

RADIATION ADVISORY COMMITTEE MEETING

Minutes

October 9, 2013

Call to Order – Public Session

Steve Reese, PhD, chair, called the Radiation Advisory Committee (RAC) into public session on October 9, 2013, 10:05 a.m. in Conference Room 1E of the Portland State Office Building.

Members Present:

Bremner, D.M.D., Fred
Elting, Donald
Franco, Janet
Gilbert, Theresa

Reese, PhD, Steve
Riggs, Edgar
Stevens, Donna
Waldenburg, Rick

State Members Present:

Carpenter, Todd
Grater, Connie
Howe, David
Lut, Margaret

Oberoi, Sudhir
Shirley, Kendon (RPS Intern)
Van Kleeck, Michelle
Wendt, Rick

Guests

Anderson, Beckie – Legacy Health Systems
Braatz, Patrick – Oregon Board of Dentistry
Fletcher, Beryl – Oregon Dental Association
Kaur, Rupinder - OHSU
McLaughlin, Dave – OR-OSHA

Approval of Minutes

Minutes from the June 12, 2013 meeting were sent to the members for their review.

Motion

Ed Riggs moved and Janet Franco seconded the motion to approve the June 12, 2013 Radiation Advisory Committee minutes as written. The motion carried unanimously.

Introduction of RPS Intern

Rick Wendt, Radiation Protection Services (RPS) Operations Manager, introduced RPS intern, Kendon Shirley, and provided his background. Projects that Kendon

will be working on for the next six to twelve months include:

- Accompanying Inspectors for facility inspection and incident investigations
- Updating and developing protocol for RAM storage
- Working with X-ray and tanning staff
- Integrating as a Emergency Response Team member
- Working with RML Licensee reviewers

RPS Staffing/Budget

David Howe, RPS Program Director reported that RPS has authorization for 20 positions. Two inspector positions are vacant. We do not have the funds to fill those positions because cost allocation fees are high. Reducing expenses or increasing revenues are the options that are being explored. Predictions are that it won't be until 2015 that we will be able to fill these positions.

UPDATES

IMPEP Update

David Howe reported on the Integrated Materials Performance Evaluation Program (IMPEP) which is the federal audit on radioactive materials licensing (RML) programs. Oregon's audit was conducted during the week of August 16, 2013 by a team of four individuals, three from the Nuclear Regulatory Commission (NRC) and one staff person from Arizona's radiation program. The performance indicators and findings were:

- Technical Staffing and Training – Satisfactory
- Status of Materials Inspection Program – Satisfactory
- Technical Quality of Inspections – Satisfactory
- Compatibility Requirements – Satisfactory
- Technical Quality of Licensing Actions – Satisfactory but needs improvement
- Technical Quality of Incidents and Allegation Activities – Satisfactory but needs improvement

The IMPEP review team recommends that the Oregon Agreement State Program is adequate to protect public health and safety and is compatible with the NRC's program. They made recommendations to improve our program including submitting a response letter to the NRC Management Review Board (MRB) with action plan components. Todd Carpenter, RPS Licensing Manager, and David Howe will attend the MRB meeting on October 29, 2013 to finalize the IMPEP report.

RPS Rulemaking Update

Todd Carpenter reported that RPS is proposing to amend and adopt Oregon Administrative Rules (OARs) related to programs in its sections. A rule hearing is scheduled for November 20, 2013, 9:00 am; addressing the following rules to be filed:

- House Bill 2896 to restrict tanning of people under 18 without parental permission and a physician's recommendation was signed by the governor. The effective date of this law is January 1, 2014. RPS will be revising Oregon Administrative Rules to enforce this law. A rule advisory committee was created to draft those rules.
- Senate Bill 420 was also signed by the governor during the last legislative session. This law requires mammography facilities to notify patients that have dense breast tissue. A rule advisory committee was created to draft those rules.
- Updating rules to comply with the NRC 10 CFR Parts 1-50.

A "Statement of Need and Fiscal Impact Statement" related to these rules was distributed to members for review.

X-Ray Rule Updates

- CT Rule Update: Margaret Lut, RPS Health Physicist, reported that a subcommittee has been reviewing the current OARS that pertain to computed tomography (CT). The draft rules from this subcommittee will be ready for the next rulemaking process beginning in January 2014. She also noted that responsibility for CT operator training rules may be transferring to Oregon Board of Medical Imaging.
- Operator Training Rules (OAR 333-106-0055): Margaret Lut reported that revision of OAR 333-106-0055 includes removing hour requirement and expand list of training topics and housekeeping issues such as cleaning up language and organization of that division. It is a possibility that these rule revisions will be ready for the next rulemaking process beginning in January 2014.
- Dental Rules: Margaret Lut reported that RPS is going create a new rule division within the Oregon Administrative Rules for dental rules. The projected completion date for this rule update is July 2014.
- Fluoroscopic Rule Updates: Margaret Lut reported that updates to the fluoroscopic rules include changing the language for a fluoroscopic benchmark and clarify dosimetry rule and fluoroscopic surgery staff.
- Industrial Rule Update: Sudhir Oberoi, RPS Health Physicist reported that

the primary objective for the industrial X-ray rule revisions is to combine four separate divisions into one comprehensive industrial rule division. Secondary objectives for revising the industrial X-ray rules are to streamline the written rules for ease of use; remove redundant and unnecessary rules; add rules for new X-ray technologies; and focus on health and life safety of workers. They should be ready for the January 2014 rulemaking process.

