

I. Technical Staffing and Training

2. Attached are organization charts for the MDH Radiation Control Program
3. The following is a summary of the Radioactive Materials Unit's current staffing level.

Radioactive Materials Staffing Plan					
Name	Position	Area of Effort	FTE%		
Sherrie Flaherty	Supervisor	Administration	70		
		Materials Licensing and Compliance		20	
		Emergency Response			10
Brandon Juran	Industrial Hygienist 3	Administration (<i>Rules</i>)	10		
		Materials Licensing and Compliance		75	
		Emergency Response			10
Lynn Fortier	Industrial Hygienist 2	Administration (<i>Env Monitoring & GLs</i>)	20		
		Materials Licensing and Compliance		50	
		Emergency Response			8
Tyler Kruse	Industrial Hygienist 3	Administration	15		
		Materials Licensing and Compliance		60	
		Emergency Response			8
Vacant (2020)	Industrial Hygienist 1	Administration (<i>Instruments</i>)			
		Materials Licensing and Compliance			
		Emergency Response			
Vacant (2017)	Industrial Hygienist 1	Administration			
		Materials Licensing and Compliance			
		Emergency Response			
Totals (FTE)		Administration	1.15		
		Materials Licensing and Compliance		2.05	
		Emergency Response			0.36

4. During this review period Minnesota hired one staff member for the Radioactive Materials Program. August of 2018, Bridget Bobick was hired as an Industrial Hygienist I. She has a Bachelor of Science in Environmental Science. Ms. Bobick's work experience includes working with a consulting company and performing site assessments.
5. All technical staff are fully qualified for inspection and license review.

6. During the review period no changes to the MDH qualification and training procedures were made.
7. During the review period the following MDH staff members have left the Radioactive Materials Unit:

Matt Duff	March 2017
Martha Steinhart	June 2018
Bridget Bobick	August 2020
8. There are two vacancies in the program at this time. One position has been open since March 2017, the other August 2020.

The program has been unable to post an open position due to a lack of revenue. Statutory changes approved in 2021 have provided an increase in fees and appropriations to the program. In addition, during the public health emergency, the state imposed a hiring freeze and only positions related to COVID-19 response were posted. The program plans to post a position when state hiring freeze is lifted and management approves posting the position, estimated to be spring of 2022.

9. MDH has no oversight board or committee.

II. Status of Material Inspection Program

10. All MDH Radioactive Materials licenses are being inspected at the frequency listed in IMC 2800 except for reciprocity inspections. In 2019, the Program implemented a process for identifying reciprocity candidates. The process assigns a score to each reciprocity licensee based on risk factors including program code, inspection history, recent incidents or allegations, new/unique technology use, and others. Licensees with a score above the threshold set by the program are considered a candidate for inspection within the calendar year.
11. The following is a summary of the 2017-2021 inspections:

2017: Routine Inspections

Priority 1	14
Priority 2	5
Priority 3	12
<u>Priority 5</u>	<u>13</u>
TOTAL	44

Initial Inspections*

Priority 1	0
Priority 2	0
Priority 3	0
<u>Priority 5</u>	<u>0</u>
TOTAL	0

2018: Routine Inspections

Priority 1	8
Priority 2	14
Priority 3	8
<u>Priority 5</u>	<u>22</u>
TOTAL	52

Initial Inspections*

Priority 1	1
Priority 2	0
Priority 3	0
<u>Priority 5</u>	<u>1</u>
TOTAL	2

**All new licenses are inspected within 12 months.*

2019: Routine Inspections

Priority 1	13
Priority 2	3
Priority 3	8
Priority 5	<u>22</u>
TOTAL	46

Initial Inspections*

Priority 1	0
Priority 2	0
Priority 3	0
Priority 5	<u>2</u>
TOTAL	2

**All new licenses are inspected within 12 months.*

2020: Routine Inspections

Priority 1	4
Priority 2	4
Priority 3	2
Priority 5	<u>6</u>
TOTAL	16

Initial Inspections*

Priority 1	0
Priority 2	0
Priority 3	0
Priority 5	<u>2</u>
TOTAL	2

**All new licenses are inspected within 12 months.*

2021: Routine Inspections Completed through October 27, 2021

Priority 1	5
Priority 2	1
Priority 3	2
Priority 5	<u>5</u>
TOTAL	13

Initial Inspections*

Priority 1	1
Priority 2	0
Priority 3	0
Priority 5	<u>1</u>
TOTAL	2

**All new licenses are inspected within 12 months.*

12. During this review period no inspections of Priority 1, 2, or 3 were performed overdue prior to the COVID-19 public health emergency.

