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March 21, 2017

MEMORANDUM TO: Marc L. Dapas, Director
Office of Nuclear Material Safety
and Safeguards

Tison A. Campbell, General Counsel
for Reactor and Materials Rulemaking
Office of the General Counsel

Daniel S. Collins, Director
Division of Material Safety, State, Tribal, and
Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

David C. Lew, Deputy Regional Administrator
NRC Region I

FROM: Lisa C. Dimmick, Senior Health Physicist */RA/*
Agreement State Programs Branch
Division of Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards

SUBJECT: MINUTES: January 5, 2017 MINNESOTA
MANAGEMENT REVIEW BOARD MEETING

Enclosed are the minutes of the Management Review Board (MRB) meeting held on January 5, 2017, for the Minnesota Agreement State program. If you have comments or questions, please contact me at (301) 415-0694.

Enclosure:
Minnesota MRB Meeting Minutes

cc: Gonzalo L. Perez, CA
Organization of Agreement States
Liaison to the MRB

Management Review Board Members

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State of Minnesota

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF MINNESOTA
January 5, 2017

The attendees were as follows:

In person at U.S. Nuclear Regulatory Commission (NRC) Headquarters in Rockville, Maryland:

Marc Dapas, MRB Chair, NMSS
Tison Campbell, MRB Member, OGC
Dan Collins, MRB Member, NMSS
Randy Erickson, Team Member, Region IV

Lisa Dimmick, NMSS
Paul Michalak, NMSS
Karen Meyer, NMSS
Esther Houseman, OGC
Mary Navara, MN
Sherrie Flaherty, MN

By videoconference:

David Lew, MRB Member, Region I

By telephone:

Gonzalo Perez, MRB Member, CA, OAS
Jim Lynch, Team Member, Region III/RSOA
Henry Lynn, Team Member, TTC
Asfaw Fenta, Team Member, VA
Lizette Roldan-Otero, NMSS

Tom Hogan, MN
Brandon Juran, MN
Tyler Kruse, MN
Martha Steinhart, MN
Binesh Tharakan, Region IV/RSOA

1. Convention. Ms. Lisa Dimmick convened the meeting at 1:10 p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public. Ms. Dimmick then transferred the lead to Mr. Marc Dapas, Chair of the MRB. Introductions of the attendees were conducted.
2. Minnesota IMPEP Review. Mr. Randy Erickson, Team Leader, led the presentation of the Minnesota Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. He summarized the review and the team's findings for the six indicators reviewed. The on-site review was conducted by a review team composed of technical staff members from the NRC and the Commonwealth of Virginia during the period of October 3–7, 2016. A draft report was issued to Minnesota for factual comment on November 1, 2016. Minnesota responded to the review team's findings by e-mail dated November 29, 2016. Mr. Erickson reported that the team found the Minnesota Agreement State Program satisfactory for all performance indicators reviewed.
3. Common Performance Indicators.
 - a) Mr. Henry Lynn reviewed and presented the common performance indicator, **Technical Staffing and Training**. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. Minnesota has a total of 6 full-time equivalents (FTE). Five of FTE are classified as Industrial Hygienists who perform both licensing and inspections, and 1 FTE is allocated to the Unit Supervisor who manages the program. At the time of the review, there were no vacancies. There was one vacancy at the close of the previous review which was filled early in this review period. One staff left the Unit during the review period and was replaced. A staff position was added during the review period. The review team also found that the Unit's training and qualification manual was compatible with NRC Inspection Manual Chapter (IMC) 1248, "Formal Qualifications Program for Federal and State Material and Environmental Management Programs." The MRB noted that two staff were

partially qualified. To better understand how Minnesota managers deal with turnover, the MRB discussed with Minnesota managers Minnesota's experience with NRC training, supervisory oversight of staff going through qualification, and Minnesota's succession planning activities.

The review team found Minnesota's performance with respect to this indicator to be "satisfactory." The MRB agreed that Minnesota's performance met the criteria for a "satisfactory" rating for this indicator.

- b) Mr. Jim Lynch reviewed and presented the common performance indicator, **Status of Materials Inspection Program**. His presentation corresponded to Section 3.2 of the proposed final IMPEP report. The team found that the Unit performed 158 Priority 1, 2, 3, and initial inspections during the review period of which only 2 Priority 1 inspections were performed overdue (44 and 71 days). One overdue inspection was the result of an isolated database error, and one inspection was held for training purposes that ended up going overdue. The total number of Priority 1, 2, 3, and initial inspections performed overdue calculated to less than 1 percent. All initial inspections of new licenses were performed within 12 months of license issuance. The team found that of the inspection reports reviewed, all reports were communicated to the licensee within 30 days following the inspection exit. The Unit also performed more than 20 percent of candidate reciprocity licensees in each year of the review. The MRB discussed with Minnesota managers the one inspection that was used for training purposes, but went overdue. Minnesota indicated there was consequence to public health and safety for the overdue inspection, and the Minnesota staff member received the benefit of training on the license type. The MRB also discussed with Minnesota managers Minnesota's experience with "Part 37" inspections.