Aribex Handheld X-ray Unit Update

Margaret Lut summarized the inspections of 21 of the 35 facilities that had been granted an exemption from wearing a lead apron when using the Aribex handheld X-ray unit.

- 1 has passed an inspection
- 1 withdrew from exemption
- 3 determined exemption was not needed
- 25 dental facilities with Aribex units did not file for an exemption

Margaret stated the most common inspection issues include

- Dosimetry
 - Sharing of badges
 - Wearing badges inside the apron
 - Not using ring dosimetry
 - Lacking one year of dosimetry
- No documented Aribex operator training
- Operators not able to demonstrate proper use
- Operators not wearing aprons and thyroid collars

Proposed Fee Structure Update

Todd Carpenter stated that some of the RML, Tanning and X-ray fees are set in OARS and some are set in Oregon Revised Statutes (ORS). Tanning and X-ray fees are defined in ORS and won't be addressed until the 2015 legislative session. He also noted that he did a comparison from some different states and from the NRC on what they charge for RML licenses and actions. He said the results showed that Oregon is on the lower end of fees they charge.

Todd Carpenter reviewed a worksheet that he had distributed at the June 2013 RAC to summarize a proposal for a 25% fee increase. He noted that there is a statutory cap of \$3,000 on RML fees. Increases above that limit need legislative action.

Motion

Dr. Fred Bremner moved and Janet Franco seconded the motion to endorse the principal of a 25% fee increase. The motion carried unanimously.

Laser Update

Rick Wendt reported that the use of lasers has been in the news recently due to misuse of lasers. The Oregon Health Licensing Authority is the agency that oversees the use of lasers, but RPS has statutory authority over the use of lasers. The Board of Cosmetology is having a meeting on October 14, 2013 and this issue will be on the agenda. RPS will be attending the meeting.

RPS Staff Training Update

Rick Wendt reported that since the last RAC meeting RPS staff have attended monthly ERT training; provided training for Douglas County Public Health; provided training for OSFM Coos Bay; provided training for OSFM Hermiston; participated in a RITN Tabletop Exercise; attended NRC training courses; attended the OAS Annual meeting; attended an ODOE/CGS Exercise Design Meeting and attended a food safety exercise.

PA Proposal Update

Rick Wendt reported that at the February 2013 RAC meeting two members of the Oregon Society of Physician Assistants requested RAC's support of allowing physician assistants to perform and supervise fluoroscopy. Rick reported that he is still working with this issue.

OAS Annual Meeting Update

David Howe reported that he and Rick Wendt attended the annual Oregon Agreement States meeting in August. Agenda topics during the weeklong meeting included updates on the NMED system, updates to NRC rules, medical updates, and discussion on the IMPEP program, industrial radiography, and blood irradiators,

Radon Program Update

Rick Wendt reported that the Radon program within the Public Health Division is losing its federal funding. The program only has enough funds to sustain it through March of 2014. RPS personnel do have some training on Radon issues.

Unregistered Facilities Protocol

Michelle Van Kleeck, RPS Health Physicist, reported on the process of civil penalties for unregistered tanning facilities. When an unregistered facility is discovered the facility is sent a registration letter with civil penalty language and an Oregon Application for Registration. The owner has 30 days to register and submit fees. If no payment is received, a Notice to Impose Civil Penalty is issued. The Civil Penalty process then continues the same as for inspection and registration. Once it reaches the end of the final order process, the file is sent to Department of Revenue for collection.

Public Notice of Noncompliant Facilities

Michelle Van Kleeck reported that process is being implemented to post all final orders issued for the tanning program to be posted to the RPS website. All final orders issued since 2009 will be posted on the website. The estimated launch date of this website is December 2013.

Health Division Updates and 2013 Legislative Update

David Howe reported that on December 1, 2013, Lillian Shirley, BNS, MPH, MPA will become the director of the Public Health Division. She is currently the director of the Multnomah County Health Department.

David Howe reported that the Center for Health Protection has developed a “matrix of priorities”. Some of the issues need to be implemented as a result of the 2013 legislature (HB 2896 and SB 420). Other priorities include RML, tanning, and X-ray fee increases and reviewing regulation of lasers.

NRC Web-based Licensing

Todd Carpenter reported that the NRC is ready to implement their web-based license system. Primarily it was designed for law enforcement agencies and border patrol to confirm that agencies have authorization for radioactive materials. One of the future plans of the web-based license system is to allow regulatory agencies to verify national licensee status online.

Electronic Field Reporting

Rick Wendt reported that the electronic field reporting project is on hold. Rick stated that he has been asked to participate on a CRCPD task force to work on this nationally.

E-Commerce

Rick Wendt reported that this process has been approved, but we are on hold at this time because of a discussion on bank fees for this project.

CRCPD Task Force Updates

Rick Wendt reported that four of our staff are participating on CRCPD task forces:

- G-59 Electronic Field Reporting - Rick Wendt
- H-11 Committee on Mammography – Margaret Lut
- HS/ER-10 Volunteer Development – Todd Carpenter
- E-43 Environmental Data Sharing - David Howe

Members Term Expiring 2013

Rick Wendt that two members' terms expire on December 31, 2013. They are Don Elting and Donna Stevens (who replaced a member who resigned before his term of service expired).

David Howe will follow up with recommendations from the committee on membership.

2014 Meeting Schedule

Rick Wendt announced that the 2014 meetings have been scheduled for February 12, June 11, and October 8, 2014.

Adjournment

The meeting adjourned at 1:54 p.m.

The next meeting for the Radiation Advisory Committee is scheduled for Wednesday, February 12, 2014.

Respectfully submitted,



Connie J. Grater

