

DRAFT Minutes of the Radiation Protection Advisory Committee (RPAC) Meeting
14th Floor Conference Room
Rachel Carson State Office Building, Harrisburg, PA
April 6, 2017

Call to order – 9:05 a.m.

Members in Attendance:

John Keklak	Michael Sheetz
Eric Boeldt	Victor Rizzo
Kent Lambert	Anthony Montagnese
Shawn McNeely	Peter Smith
Paul Houle	Joseph Och
Janice Wirth	Marian Wolford
Steven King	

Members Absent:

Vincent Roding	Katherine Hetherington Cunfer
Margaret Blackwood	

DEP Staff in Attendance:

David Allard	Lisa Funk
Joseph Melnic	John Chippo
Kristina Hoffman	Bob Lewis
Dyran Altenburg	Robert Zaccano

Guests in Attendance:

Kendall Berry	Glen Nachel
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Introduction; Adoption of Agenda; Approval of Minutes:

Introductions of members, guests and staff were made. The agenda for this meeting and minutes from the November 17, 2016, meeting were approved unanimously.

Open Floor:

Mr. Keklak reported that during the Delaware Valley Health Physics Chapter meeting, they had a quiet reflection for Frank Costello, who recently died after a long battle with cancer. Frank joined the Department of Environmental Protection's (DEP) Radiation Protection (RP) program after retiring with 30 years from the U.S. Nuclear Regulatory Commission (NRC). Mr. Allard added that Frank will be posthumously receiving the Emeritus Award at the Conference of Radiation Control Program Directors (CRCPD) annual meeting in May, for his work on 10 CFR Part 37, and he has been selected as a candidate for induction into the Organization of Agreement States (OAS) Hall of Fame. A resolution is being drafted for the OAS. An article is also going to be drafted for the Health Physics Society Newsletter.

Dr. Rizzo asked to address the committee regarding problems he experienced with Workers' Compensation after he treated a federal employee referred to him by the Veterans Administration (VA) hospital. After performing several treatments, the Federal Workers' Compensation would not reimburse him for services rendered because he did not X-ray the patient. Dr. Rizzo appealed the decision, noting that the VA provided him with initial scans as well as an MRI scan, thus he believed it was unnecessary and redundant to give the patient an additional radiation dose. The appeal was denied. The RPAC recommended that he write to the editors of national newspapers, such as the NY Times and Washington Post, to call attention to the matter.

RPAC asked the status of DEP's coordination with the Department of Health (DOH) on DOH's proposed regulations. Response: DEP had participated in discussions relating to revisions to the DOH regulations last October, but to date there has been no further communication with DOH. An RPAC member raised another issue related to DOH about the need to have separate radiation safety committees for separate satellite facilities. The health system has a radiation safety committee, so DOH would like separate meeting minutes prepared for each individual site.

Dual-energy X-ray absorptiometry (DEXA) devices are now being used to determine body fat. The Department has been receiving calls from fitness centers and sports medicine personnel who want to use these devices and are under the impression they need DEP's approval to do so. The Department is not likely to approve *healing arts screening* using DEXA for this type of application. Nevertheless, there are two universities that are using these devices as part of a research project approved by their Institutional Review Board (IRB). DEP's concern is that the IRB proposal doesn't address the fact that radiation is being administered to volunteers. DEP plans to send a notice to these universities stating that they need to address the effect of ionizing radiation on individuals in their respective IRB proposal.

Dental offices are being targeted by aggressive salesmen stating that Cone Beam Computed Tomography (CBCT) delivers a high standard of care to their patients. It is true that CBCT provides a tremendous image; however, for most dental applications these intense images are not necessary. What results is a much higher dose of radiation to the patient, whereas a simple intraoral image is all that may be necessary. Furthermore, the Department has learned that some salesmen are offering dental staff a scan to demonstrate the quality of the CBCT image. This is not permitted by regulation. Additionally, some vendors are also selling phantoms only as an option. Our proposed regulatory package will require phantoms for routine QC.

RP Program Update:

Decommissioning/Environmental Surveillance:

- There are several small colleges giving up their radioactive materials licenses, primarily because sources have accumulated but are no longer being used.
- All buildings and towers at the Safety Light (old US Radium) site have been demolished by the Environmental Protection Agency (EPA).
- The Shallow Land Disposal Area (SLDA) site in western Pennsylvania remains an NRC licensed facility. This is a half-billion-dollar cleanup due to trenches contaminated with waste. The project was shut down years ago, but it was recently rebid to restart the cleanup efforts.

Nuclear Safety – The upcoming Three Mile Island emergency exercise will be attended by a Japanese delegation.

Radon – A newly built home in the Lehigh Valley neighborhood with extremely high radon levels has a reading of 6,176 pCi/l, which to date is the highest radon level recorded in Pennsylvania.

Regulation Packages:

- The proposed fee package received numerous comments, primarily on the radon fees. DEP anticipates a summer Environmental Quality Board (EQB) meeting for consideration of the final-form rulemaking.
- The Attorney General's Office issued a "tolling memo" to DEP requesting clarification on the proposed radiological health regulations. Responses were provided in anticipation that the proposed rulemaking will be published in May. There is ongoing discussion to offer a webinar addressing the revisions during the 45-day public comment period.

