

**RADIATION ADVISORY COMMITTEE MEETING**  
**Minutes**  
**March 31, 2010**

Call to Order

Dr. Gary Gates, chair, called a meeting of the Radiation Advisory Committee (RAC) to order on March 31, 2010, 10:30 a.m, in Conference Room 1A of the Portland State Office Building.

Members Present:

Barnett, D.M.D., Douglas  
Brown, PhD, Paul  
Elting, Donald

Gates, M.D., Gary  
Reese, PhD, Steven  
Riggs, Edgar

Members Absent:

Franco, Janet

State Members Present:

Carpenter, Todd  
Crawford, Steve  
DeSemple, Erin  
Howe, David

Keller, Molly  
Lindsey, Terry  
O'Fallon, J.D., Shannon

Guests:

Baird, Sam – ESCO  
Braatz, Patrick – Oregon Board of Dentistry  
Fletcher, Beryl – Oregon Dental Association  
Taylor, Mike – ABR Medical Physicists

Status of RPS Programs and Budget Reports

Terry Lindsey distributed a “RAC Briefing on RPS Budget Projections for 2009-2011 and 2011-2013” (Attachment 1). He stated that RPS is proposing an approximate 20% fee increase for the RML program. If approved, this fee change will be included in the next rule revisions effective July 1, 2010. During the 2011-2013 biennium, we will also evaluate the need for increases for electronic product fees and tanning fees. We have had one FTE information technology staff member added to our staff and these fee increases will offset the charges for that position and existing staffing costs.

### NRC Integrated Materials Performance Evaluation Program (IMPEP)

David Howe stated that Oregon is one of 37 “agreement states” which means we provide inspections and licensing of radioactive materials facilities in our state for the Nuclear Regulatory Commission (NRC). The NRC administers an “Integrated Materials Performance Evaluation Program” (IMPEP) every four years to check on our performance.

We were evaluated on August 24 – 28, 2009. Three of the issues they followed up on from our previous IMPEP review were:

- 1) inspections – *The Radiation Protection Services Protocol Committee has been working on RPS Standard Operating Procedures. The committee is trying to standardize inspections within the three programs (tanning, RML and X-ray). David distributed a copy of “011 MedRAM 2010.2” which is the procedure for medical RAM inspections for detailed explanation.*
- 2) qualifications of inspectors - *RPS is tracking what courses our inspectors have taken, but the NRC would like us to be more specific about their qualifications. We are looking into what other states do to document this.*
- 3) proper documentation and response to radiation incidents. *We receive 80 to 100 incident reports every year. NRC would like us to implement a team approach to responding to them and ensure required reporting to NMED.*

Overall, the review team found us adequate to protect the citizens, but needs improvement. It was recommended that we remain on “Monitoring” status with quarterly teleconferences.

### Legal Consultation

Terry Lindsey reported that Radiation Protection Services has been working with our legal department to ensure our enforcement action procedures are authorized. Another issue we have been working on with the attorney general’s office is changes in ORS 453 and 431 for the next legislative session.

### Review of Minutes

Minutes from the October 14, 2009 meeting were sent to the members for their review. The minutes were approved by the committee as written.

### Review of Program Compliance

David Howe highlighted areas of compliance for the RPS programs. He noted that we are starting to implement the civil penalty component. He distributed an outline of the steps we go through for collection of annual fee(s) from tanning

facility owners for registration of their tanning devices and a draft Inspection Findings and Registrant Acknowledgement form (Attachment 2). The next step is to work on this same process for the Electronic Products Program.

#### Review of Proposed Rules Status

Todd Carpenter, RPS Emergency Preparedness, Licensing and Administration Unit Manager, distributed a packet of draft Oregon Administrative Rules and cover page outlining what the revisions are (Attachment 3). Changes from those proposals are:

- Division 124 – Regarding adding definitions for “significant”, “moderate” and “minor”, 1) we will look at what other states are using for that language in their rules and, 2) suggestions for definitions can be sent to Todd.
- Change “radioactive drugs” to “radiopharmaceuticals”
- Change 333-106-0005(19) to “...consisting of a photo stimulus phosphor...”
- After discussion, it was recommended to wait until release of a report from study conducted by the State of Washington regarding hand held X-ray units before finalizing OAR 333-106-0325(8).

#### Motion:

Dr. Gates moved, Dr. Reese seconded and it carried unanimously to support the proposed fee increases and the rule changes discussed regarding hand held X-ray units.

#### Continuation of Proposed Rules Status

Margaret Lut, Electronic Products Program lead worker, continued the discussion on hand held X-ray units. She noted that:

- 333-106-0325(9)(c) will be moved to OAR 333-106-0055.
- 333-106-0325(9)(b)(B) will be reworded to read “The unit will only be operated in an enclosed room when possible and all individuals, except the X-ray operator and the patient, will leave the room and stand behind a protective barrier or be at least six feet from the X-ray during radiographic procedures.
- 333-106-0325(9)(g) will be deleted because it will then be covered under 333-106-0325(9)(b)(B).

*Terry Lindsey suggested a Subcommittee for Dental Handheld Units be formed to work on these rules before finalization. Members will be RAC members Dr. Barnett, Paul Brown and Janet Franco, as well as representatives from the Dental Board and Dental Association and Radiation Protection Services staff.*

### Continuation of Proposed Rules Status

- 333-120-0015(3) Change to “Accelerator made radioactive material” ...

### Disposal of RAM

Terry Lindsey reported that Oregon will be participating in an agreement with the CRCPD in the SCATR program. This program will be to dispose of radioactive material in Oregon that is not in use.

### Environmental Public Health Update

Terry Lindsey reported that OEPH is working on long-term strategic planning to determine where OEPH is going on in the next 10 years. For instance, ORS 453 is full of requirements for environmental health issues but there is no funding available to pursue these. One issue identified in RPS is radiation emergency response funding. Options are fees to the facility or it can be captured under a general fund. Another issue is within the radon program. We currently have a .5 FTE staff for that program, and we will be asking for another .5 FTE for that program.

Terry also reported on House Bill 2009 which created the Oregon Health Authority. There will be a 2-year transition period from Department of Human Services ending in June 2011. A nine-member board will lead the Oregon Health Authority.

## **NEW BUSINESS/SUBCOMMITTEE REPORTS**

### 2011 Legislative Concepts

Terry Lindsey reported that proposals for next session are due in April for next session. They will then go to Department of Administrative Services for review.

### Adjournment

The meeting adjourned at 2:36 p.m. The next meeting for the Radiation Advisory Committee is scheduled for Wednesday, June 9, 2010.

Respectfully submitted,

Connie J. Grater