In April of 2020, all inspections activities were suspended because of the COVID-19 pandemic and statewide restrictions. In addition, MDH staff were being reassigned to COVID-19 response activities for the agency and unavailable for routine duties, like inspections. As a result 16 inspections were performed overdue and currently there are 9 inspections overdue.

Policies and procedures were developed within the agency to ensure public health, safety, and security while protecting staff. A Temporary Inspection Policy was developed in September of 2020, and updated in March of 2021, to address inconsistencies with IMC 2800. The Unit acknowledges that some inspections will go overdue due to the pandemic. The policy is designed to assist the Unit in getting caught up on overdue inspections in a timely process.

The following Priority 1, 2, and 3 inspections were performed overdue:

- Fairview Southdale Hospital (1039)
 - Priority 2
 - Inspection due date 3/14/2020
 - Overdue date 3/14/2021
 - Inspection performed 9/8/2021
 - Overdue days 178
 - Inspection findings issued 9/29/2021 – minor violations
- St. Joseph’s Medical Center (1061)
 - Priority 3
 - Inspection due date 3/7/2020
 - Overdue date 3/7/2021
 - Inspection performed 7/14/2021
 - Overdue days 129
 - Inspection findings issued 7/20/2021 no violations
- Ridgewater College (1076)
 - Priority 1
 - Inspection due date 3/13/2020
 - Overdue date 9/13/2020
 - Inspection performed 6/1/2021
 - Overdue days 281
 - Inspection findings issued 7/14/2021 – minor violations
- T.A. Schifsky & Sons (1241)
 - Priority 5
 - Initial Inspection due date 6/27/2020
 - Overdue date 6/27/2020
 - Inspection performed 3/11/2021

- Overdue days 257
 - Inspection findings issued 5/27/2021 – minor violations
- Mistras Group (1242)
 - Priority 1
 - Initial Inspection due date 7/29/2020
 - Overdue date 7/29/2020
 - Inspection performed 4/8/2021
 - Overdue days 253
 - Inspection findings issued 5/10/2021 – minor violations
- Chart Industries (1075)
 - Priority 1
 - Inspection due date 11/4/2020
 - Overdue date 5/4/2021
 - Inspection performed 8/12/2021
 - Overdue days 101
 - Inspection findings issued 8/26/2021 – no violations
- American Engineering Testing, Inc (1089)
 - Priority 1
 - Inspection due date 5/29/2020
 - Overdue date 11/29/2020
 - Inspection performed 6/30/2021
 - Overdue days 217
 - Inspection findings issued 7/14/2021 – no violations
- Lake Region Healthcare
 - Priority 3
 - Inspection due date 3/8/2020
 - Overdue date 3/8/2021
 - Inspection performed 7/13/2021
 - Overdue days 127
 - Inspection findings issued 7/28/2021 - minor violations
- Braun Intertec Corporation
 - Priority 1
 - Inspection due date 8/2/2020
 - Overdue date 2/2/2021
 - Inspection performed 7/30/2021
 - Overdue days 182
 - Inspection findings issued 8/23/2021 – minor violations
- Hennepin County Medical Center (1164)
 - Priority 2
 - Inspection due date 4/18/2020
 - Overdue date 4/18/2021
 - Inspection performed 9/23/2021
 - Overdue days 157