The review team found Minnesota's performance with respect to this indicator to be "satisfactory." The MRB agreed that Minnesota's performance met the criteria for a "satisfactory" rating for this indicator.

- c) Mr. Lynch reviewed and presented the common performance indicator, **Technical Quality of Inspections**. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team looked at inspection documentation for 26 materials inspections. A review team member also accompanied three inspectors prior to the review. The inspectors were found to be well-prepared, thorough, and conducted performance-based inspections. The inspections were adequate to assess radiological health, safety and security.

The team found that the Unit has a range of calibrated survey instruments to support the inspection program, and to respond to radioactive materials incidents and emergency situations. They also have multiple hand-held instruments for portable gamma spectroscopy with both medical and industrial libraries of radionuclides. These instruments provide staff the ability to rapidly identify radionuclides of concern in various settings such as landfills and recycling centers. The MRB discussed with Minnesota managers Minnesota's practice of using gamma spectroscopy, and the

MRB noted the value this equipment provides for incident response.

The review team found Minnesota's performance with respect to this indicator to be "satisfactory." The MRB agreed that Minnesota's performance met the criteria for a "satisfactory" rating for this indicator.

- d) Mr. Asfaw Fenta reviewed and presented the common performance indicator, **Technical Quality of Licensing Actions**. His presentation corresponded to Section 3.4 of the proposed final IMPEP report. During the review period, the Unit performed 493 radioactive materials licensing actions. Of those, the review team looked at inspection documentation for 29 of the licensing actions. The team found licensing actions are peer reviewed and approved by another qualified license reviewer before they are completed.

The team also looked at the Unit's implementation of the pre-licensing requirements. The team found that the Unit conducts pre-licensing visits for all new license applications as well as amendments requesting major facility changes involving the physical protection program.

The Unit recently moved to Web Based Licensing (WBL) as its primary source for licensing. While not fully converted at the time of the review, the Unit was in the process of converting licenses over to the WBL system.

The review team found Minnesota's performance with respect to this indicator to be "satisfactory." The MRB agreed that Minnesota's performance met the criteria for a "satisfactory" rating for this indicator.

- e) Mr. Erickson reviewed and presented the findings regarding the common performance indicator, **Technical Quality of Incident and Allegation Activities**. His presentation corresponded to Section 3.5 of the proposed final IMPEP report. During the review period, Minnesota reported 15 incidents by the Unit to the Nuclear Material Events Database. The team reviewed each of the case files and found that inspectors properly evaluated and documented each event. The team found that when an incident is reported to the Unit, the Unit Supervisor evaluates the event to determine the appropriate response which can range anywhere from an immediate response to reviewing the event during the next inspection.

The Unit directly received four allegations and two others were referred to them by NRC. The team evaluated all six allegations and found that they took prompt and appropriate action in response to the concerns raised. Concerned individuals were notified of the findings in each case. All of the allegations reviewed were appropriately closed, individuals were notified of the actions taken, and alleged identities were protected.

The review team found Minnesota's performance with respect to this indicator to be "satisfactory." The MRB agreed that Minnesota's performance met the criteria for a "satisfactory" rating for this indicator.

4. Non-Common Performance Indicators.

Mr. Erickson reviewed and presented the non-common performance indicator, **Compatibility Requirements**. His presentation corresponded to Section 4.1 of the proposed final IMPEP report. No legislation affecting the radiation control program was passed during the review period. The State's administrative rulemaking process takes approximately 18 months from drafting to finalizing a rule.

The review team found Minnesota's performance with respect to this indicator to be "satisfactory." The MRB agreed that Minnesota's performance met the criteria for a "satisfactory" rating for this indicator.

5. MRB Consultation/Comments on Issuance of Report. The review team recommended, and the MRB agreed, that the Minnesota Agreement State Program be found adequate to protect public health and safety and compatible with the NRC's program. The review team recommended, and the MRB agreed, the next IMPEP review take place in approximately 5 years with a periodic meeting mid-cycle. The Minnesota Agreement State Program received an extension of 1 year for the next IMPEP review based on two consecutive IMPEP reviews with satisfactory findings for all performance indicators. The final report may be found in the ADAMS using the Accession Number ML17009A338.
6. Precedents/Lessons Learned. None applicable to this review
7. Adjournment. The meeting was adjourned at approximately 2:15 p.m. (ET)