



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

June 10, 2019

Ms. Mary Navara, Manager
Indoor Environments and Radiation Section
Environmental Health Division
Department of Health
P.O. Box 64975
St. Paul, MN 55164-0975

SUBJECT: Minnesota FY19 IMPEP Periodic Meeting Summary

Dear Ms. Navara:

A periodic meeting with you and your staff was held on April 16, 2019. The purpose of this meeting was to review and discuss the status of the Minnesota Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Christine Lipa, Deputy Director, Division of Nuclear Materials Safety, U.S. NRC Region III; Aaron McCraw, Branch Chief, Materials Inspection Branch, Division of Nuclear Materials Safety, U.S. NRC Region III; and myself.

I have completed and enclosed a general meeting summary. If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (630) 829-9661 or via e-mail at Darren.Piccirillo@NRC.gov to discuss your concerns.

Sincerely,

/RA/

Darren Piccirillo
State Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
As stated

cc w/encl: Sherrie Flaherty, Supervisor
Radioactive Materials Unit

Letter to Ms. Mary Navara from Darren Piccirillo dated June 10, 2019.

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM
PERIODIC MEETING WITH THE STATE OF MINNESOTA

April 16, 2019

PERIODIC MEETING PARTICIPANTS

NRC

- Christine Lipa: Deputy Director, Division of Nuclear Materials Safety, NRC Region III
- Aaron McCraw, Branch Chief, Materials Inspection Branch, Division of Nuclear Materials Safety, Region III
- Darren Piccirillo: State Agreements Officer (SAO), NRC Region III

State of Minnesota

- Dr. Courtney Jordan-Baechler: Assistant Commissioner, Health Protection
- Tom Hogan: Director, Environmental Health Division
- Mary Navara: Indoor Environments and Radiation Section Manager
- Sherrie Flaherty: Supervisor, Radioactive Materials Unit
- Brandon Juran: Industrial Hygienist 3
- Tyler Kruse: Industrial Hygienist 3
- Lynn Fortier: Industrial Hygienist 2
- Bridget Bobick: Industrial Hygienist 1
- Norma Leland: Office & Administrative Specialist

Minnesota Draft Periodic Meeting Summary

1.0 INTRODUCTION

This report presents the results of the periodic meeting held between the U.S. Nuclear Regulatory Commission (NRC) and the State of Minnesota. The meeting was held on April 16, 2019. The meeting was conducted in accordance with the Office of Nuclear Material Safety and Safeguards S Procedure SA-116 "Periodic Meetings between IMPEP Reviews," dated June 3, 2009.

The Minnesota Department of Health is designated as the State's radiation control agency. The Minnesota Agreement State Program (the Program) is administered by the Radioactive Materials Unit (the Unit), which is located within the Indoor Environments and Radiation Section of the Division of Environmental Health. Licensing, inspection and enforcement, registration and rule development activities are conducted in the Minnesota Department of Health Office located in St. Paul, MN.

The meeting focused on the radioactive materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of Minnesota. At the time of the meeting, the Program regulated approximately 160 specific licenses authorizing possession and use of radioactive materials.

During the October 2016 Integrated Materials Performance Evaluation Program (IMPEP) review of the Minnesota Agreement State Program (the Program), the review team found the State's performance satisfactory for all six performance indicators reviewed. No recommendations regarding Program performance were made by the IMPEP review team. On January 5, 2017, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Program. The MRB found the Program adequate to protect public health and safety and compatible with the NRC's program. Because this review was the second consecutive review with all indicators rated satisfactory, the review team recommended, and the MRB agreed, that the next IMPEP review take place in approximately 5 years and that a periodic meeting be held in approximately 2.5 years.

COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC Regional Office and Agreement State radioactive materials programs during an IMPEP review. These indicators are (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

2.1 Technical Staffing and Training (2016 IMPEP: Satisfactory)

The Program is composed of four technical staff members, a Supervisor, and an Administrative Specialist. The total effort allocated to the Program is approximately 3.25 full-time equivalents (FTE) when fully staffed. Since the last IMPEP review two of the four technical staff have left the Program. One left in March 2017 and the other left in June 2018. One of those vacancies was filled in August 2018. At the time of the periodic meeting the other vacancy had not yet been filled. The Program has not been given permission to post this position for hire due to ongoing budget constraints. The Unit Supervisor stated that although the Program is 100% fee funded, the Program has not increased its fees since 2006 (when Minnesota achieved Agreement State status). At the time of the periodic meeting 2.4 FTE were supporting the Program. The Unit Supervisor stated that it is unlikely that the vacant position will be filled anytime in the near future

Minnesota Draft Periodic Meeting Summary

and that an increase in fees would be necessary. If approved to increase fees through rulemaking the process could take up to two years. The Program has developed and is following a training and qualification program compatible with NRC's IMC 1248.

2.2 Status of Materials Inspection Program (2016 IMPEP: Satisfactory)

The Program's inspection frequencies are the same as the NRC's inspection frequencies that are listed in the NRC's Inspection Manual Chapter (IMC) 2800. A discussion was held regarding the changes made to the NRC's IMC 2800 regarding inspection frequency timeliness, and the Program is fully implementing the changes.

The Program has completed all of their Priority 1, 2, and 3 inspections, and initial inspections on time during the current review period. There were no overdue inspections at the time of the Periodic Meeting. Additionally, all inspection reports were issued within 30 days of the exit meeting with the licensee. The Program has performed over 20% of the reciprocity inspections for candidate licensees during the calendar year 2017 & 2018. At the time of the Periodic Meeting, they were on target to meet the reciprocity inspection goal for 2019.

2.3 Technical Quality of Inspections (2016 IMPEP: Satisfactory)

Inspection guidance used by the Program is equivalent to the NRC's IMCs and Inspection Procedures. The Program issues all inspection findings, regardless of whether or not there is a violation, by written correspondence from the office. Inspection documentation is reviewed and issued by the unit supervisor. All but one supervisory accompaniment (the one exception was due to a scheduling issue) of inspectors in calendar years 2017 and 2018 were completed.

2.4 Technical Quality of Licensing Actions (2016 IMPEP: Satisfactory)

The Program presently renews its licenses every five years, but is considering moving to a seven year cycle. There was no licensing backlog at the time of the Periodic Meeting. Amendments were generally processed in 30 days, renewals in 90 days, and new licenses in 90 days. The Minnesota program has not denied anyone a license since the last IMPEP. The Program has adopted the most recent revisions to the Pre-licensing Guidance and Risk Significant Radioactive Materials checklist, and performed pre-licensing visits prior to issuing a license to all unknown entities.

2.5 Technical Quality of Incident and Allegation Activities (2016 IMPEP: Satisfactory)

The Program has processes in place to maintain effective responses to incidents and allegations. Since the 2016 IMPEP review, the Program has not received any allegations, and NRC has not transferred any allegations to the Program for follow up action. The program consistently reports events to the NRC in a timely manner and continues to close out events in NMED as appropriate.

Minnesota Draft Periodic Meeting Summary

3.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State programs: (1) Compatibility Requirements, (2) Sealed Source and Device (SS&D) Evaluation Program, (3) Low-Level Radioactive Waste (LLRW) Disposal Program, and (4) Uranium Recovery (UR) Program. The NRC's Agreement with Minnesota does not relinquish regulatory authority for SS&D, LLRW, or UR; therefore only the non-common performance indicator Compatibility Requirements applies.

3.1 Compatibility Requirements (2016 IMPEP: Satisfactory)

At the time of the periodic meeting there were 4 regulation amendments overdue for adoption. There are a few outstanding comments associated with compatible regulations that are in the process of being addressed and resolved. The Unit Supervisor stated that the Program would resolve comments and bring closure for any Regulation Amendment Tracking System Identification Numbers (RATS IDs) that were not finalized by August 2019.

4.0 SUMMARY

The Minnesota Agreement State Program continues to be an effective, well-maintained program with an experienced and well-trained staff. The Program currently has one technical staff vacancy that it has not yet been given permission to fill. No inspections have been performed overdue and all licensing actions are up-to-date. The Program has four regulation amendments overdue for adoption. The Program stated that it is working on addressing the NRC's comments and plans to have the rules in place by August, 2019. Based on the information discussed during the Periodic Meeting, the NRC staff recommends that the next IMPEP review be conducted as scheduled in FY 2021.