- Inspection findings issued 9/29/2021 – minor violations
- Ridgeview Medical Center (1063)
 - Priority 3
 - Inspection due date 5/17/2020
 - Overdue date 5/17/2021
 - Inspection performed 10/14/2021
 - Overdue days 150
 - Inspection findings not issued as of 10/27/2021
- Jubilant Draximage, Inc (1023)
 - Priority 2
 - Inspection due date 5/31/2020
 - Overdue date 5/31/2021
 - Inspection performed 9/14/2021
 - Overdue days 106
 - Inspection findings issued 9/27/2021 – no violations
- PETNET Solutions, Inc (1017)
 - Priority 2
 - Inspection due date 7/11/2020
 - Overdue date 7/11/2021
 - Inspection performed 10/18/2021
 - Overdue days 99
 - Inspection findings not issued as of 10/27/2021
- PETENT Solutions, Inc (1228)
 - Priority 2
 - Inspection due date 7/11/2020
 - Overdue date 7/11/2021
 - Inspection performed 10/18/2021
 - Overdue days 99
 - Inspection findings not issued as of 10/27/2021
- Mayo Clinic (1047)
 - Priority 2
 - Inspection due date 10/22/2020
 - Overdue date 10/22/2021
 - Inspection performed 10/26/2021
 - Overdue days 4
 - Inspection findings not issued as of 10/27/2021
- Mayo Clinic (1229)
 - Priority 2
 - Inspection due date 10/22/2020
 - Overdue date 10/22/2021
 - Inspection performed 10/26/2021
 - Overdue days 4
 - Inspection findings not issued as of 10/27/2021

13. The following Priority 1, 2, and 3 inspections are currently overdue:

- Suburban Imaging (1068)
 - Priority 3
 - Inspection due date 2/1/2020
 - Overdue date 2/1/2021
 - Scheduled for inspection 11/4/2021
- Cleveland-Cliffs Minorca Mine, Inc (1088)
 - Priority 2
 - Inspection due date 6/5/2020
 - Overdue date 6/5/2021
- Acuren Inspection (1191)
 - Priority 1
 - Inspection due date 1/6/2021
 - Overdue date 7/6/2021
- Minnesota Oncology-Hematology Professional Associates (1016)
 - Priority 2
 - Inspection due date 8/8/2020
 - Overdue date 8/8/2021
- Central Minnesota Diagnostic, Inc (1046)
 - Priority 3
 - Inspection due date 8/21/2020
 - Overdue date 8/21/2021
- Park Nicollet Methodist Hospital (1052)
 - Priority 2
 - Inspection due date 8/22/2020
 - Overdue date 8/22/2021
- Team Industrial Services, Inc (1192)
 - Priority 1
 - Inspection due date 3/9/2021
 - Overdue date 9/9/2021
- Cardinal Health 414, LLC (1045)
 - Priority 2
 - Inspection due date 10/9/2020
 - Overdue date 10/9/2021
- Element Materials Technology (1231)
 - Priority 1
 - Inspection due date 10/24/2020
 - Overdue date 4/24/2021
 - Scheduled for inspection 11/5/2021

14. Reciprocity Inspections

2017 Reciprocity

Reciprocity Licensees Entering Minnesota

Priority 1, 2, and 3	13
Priority 5	26
TOTAL	39

Reciprocity Inspections

Priority 1, 2, and 3	6	(46.1%)
Priority 5	5	(19.2%)
TOTAL	11	(28.2%)

2018 Reciprocity

Reciprocity Licensees Entering Minnesota

Priority 1, 2, and 3	11
Priority 5	26
TOTAL	37

Reciprocity Inspections

Priority 1, 2, and 3	5	(45.5%)
Priority 5	1	(3.8%)
TOTAL	6	(16.2%)

2019 Reciprocity

Reciprocity Licensees Entering Minnesota

Priority 1, 2, and 3	11
Priority 5	21
TOTAL	32

Reciprocity Inspections

Priority 1, 2, and 3	5	(45.5%)
Priority 5	0	(0%)
TOTAL	5	(15.6%)

In accordance with the 2020 changes to IMC 2800, the unit implemented a new procedure for identifying which reciprocity licensees were considered candidates for inspection. The new procedure was implemented in 2020.

2020 Reciprocity

Reciprocity Candidates Identified	22	
Reciprocity Candidate Inspections	2	(9%)

2021 Reciprocity as of October 27, 2021

Reciprocity Candidates Identified	20	
Reciprocity Candidate Inspections	1	(5%)

Remote Inspection Process

Process for minimizing MDH inspector's on-site inspection of radioactive materials licensees.

