

**DRAFT Minutes of the Radiation Protection Advisory Committee (RPAC) Meeting
Virtual Meeting**

March 3, 2022

Meeting called to order at 9:01 a.m.

Members in Attendance

Michael Sheetz
Marian Wolford
Todd Moble
yJohn Keklak
Joseph Och
Aaron Fisher
Victor Rizzo

Nathaniel Burden
Steven King
Margaret Blackwood
Summer Kaplan
Keith Salador
Chrysan Cronin

Members Absent

Anthony Montagnese
Janice Anne

Peter Smith

DEP Staff in Attendance

David Allard
Dwight Shearer
John Chipppo
Nikki Minnick
Lisa Funk
Chris Minott
Roy Huhn
Bryan Werner
Kristina Hoffman
Stephanie Banning
Josh Myers
Kate Cole
Terry Derstine

Dennis Ferguson
Lisa Forney
Robert Lewis
Maria Coons
Dyran Altenburg
Denise Bleiler
Barbara Bookser
David Gaisor
Christopher Heckert
Roy Huhn
Valerie Shaffer
Kenneth Steenland

Guests in Attendance

Kendall Berry
Karen Colucci

Introduction; Adoption of Agenda; Approval of Minutes

Minutes: The agenda for this meeting was adopted and the minutes from the June 6, 2021 meeting were approved.

Open Floor

No members of the public registered to provide public comment. An RPAC member encouraged the Department to reconsider the chiropractic profession's categorization as "Other" in the fee schedule. Mr. Allard stated the Department assessed the appropriateness of this request based on earlier discussions with RPAC and determined a reclassification was warranted.

Finding health physicists is becoming an issue to replace those that are retiring. There are many positions that remain vacant. We have had luck with staff retiring at nuclear power plants with nuclear safety specialties that do come to DEP for employment, but are actively looking for new approaches to recruit health physicists.

The RPAC Committee wished John Keklak a happy retirement.

Program Updates

Radiation Control

Inspections are taking place and are being prioritized by high-risk and the U.S. Food and Drug Administration Mammography Quality Standards Act contract requirements. Nonmedical X-ray and materials inspections are also occurring. DEP completed a 3-year fee analysis report and presented it to the Environmental Quality Board for consideration. The data from the fee analysis showed a revision to the fee schedule is necessary to maintain program operations. X-ray renewals will soon be completed online. X-ray inspections eventually will be completed on a new mobility platform called e Inspections which was built by our IT department. This platform is designed to use iPads. Unfortunately, neither DEP's software or its vendors have X-ray software that will interface with DEP's equipment to use iPads so DEP will continue to use our tablets and laptops. Online submittals are being scanned into the system and DEP will soon be able to retrieve all records electronically.

Decommissioning/Environmental Surveillance

The division has continued cleanups at old industrial sites. DEP is filling vacant positions as quickly as allowed. Staff have been completing NRC training. Decommissioning and environmental surveillance work is continuing. The division continues to perform surveillance sampling at the nuclear power plants.

Radon

DEP continues to have regular calls with its radon industry partners. There are three areas DEP is focusing on for the legislative agenda - radon resistant new construction for new homes, making homeowners aware of radon before purchasing a home, and radon testing in schools. The division completed a high-radon mitigation project and its findings are posted on BRP's website. DEP also completed an ambient radon study and several state parks have been visited.

Nuclear Safety

Rehearsal exercises are beginning, and DEP will be shifting its emergency plan to a new approach, a keyhole approach, and a keyhole approach with wind instead of the 360 degrees, 10-mile evacuation zone currently in use. DEP has been updating its emergency response plan and

assisting PEMA with its state emergency plan. DEP will also be hosting public meetings throughout different municipalities along with PEMA. DEP continues to focus on low-level radioactive waste and look at the generation curies. Most generation comes out of power plants and this waste needs to continually be monitored. The bylaws for the Appalachian States Low-Level Radioactive Waste Commission (Commission) needed to be amended so future meetings could be held virtually. Rich Janati, former Division Chief, returned for another year as an annuitant. Steve Acker has been getting up to speed on emergency response. Steve will work with the Low-Level Waste (LLW) Forum and lead DEP's LLW Advisory Committee. We have an interstate compact that started in the late 80s with Delaware, Maryland, and West Virginia. Each state had to pass the same law and be approved by Congress. Pennsylvania is the host state and can send Class A waste to Utah. Mr. Allard is currently the Chair of the Commission. DEP had its annual meeting last November.

Discussion Items

RPAC confirmed the changes to the bylaws in the last meeting. Changes were reviewed and the old language was removed because it is no longer necessary. The other change removes the requirement that meetings must be attended in person. The change allows members to have the ability to vote whether you are joining the meeting in person or virtually. A vote is required to approve the changes of the bylaws in order to adopt them. John Keklak motioned to approve, Nate Burden seconded it and they were approved.

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

There were 14 NMED events since the last RPAC meeting. Two were damaged nuclear gauges, two were unable to retract the radiography, four were lost/abandoned/stolen sealed sources, two involved stuck or broken shutters, and four were medical events.

There were four MREs. One MRE included a patient receiving treatment using the wrong scar to mark the location; one case included a misaligned third treatment causing a dose deviation; one case included a therapist who set up the patient using the tattoo and the marks on the patient's skin which put it one vertebral body higher than intended; the final case included a patient who received treatment and after treatment the therapist noted the lasers and table were out of position.