RPAC members asked to receive 1) a link to the EQB web page when the proposed regulations are posted, and 2) a link to eComment, which is <http://www.ahs.dep.pa.gov/eComment/>

BRP is now working on the next spend plan. If the federal State Indoor Radon Grant (SIRG) is cut, radon outreach will be impacted. BRP continues to budget at the full complement of 107 staff members. An RPAC member asked if the Commonwealth is taking any fees from the RP program. Response: No. All fees go into the Radiation Protection Fund, which is a restricted revenue account.

The NRC will be visiting for DEP's Periodic Meeting in June. This meeting is a one-day audit of our materials program held between the NRC's Integrated Materials Performance Evaluation Program (IMPEP) audits, which are conducted every four years. Pennsylvania continued to have the best possible rating at our last IMPEP audit in 2015 and Periodic Meeting in 2016.

Licensing for Radiological Technologists – A legislative bill has been drafted, but not introduced, to require radiological technologists to be licensed by the Department of State (DOS). DEP's regulations grant BRP oversight for DOS qualifications, and BRP relies on DOS regulatory requirements. BRP currently incorporates DOH regulations by reference for hospitals; however, our proposed regulations will delete that incorporation, making requirements consistent for all medical facilities. Representative Cutler (R-Lancaster) is a registered Radiological Technologist (RT) who was motivated to propose this legislation to assure patients are receiving the highest quality of care administered by medical imaging professionals. Rep. Cutler is open to discussing his proposal with the RPAC.

Radon Discussion – Bob Lewis gave a presentation on radon and targeted radon surveys. He also discussed previous targeted areas.

Radiation Control:

Whole body scanners that are now being used in prisons for determining contraband require prior approval by the Department. Westmoreland County Prison is the first Pennsylvania prison to request and receive approval. DEP's approval will involve verifying that a radiation safety officer (RSO) is knowledgeable in radiation protection; training requirements for the RSO and all operators of the scanner are implemented; and an appropriate radiation safety plan is in place. A fact sheet is being drafted outlining these requirements.

One Information Notice Issued:

IN-2017-01 - CATEGORY 3 SOURCE SECURITY AND ACCOUNTABILITY

The Department issued an Information Notice (IN) to bring to the attention of Pennsylvania licensees the NRC's evaluation of the necessity of revising its regulations or processes governing source protection and accountability for Category 3 sources. This evaluation is the result of a recent investigation by the Government Accountability Office (GAO). Specifically, the NRC is evaluating the advantages and disadvantages of different methods of requiring transferors of Category 3 quantities of radioactive material to verify the validity of a transferee's license prior to transfer; the advantages and disadvantages of including Category 3 sources in the National Source Tracking System (NSTS); and the risks posed by aggregation of Category 3 sources into Category 2 quantities. As part of this evaluation, the NRC is seeking input from licensees, Agreement States, and the public. Pennsylvania responded by agreeing that more oversight may be necessary for Category 3 sources, such as including these sources in the license verification system. However, adding these sources in the NSTS would not prevent a similar error from occurring.

Review of Medical Reportable Events (MRE) and Nuclear Material Event Database (NMED):

Lisa Funk and John Chipppo provided a verbal summary of two MRE events and eight NMED events and will provide written summaries of these events to the Committee separately.

Open Floor

Mr. Montagnese mentioned that he is not getting receipts for annual license renewals, a process that was implemented less than a year ago. The Department will look into the matter. The Commonwealth recently consolidated printing functions under the Department of General Services, and there might be some remaining issues with the transition.

Mr. Och wished to follow up on the extremity monitoring methodology study he was conducting. A conversion factor (CF) is averaging at 2.8 for extremity to whole body dose. He plans on reporting results along with historical data. He also noted he would like to include DEP employees that helped with the study. Mr. King noted he has been doing similar studies and is also averaging a similar CF.

Ms. Kendall Berry raised an issue regarding an inspection where the inspector issued a violation. She agreed it was a violation but questioned why it had not been cited in previous inspections. Mr. Allard noted that any specific inspection concerns should be promptly brought to the attention of the Regional Office RP Manager.

Mr. McNeely noted that New Jersey is requiring changes to secondary monitoring checks for licensees who use Elekta linear medical accelerators. He is uncertain of what the special requirements are and asked if Pennsylvania is aware of them. The Department was not aware of any monitoring changes but will look into it further. Approximately 10-20 percent of BRP's licensed accelerators are Elektas.

Mr. Sheetz asked what Pennsylvania's ruling is on reinvestigations for trustworthy and reliable individuals. These Increased Control orders were implemented in 2006 and followed up with fingerprinting requirements in 2008. He asked when a licensee should do reinvestigations. Response: The NRC has not officially commented on this subject. Pennsylvania will discuss internally and determine a consistent response for the Commonwealth.

Adjournment – 2:24 p.m.