Inspection Prep

- Review necessary documents
 - License
 - Previous inspection report
 - Amendments since the last inspection
 - Any WBL attachments in the draft inspection page
- Fill out the "Cover" and "Pre Inspection" tabs of the report

Initial Phone Call

- Call the licensee contact
 - Identify yourself and the purpose of the call
 - Emphasize MDH's desire to conduct the inspection with as little on-site contact as possible
 - Assess the licensed facility's COVID-19 risk to the inspector using the Pre-Inspection Screening Form Step 1
 - If the licensee does not meet the screening criteria, save the document to WBL as "Attempt 1"
 - After 14 days, a 2nd attempt should be made
 - After 3 failed attempts, contact the Unit Supervisor for guidance.
- Layout the scope of the inspection to the licensee

- Evaluate the licensee's remote capabilities (Skype, Teams, ability to scan and email documents, sending encrypted documents, any access restrictions for the onsite portion of the inspection, etc.)
- Develop a plan with the licensee for the inspection. Determine what can be done remotely and what will likely need to be done on-site.
 - Consider setting up remote interviews with other members of the licensee's program (ROs, RSOs, users, technologists, physicists, etc.)

Remote Inspection

- Per the plan in the previous step, gather all possible information to complete the inspection report remotely. Examples:
 - Cover and Scope tabs on the Inspection Report
 - Video tour the facility and storage
 - Interview other licensee personnel
 - The licensee may scan and email records for the inspector. Avoid receiving records with personal, sensitive, or security information via email without encryption.
 - Note: RAM unit staff will destroy any records submitted by the licensee after they have been reviewed and are no longer needed for the inspection.
- Review with the licensee the items of the inspection you were unable to complete remotely and develop a plan to efficiently cover those items during an on-site visit.

Schedule an On-site Visit/Field Inspection

- Review with the licensee what to expect regarding social distancing and personal

protective equipment (PPE) from MDH when on-site

- Inspector(s) will be wearing a mask while on-site
- There will be no unnecessary physical contact (handshakes, etc.)
- Review with the licensee what MDH expects from the licensee, regarding social distancing and PPE while on-site
 - Ask to see the licensee’s Workplace Covid-19 Plan
 - Keeping physical distance
 - No unnecessary physical contact (handshakes, etc.)
 - Entrance and exit briefings should have no more than 10 people in a room. Meetings should be held in rooms large enough to allow for social distancing.
- Assess the licensee’s ability to provide an appropriate environment that meets MDH and CDC guidelines for limiting the spread of disease.
 - Reserving a private workspace for MDH inspectors that allows social distancing from other personnel
 - Having unessential personnel temporarily vacate areas in which the inspector requires access

Complete Health Screening Form

- Prior to the inspection (no more than 24 hours), contact the licensee to complete Step 3 of the Pre-Inspection Screening Form.
 - If the licensee fails Step 3, cancel the on-site inspection and save the form to WBL as Attempt number 1, 2, or 3.
 - Contact the licensee at least 14 days later, and restart the pre-inspection screening on a new form.

Inspector COVID Evaluation

- Inspectors will not perform an onsite inspection if;
 - They are experiencing COVID-19 related symptoms such as; [reference CDC website.](#)
 - They have had close contact with a lab confirmed COVID 19 case within the last 14 days.
 - Anyone in their household is experiencing COVID-19 related symptoms such as; [reference CDC website.](#)
- If an inspector begins to feel unwell during the inspection, they will leave immediately.

Onsite Protocol

- Whenever possible, the inspector will maintain a minimum physical distance of 6-feet from others
- The inspector will wear a cloth face covering
- The inspector will not participate in any unnecessary physical contact (handshakes, etc.)
- The inspector will avoid unnecessarily touching of surfaces. For example:
 - The licensee should handle all paper records and files
 - The licensee should handle any equipment (survey meters, licensed devices, etc.)
- The inspector will abide by any additional precautions enacted by the licensee
- Meetings with licensee personnel will be limited to 10 people or less. Multiple meetings can be held if necessary to accommodate for larger groups.
 - Exit briefings may be held remotely (via skype or teams) after the on-site review is complete.

Radioactive Materials Unit COVID-19 Pre-Inspection Screening Form

MDH inspectors conducting on-site inspection or field work, must complete this questionnaire before initiating an inspection. This form must be completed and signed by the inspector and uploaded to WBL under the Attachments Tab for the corresponding Inspection ID prior to initiating an inspection. Inspectors must contact the Licensee to complete Step 1 and Step 2 of the form to determine the intended inspection date. No more than 24 hours before the on-site visit, the inspector must complete Steps 3 and 4 of the form.