NRC Rulemaking Plan on Financial Assurance for Disposition of Category 1, 2, and 3 Byproduct Material Radioactive Sealed Sources

No new updates.

Update on Gonadal Shielding FAQ

DEP had discussions with RT Instructors through the PSRT and looking at the NCRP recent statement that came out in January 2021 statement #13. This was a topic at an RT meeting last October. The primary focus is the gonadal shading for radiological procedures for patients of childbearing age. The concern is the potential for affecting automatic exposure control and artifacts in the image receptor. This has been looked assessed, and NCRP issued a statement for ending routine gonadal shielding. Everyone agrees as far as any potential for interference, the

tech should be trained not to use the gonadal shields. There is confusion out there now for other procedures. BRP will post a few items to help with this on Radiation Control's webpage.

PA's CRNP and X-ray Operation

After discussion with BRP, Department of State, and DEP's attorneys, DEP is standing by the regulations for fluoroscopy systems in Chapter 221.35a with the operator qualifications. It states a licensed practitioner working within their scope of practice. The definition of licensed practitioner does not include nurses. The only way a CRNP can perform fluoroscopic procedures would be if they are a registered ARRT technologist. For physician assistants (PAs) to conduct diagnostic procedures they must be under a contract with the overseeing doctor. This request is sent into the Department of State for a review and approval. The Department of State verifies that the PA meets the qualifications to perform fluoroscopy. In addition, the PA must also follow the regulations concerning equipment training and continuing education. An FAQ will be crafted and posted to BRPs website.

Review of Radon Draft Technical Guidance Document

DEP has been working on changes to the Radon Mitigation Standards technical guidance document (RMS) with Aaron Fisher and Nate Burden. DEP reviewed and replaced the references with newer ones. Telephone numbers were updated. Some OSHA health and safety updates were made. The slope for pipes was added back in. DEP cleared up issues on sealing and where to use it appropriately. Language was added to include new types of fans. Audible alarms are not required but are allowed. A visual indication that the system is still working is required. The new ARRST standards require an audio and/or visual alarm. DEP feels there is a good alignment for the current ARRST single-family residence. Requiring a pressure-filled extension test at the end of installation to characterize the effectiveness of the radon mitigation system. This will go through the review process and then published for public comment. The RPAC and subcommittee fully supports moving forward with publication in the *Pennsylvania Bulletin*. When this is finalized, a webinar will be created for the radon community.

Review Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices Draft Final Annex for Chapters 227a and 228

BRP appreciated the comments that were received and also valued the input from DEP's Policy Office. BRP cleaned up language was included clarifications. The Final Annex A will proceed to the Environmental Quality Board (EQB) for consideration and then through the normal review chain before it is ultimately presented to the Independent Regulatory Review Commission. DEP will post the comment-response document with the EQB materials. One comment received was about film badges in 225.93. This comment be reviewed. RPAC will have the opportunity to review these changes. A letter will be generated to support moving the regulations forward.

Review Radiation Protection Program Regulatory Fee Report and Draft Proposed Annex for Radiation Protection Program Fees (Chapter 218)

The fee and program cost analysis report were shared with the RPAC members. This analysis does not include power plant fees. DEP has a requirement in the regulations to review the X-rays, materials, and radon regulations every three years. DEP's Bureau of Radiation Protection does not receive General Fund money to support this program. The program operates on

restricted, fee-based funding. Due to this, all expenses must be closely monitored. BRP does receive a state indoor radon grant (SIRG) from the EPA which covers a two to three-year cycle. DEP matches this on a 60/40 split with the SIRG grant. A revenue and cost projection chart was presented. DEP determined radiation-producing machines need a fee increase of approximately 30%. DEP is proposing a 10% increase on materials and a new hourly rate for Radioactive Material and Decommissioning. DEP recommends a proposed rulemaking to address the disparity between fee collection and program costs. BRP does not have salary projection information. Nuclear Power Plant increases will be addressed in legislation, if necessary.

Chiropractors will be moved to an appropriate fee category. Accelerators will increase along with ION units. This will need to be presented to EQB then published into the *Pa Bulletin* for comments. A comment response-document will be created, and the draft-final Annex will be brought back to RPAC. DEP intends to have this rule finalized by next calendar year. RPAC stated they support these fee increases. A letter will be generated to support moving the fee increases forward.

Open Floor

An RPAC member brought up the topic of X-ray technologist licensure. Someone from the PSRT stated that HB 1440 has passed in the House and sits in the Licensure Committee in the Senate. We are anxious for the committee to review the Bill and send it for a final vote.

A member asked if DEP could gain permission from the NRC to allow licensees to decay residual Lu-177 in storage more than 120 days. Pennsylvania can't be less restrictive than NRC regulations. NRC staff evaluated waste storage issues when handling Lu-177. Lu-177 waste may be decayed in storage under the performance-based rule in 10 CFR 35.92, "Decay-in-storage."

An RPAC member commented that a local solid waste facility is identifying TENORM in a hospital's waste. Usually, it is wastewater from oil and gas. the Member did not expect NORM in a hospital's waste. A suggestion was made to create a webinar for the solid waste facilities to assist with identifying these types of issues.

The meeting adjourned at 12:00 p.m.

The next RPAC meeting will be held October 6, 2022. The meeting format is to be determined