesota licenses had active financial surety instruments at the time of the Agreement. Since then, 4 instruments were converted to change the beneficiary from NRC to Minnesota. Of the remaining licensees, only one has been unresponsive to the Program's requests for action. The Program is considering alternative actions including separating the license into quantities that do not require financial assurance individually.

Regulations

At the time of the meeting, the State's regulations were up-to-date and fully compatible. The status of NRC amendments that will need to be addressed in the future was discussed. One

NRC amendment coming due in the very near future, "Financial Assurance for Materials Licensees - Parts 30, 40, and 70," has not been addressed by Minnesota according to the State Regulation Status Sheet maintained by the NRC.

Program staff indicated that they currently have one rulemaking package in process. The package will cover amendments to transportation, medical specialty boards, portable gauge security, and financial surety regulations. The affected regulations are currently covered by license conditions, when needed, while the package goes through the rulemaking process. The Minnesota regulation process typically takes 9 months to a year to complete.

Self Assessments

Program managers were encouraged to perform self-assessments of their Agreement State program, prior to the IMPEP review, using the procedures maintained by NRC's Office of Federal and State Materials and Environmental Programs.

Incidents

Minnesota staff responded to four reportable incidents since the Agreement signing. All of the incidents were responded to appropriately, with an on-site inspection performed when needed. Close coordination was maintained with the NRC.

Inspectors input incident information directly into the Nuclear Material Events Database (NMED) as incidents occur. A review of NMED identified timely and quality input of incidents.

Allegations

One allegation was transferred to Minnesota from NRC since the Agreement. The allegation involved unapproved use of industrial radiography sources. Minnesota staff investigated the allegation and took prompt, appropriate action. Investigation results were provided to the Regional State Agreements Officer.

Sealed Sources and Devices

The Minnesota Agreement does not include Sealed Source and Device (SS&D) authority. Amendment of the Agreement to include an SS&D program may be considered if licensees begin source or device manufacturing, but is not foreseen in the near future.

CONCLUSIONS:

The Minnesota Radiation Control Program appears to be a capable, stable Agreement State program. Staffing has remained consistent since the Agreement and the training level for staff members is good.

Management support for the program is excellent.

The initial IMPEP review of the Minnesota Radiation Control Program is tentatively scheduled for November 2007.