Licensee: _____ License Number: _____

Inspector: _____

Statement for Inspectors to Licensees: *MDH is implementing precautionary measures to ensure the health, safety and well-being of our inspectors and the regulated community. We have established pre-inspection screening procedures to analyze and document current health conditions to protect the licensee, its employees, and our inspectors. MDH inspectors will attempt to conduct a remote inspection as much as possible; however, most inspections will require a brief on-site component. While on-site, MDH inspectors will: wear a cloth mask, and attempt to maintain a minimum distance of 6-feet. The inspector will not: participate in any unnecessary physical contact such as handshaking, and touch surfaces, equipment, or documents within the licensed facility, if it is not necessary. Should a licensee have more stringent procedures, inspectors will follow those measures while on-site conducting the inspection.*

The following questions are being used to establish current health conditions and to establish an agreed upon inspection date. No more than 24 hours prior to the day of the inspection, the current health conditions of the licensee & inspector will be reassessed and documented.

Step 1: Licensee Pre-Screening Interview

Licensee Representative Name/Title:	Date:	Yes	No
Is your business currently shutdown due to the COVID-19 pandemic?			
Have you or any personnel tested positive for COVID-19 at your facility in the past 14 days?			
To the best of your knowledge, have you or any personnel been in close contact (within 6-feet for at least 15-minutes) with a lab confirmed COVID-19 case?			

To the best of your knowledge, have you or any personnel had COVID-19 related symptoms such as; reference CDC website in the past 14 days?		
What precautionary measures has your facility implemented in response to COVID-19? What Personal Protective Equipment (PPE) is required?		
If no precautionary measures are being taken or PPE is not being used, are you or the personnel MDH plans to be in contact with during the on-site inspection willing to wear a face mask and maintain social distancing?		
Based on the answers given and conversation to this point, is the inspection able to be scheduled? If no, record inspection attempt below and call back in 14 days from the pre-screening interview.		

Step 2: Inspection Date Schedule

Agreed upon inspection Date(s):

Step 3: Inspector & Licensee Questionnaire

This portion of the form is to be completed by the inspector **less than 24 Hours PRIOR** to conducting the inspection.

MDH Inspector Health Screening	Yes	No
Have you or anyone in your household tested positive for COVID-19 in the last 14 days?		
Have you or anyone in your household had COVID-19 related symptoms such as; reference CDC website in the last 24-hours?		
To the best of your knowledge, have you been in close contact (within 6-feet for at least 15-minutes) with an individual that has had COVID-19 related symptoms such as; reference CDC website , or tested positive for COVID-19 within the last 14 days?		

Licensee Health Screening	Yes	No
Have you or any personnel received a positive test result for COVID-19 at your facility in the last 14 days?		
To the best of your knowledge, have you or any personnel been in close contact (within 6-feet for at least 15 minutes) with an individual that has had COVID-19 related symptoms such as; reference CDC website in the last 14 days?		
Based on the answers given and conversation to this point, is it necessary to postpone the inspection to a later time?		

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If any of the answers to the inspector or licensee health screening questions are "yes," the inspector shall reschedule the inspection and begin over with Step 1.

Step 4: When Steps 1 through 3 are complete, convert to PDF, date and sign below.

Inspector: _____ Date Complete: _____

Signature: _____

Step 5: Upload this form to WBL under the Attachments Tab for the corresponding Inspection ID.

III. Technical Quality of Inspections

15. Inspection procedures were modified for the use of remote inspections during the public health emergency. These procedures included the addition of a health screening for both the inspector and licensee. See the attached Remote Inspection Process and Health Screening Form
16. The following table summarizes the supervisory accompaniments during the review period. No inspector accompaniments were performed in 2020 due to the temporary suspension of inspections and limited staff availability during the public health emergency.

Supervisory Accompaniments			
License Number	Supervisor	Type of Inspection	Date
Brandon Juran			
1036	Sherrie Flaherty	Medical- Diagnostic & Therapeutic	11/28/17
1045	Sherrie Flaherty	Cyclotron	10/9/18
1084	Sherrie Flaherty	Blood Irradiator – Security	10/29/19
1074	Sherrie Flaherty	Industrial Radiography	Scheduled for 11/16/21
Lynn Fortier			
1026	Sherrie Flaherty	Medical – Therapy HDR	12/1/16
1171	Sherrie Flaherty	R&D Other	11/29/17
1075	Sherrie Flaherty	Industrial Radiography	10/18/18
1231	Sherrie Flaherty	Industrial Radiography	10/24/19
1063	Sherrie Flaherty	Medical Diagnostic & Therapeutic	10/14/21
Tyler Kruse			
1042	Sherrie Flaherty	Medical – Diagnostic & Therapeutic	10/11/16
1037	Sherrie Flaherty	Nuclear Pharmacy	11/2/17
1231	Sherrie Flaherty	Industrial Radiography	8/28/18
1075	Sherrie Flaherty	Industrial Radiography	11/4/19
1228 & 1017	Sherrie Flaherty	Cyclotron & Nuclear Pharmacy	10/19/21

Matt Duff			
1089	Sherrie Flaherty	Industrial Radiography	1/10/17
1230	Sherrie Flaherty	Industrial Radiography	2/15/17
1202	Sherrie Flaherty	Medical – Diagnostic	3/1/17
Martha Steinhart			
1074	Sherrie Flaherty	Industrial Radiography	11/1/17
Bridget Bobick			
1204	Sherrie Flaherty	Medical – Diagnostic	4/30/19
1115	Sherrie Flaherty	Portable Gauge	7/23/19

17. MDH maintains a sufficient number of detectors and dosimeters to meet the normal activities of the Unit as well as any potential emergency response requirements. Included in the inventory are a neutron detector, two alpha detectors, and two 2" NaI scintillation detectors. MDH has two instruments capable of identification, an InSpector 1000 and a FLIR – identiFINDER2. During this review period MDH purchased four PED Blue units to be used as alarming rate meters and direct reading dosimeters. These will replace the separate alarming rate meters and electronic dosimeters.

MDH has implemented a program that provides Emergency Response Kits to state responders. The loan program ensures that the MnDOT Hazardous Materials Inspectors and the State Patrol Commercial Vehicle Inspection Section staff have up-to-date equipment to assess radiological hazards. Included in the Response Kits are a Ludlum 2241-2 scaler, a pancake probe, and a 1" NaI scintillation detector.

The following table summarizes the Radioactive Materials Unit's instrumentation.

Serial #	Status	Make	Model	Instrument Type Name	Last Calibration Date	Calibration Due Date	Assignment
31896	Calibration	SE International	Radiation Alert Monitor 4/4EC	Survey	5/12/2021	5/12/2023	equip room

9124781	InService	Dosimeter Corp	611	Dosimetry	10/19/2020	10/19/2021	
9124783	InService	Dosimeter Corp	611	Dosimetry	10/19/2020	10/19/2021	
4010818	InService	Dosimeter Corp	862	Dosimetry	10/19/2020	10/19/2021	
4010820	InService	Dosimeter Corp	862	Dosimetry	10/19/2020	10/19/2021	
4010831	InService	Dosimeter Corp	862	Dosimetry	10/19/2020	10/19/2021	
1850670	InService	Tracerco	PED Blue	Dosimetry	2/1/2021	2/1/2022	
1850671	InService	Tracerco	PED Blue	Dosimetry	2/1/2021	2/1/2022	
1850672	InService	Tracerco	PED Blue	Dosimetry	2/1/2021	2/1/2022	
1850674	InService	Tracerco	PED Blue	Dosimetry	2/1/2021	2/1/2022	
11063990	InService	Canberra	InSpector 1000	Identifier	11/27/2019	11/27/2020	
910383-1481	InService	FLIR	identiFINDER2	Identifier	5/1/2015	5/1/2023	
232688	InService	Ludlum	2241-2	Neutron Detector	10/30/2019	10/30/2021	
217896	InService	Ludlum	2241-2	Survey	5/11/2021	5/11/2022	equip room
232708	InService	Ludlum	2241-2	Survey	5/11/2021	5/11/2022	equip room
228418	InService	Ludlum	2241-2	Survey	5/11/2021	5/11/2022	equip room
220176	InService	Ludlum	2241-3	Survey	5/10/2021	5/10/2022	equip room
228295	InService	Ludlum	2241-2	Survey	11/17/2020	11/17/2021	
217853	InService	Ludlum	2241-2	Survey	11/17/2020	11/17/2021	
220152	InService	Ludlum	2241-3	Survey	11/16/2020	11/16/2021	lynn
220193	InService	Ludlum	2241-3	Survey	11/13/2020	11/13/2021	Tyler Kruse
217822	InService	Ludlum	2241-2	Survey	1/29/2021	1/29/2022	Randy Kudzia (DOT)
241180	InService	Ludlum	2241-2	Survey	2/1/2021	2/1/2022	Eric Sundby - State Patrol
228391	InService	Ludlum	2241-2	Survey	4/22/2021	4/22/2022	
228168	InService	Ludlum	2241-3	Survey	1/21/2021	1/21/2022	
267949	InService	Ludlum	78	Survey	1/7/2020	1/7/2022	
217821	InService	Ludlum	2241-2	Survey	11/18/2020	11/18/2021	Jim Fox, DOT
232681	InService	Ludlum	2241-2	Survey	11/18/2020	11/18/2020	

						21	
232667	InService	Ludlum	2241-2	Survey	11/11/2020	11/11/2021	
228381	InService	Ludlum	2241-2	Survey	10/21/2020	10/21/2021	
220224	InService	Ludlum	2241-3	Survey	11/12/2020	11/12/2021	Brandon Juran
55873	InService	NDS Products	ND-2200	Survey	10/16/2020	10/16/2021	out for cal
55872	InService	NDS Products	ND-2200	Survey	10/16/2020	10/16/2021	out for cal
31663	InService	SE International	Radiation Alert Monitor 4/4EC	Survey	4/4/2018	4/4/2020	Sherrie Flaherty
38564	InService	SE International	Radiation Alert Monitor 4/4EC	Survey	4/4/2018	4/4/2020	Brandon Juran
31784	InService	SE International	Radiation Alert Monitor 4/4EC	Survey	5/12/2021	5/12/2023	Lynn Fortier
02561	InService	SE International	Radiation Alert Monitor 5	Survey	5/12/2021	5/12/2023	equip room
5588	InService	SE International	Radiation Alert Inspector	Survey	10/19/2020	10/19/2021	
2378	InService	Victoreen	450P	Survey	4/2/2020	4/2/2021	
1029	InService	Victoreen	450P	Survey	10/16/2020	10/16/2021	
107367	InService	Victoreen	190	Survey	2/3/2021	2/3/2022	Lynn Fortier

IV. Technical Quality of Licensing Actions

18. At the time of this review, the Radiation Control Unit has 148 active specific licenses.
19. During the review period, MDH has issued approximately 8 new licenses (license numbers 1239-1247); six portable gauges, one veterinary medicine, and one medical.

Approximately 21 licenses have been terminated during the review period.

The Unit has not performed any major decommissioning or complex license reviews during this review period.

20. MDH has issued two variances during this review period. One issued to a radiography training college allows changing personnel monitoring frequency to six-month intervals. The other is a renewal allowing non-accredited nuclear medicine technologists to function as nuclear medicine technologists under specific circumstances.
21. During the review period MDH made no changes to the written licensing procedures.
22. MDH has no license renewals that have been pending for one year or more. During the review period three license renewals were issued greater than one year due to lack of response and availability of the licensees.

23. All events reportable under SA-300 occurring during the review period have been submitted to NRC.
24. During the review period the Radioactive Materials Unit has not made any changes to the procedures for responding to incidents or allegations.

25. Below is a list of statutes that affect the radiation control program. Authority for Minnesota's Agreement State activities is primarily found in Minnesota Statutes, Sections 144.12-144.1205, and in the Minnesota Rules Chapter 4731. Minnesota's statutes and rules are accessible on the Internet at: <https://www.revisor.mn.gov/statutes/>

Statute	Subject
13.02	Collection, security and dissemination of records; definitions.
13.39	Civil investigation. Covers the requirements the Commissioner follows in a pending civil legal action.
13.41	Licensing data. Covers the requirements that the Commissioner must follow to ensure that data collected for licenses is kept within the statutory guidelines of data privacy.
144.05	General duties of Commissioner; reports.
144.12	Regulations, enforcement, licenses, fees. Overall commissioner authority to regulate, adopt rules, enforce, license and collect fees.
144.1201	Definitions. For agreement state program. Provides clarification for 144.1202.
144.1202	U.S. NRC agreement. Gives the responsibility and authority for an agreement state program to the Department of Health.
144.1203	Training; rulemaking. Authority given to the Commissioner to adopt rules to ensure that individuals handling or utilizing radioactive materials are properly trained and have the qualifications to do so.
144.1204	Surety requirement. Gives the Commissioner authority to require financial assurance for radioactive materials licensees.
144.1205	Radioactive material; source and special nuclear material; fees; inspection. Gives the Commissioner authority to collect fees and penalties, and to conduct inspections.
144.121	X-ray machine and facilities using other sources of ionizing radiation. Indicates that machines and materials must be registered and that the Commissioner can collect fees and perform inspections.

- 144.989 Title; citation. This legislation is the title for the enforcement. Parts 144.989 to 144.993 are referred to as the Health Enforcement Consolidation Act of 1993.
- 144.99 Enforcement. Outlines the authority that the Commissioner has to access information and issue correction orders, administrative penalty orders, injunctive relief, cease and desist orders, suspension or revocation of permits, licenses, registration or certificates. Allows for hearing, misdemeanor penalties, and the authority to impound radioactive materials and associate shielding.
- 144.991 Administrative penalty order procedure. Outlines the administrative penalty order procedure that must be followed.
- 144.992 False information. Asserts that a person cannot make false material statements, representation or certification in any of the commissioner's areas or they are subject to actions listed in section 144.99, subdivision 1.
- 144.993 Recovery of litigation costs and expenses. Allows the Commissioner to recover any costs brought on my any litigation.
- 181.931 Definitions. Definitions used in the sections 181.931 to 181.935. This section covers employee rights.
- 181.932 Disclosure of information by employees. Actions prohibited by an employer whose employee files a complaint against the employer.
- 181.933 Notice of termination. Addresses employee who has been involuntarily terminated, and that any defamation action is prohibited.
- 181.934 Employee notice. The Department of Labor and Industry will have rules for the notification of employees by employers of an employee's rights.
- 181.935 Individual remedies; penalty. Refers to the ability of the employee to bring civil action to recover costs and damages caused by violation of 181.932.
26. No, our regulations are not subject to a "Sunset" or equivalent law.
27. The information in the State Regulation Status (SRS) sheet is correct.
28. The following rules went into effect on August 26, 2019.

- RATS ID 2013-1 [Only comments dated 10/15/2015 – Originally due for state adoption 3/19/2016, adopted 8/17/2015]
- RATS ID 2015-1 Due for state adoption 01/26/2018
- RATS ID 2015-2 Due for state adoption 01/28/2018
- RATS ID 2015-3 Due for state adoption 08/15/2020 (07/13/2018 initial due date)
- RATS ID 2015-4 Due for state adoption 09/02/2018
- RATS ID 2015-5 Due for state adoption 12/31/2018

The following changes were made in the rules that were not adopted on time during the review period.

- RATS ID 2013-1 Addressed comments dated 10/15/2015 – clarified the reporting requirements in 37.71(a), changing notification to the state from NRC in 37.77(d), and adds the address for the American National Standards Institute in 34.20(a)(1), and corrects NRC addresses and telephone numbers.
- RATS ID 2015-1 Removed reporting requirements required under 10 CFR 70.74 and part 70, appendix A, if applicable. (NRC only)
- RATS ID 2015-2 Changes were to exempt commercial vehicle drivers for category 1 quantities of radioactive material from needing a background investigation and requires protection of advance notification information for individuals receiving it (MDH and other state officials).
- RATS ID 2015-4 No changes to MN rules were required.
- RATS ID 2015-5 Changes were to change the office name to Office of the Chief Information Officer, capitalizing the words “Tribe,” “Tribes,” and “Tribal,” correcting a Web site address, and updates on where to find contact information of governors’ designees and Tribal officials’ designees.

The following rules are in process with an anticipated effective date in November or December 2021. The proposed rules were submitted for NRC review on May 17, 2021, with the review completed on July 1, 2021, with no comments.

- RATS ID 2018-1 Due for state adoption 01/14/2022
- RATS ID 2018-2 Due for state adoption 12/21/2021
- RATS ID 2018-3 Due for state adoption 07/30/2022

RATS ID 2019-1 Due for state adoption 12/18/2022
RATS ID 2019-2 Due for state adoption 12/30/2022
RATS ID 2020-1 Due for state adoption 06/16/2023
RATS ID 2020-2 Due for state adoption 08/17/2023
RATS ID 2020-3 Due for state adoption 11/16/2023