

**COMMISSION ON RADIATION PROTECTION
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Minutes of a regular meeting at 9:30 a.m. on Wednesday, March 21, 2012

The following Commission members were present in person: Mr. Baldauf, Mr. Winegar and Ms. Dupre.

Members present via conference call: Dr. Timins, Ms. Moore, Dr. Mauro, and Mr. Tokarz

Absent member(s): Mr. Gandica and Mr. Valente.

Also present were: DAG Melissa Abatemarco, Mr. Paul Orlando, Ms. Ramona Chambus, Mr. William Klimik, Mr. Al Orlandi, Mr. John Sakellakis, MS, DABR, Veterinary MRI and Radiotherapy Center of N.J. (VMRIRT), Mr. Joseph DeLucia, DVM, CCRP (VMRIRT) and Ms. Betty Sigafos.

Call to Order

Dr. Timins called the meeting to order at 9:35 a.m. and announced that notice of the meeting complied with the requirements of the Open Public Meeting Act. Notice was published in the Trenton Times, Bergen Record and Courier Post. Notice was filed with the Secretary of State, mailed to approximately twenty interested parties and posted in at least one place reserved for such or similar announcements.

Roll Call

A quorum was met, three were present in person and four by phone, two members were absent.

Minutes

The minutes of the regular meeting held on February 15, 2012 were presented for approval, Dr. Timins called for a vote, and the vote to approve was unanimously passed.

Report of Commission Members

Dr. Timins had questions on the February 2012 Radiation Protection and Release Prevention monthly report regarding staff shortages in the Bureau of X-ray Compliance. Mr. Baldauf responded that the program has requested two additional inspectors to be recruited through the Department's job opportunities by way of the lateral transfer process.

Mr. Baldauf also reported on the new Common Sense Waiver Rules which will take effect August 1, 2012 and whether they will impact any Commission on Radiation Protection rules. This rule does not allow the waiver of any rules which are federal or state statutes. This would include Agreement State statutes. Also, no licensing requirements can be waived. Commission promulgated rules, waiver process, and regulation issues will most likely fall into the category of

being exempt from the waiver rule criteria. All waiver requests will be posted on a website and the reasons for approval or denial will be explained in the final decision.

Old Business

N.J.A.C. 7:28 Updates

Mr. Tokarz questioned the progress of the legislation showing the proposed amendments to the Radiological Technology Act. Mr. Orlando stated that two bills have been re-introduced to Committee. Mr. Tokarz asked for the sponsors of the bills so he can send a letter in support of them.

Ms. Dupre asked if the veterinary regulations are still being worked on. Mr. Orlando stated they are considered a low priority at this time so movement has been slow.

Agreement State Update

Ms. Dupre asked about the status of creating an Advisory Board regarding Agreement State matters and was informed there has been no recent progress but inquiries will be made to nearby Agreement States to discuss the development and use of advisory boards.

New Business

Exemption Request – Veterinary MRI and Radiotherapy Center of New Jersey (VMRIRT)

Present at this meeting were John Sakellakis, MS, DABR, Particle Accelerator Safety Office for VMRIRT and Dr. Joseph DeLucia, VMRIRT. Both answered several questions during the exemption request session. Mr. Sakellakis had previously sent a written request asking for an exemption from certain provisions of N.J.A.C. 7:28-20 “Particle Accelerators for Industrial and Research Use”. VMRIRT provides radiation therapy services to their animal patients using a new Varian linear accelerator.

Mr. William Klimik presented the Bureau of X-ray Compliance (Bureau) recommendations to each of the VMRIRT exemption requests which are summarized below:

1. VMRIRT request for exemption from the requirements of 7:28-20.7(g) – Requires an initial and annual survey to be completed; surveys will be repeated as necessary if there is a change in shielding, operation, equipment, or adjacent room occupancy.

The Bureau recommended that this request be denied. The Bureau believes that it is prudent radiation protection to periodically conduct radiation surveys and health physics inspections to ensure that occupational and public radiation limits are met.

After questions from Commission members, the Commission voted unanimously to approve the Bureau’s recommendation to deny this exemption.

2. VMRIRT request for exemption from the requirements of 7:28-20.7(h) and (i) – Requires that the registrant shall maintain at least two radiation survey instruments suitable for measuring all levels and energies of radiation capable of being produced by the particle accelerator and (i) this portion requires performance testing on the survey instrument on each day of use, prior to use, and recalibration of the survey instrument following service or repair. Commission members had several questions which Mr. Sakellakis and Mr. Klimik answered.

After careful consideration the Commission made a motion to table this request pending further information to indicate whether any activation is occurring at 6 MeV.

3. VMRIRT request for exemption from the requirements of 7:28-20.9(a) – Requires that the particle accelerator shall not be operated unless the registrant has equipped all locations designated as high radiation areas and all entrances to such locations with clearly observable warning lights. The facility is not seeking exemption from providing the warning lights, just the requirement that they be installed in a way that prevents radiation production if the lights are inoperable.

The Bureau recommended that an exemption from this provision be granted provided that the following conditions are met: there must be some means of visual observation of the treatment room, either video monitor or leaded glass or other acceptable means, and there must be some form of fail-safe indicator at the operator's station that indicates when x-rays are being produced.

After careful consideration, the Commission voted unanimously to approve the Bureau's recommendation to grant this exemption.

4. VMRIRT request for exemption from the requirements of 7:28-20.9(b) – Requires audible and visual warning devices to be activated 30 seconds prior to production of radiation. VMRIRT states that installing a hard-wired system, besides being expensive, would not be practical. Patients treated at this facility are anesthetized and set-up in a very specific position. Adding 30 seconds to the onset of the treatment time will cause issues in regard to patient health, safety, and movement

The Bureau recommended that this request be granted, provided that the facility has established written search and clear procedures that have been reviewed and accepted by the PASO.

After careful consideration, the Commission voted unanimously to approve the Bureau's recommendation to grant this exemption.

5. VMRIRT request for exemption from the requirements of 7:28-20.10(a)4 – Requires the electrical circuit diagrams to be reviewed at intervals not to exceed one year by the qualified machine operator, and that the PASO shall verify in writing at intervals not to exceed one year that the review and/or revision was performed.

The Commission clarified that the requirements of N.J.A.C. 7:28-20.10(a)4 do not require that the PASO be intimately familiar with the electrical diagrams. Rather, the PASO must ensure such documentation was provided during the initial installation of the accelerator. Furthermore,

the PASO must establish a process to ensure that any electrical maintenance performed on the accelerator is done in consultation with a qualified electrician and that electrical diagrams are updated accordingly. After obtaining this explanation, VMRIRT agreed that it was not a hardship to perform this requirement and agreed to comply as described above.

After consideration, the Commission voted unanimously to approve the Bureau's recommendation to deny this exemption.

6. VMRIRT request for exemption from the requirements of 7:28-20.11(b) – Requires the registrant to continuously monitor the radiation levels in or at the entrance to all high radiation areas. 7:28-20.11(c) states the registrant shall have all area monitors calibrated at intervals not to exceed twelve months and after each servicing and repair according to written procedures established by the PASO.

The Bureau recommended that this request be granted since the recently performed radiation safety survey does not identify any high radiation area except for the vault itself. It should be noted that the radiation survey does identify several locations throughout the building that are controlled areas and must be labeled as such. The public must be restricted from these areas or subject to protocol established by the PASO.

After careful consideration Ms. Dupre made a motion to approve the Bureau's recommendation to grant this exemption with stated conditions, Mr. Winegar seconded, and the motion was unanimously passed.

7. VMRIRT request for exemption from the requirements of 7:28-20.11(f) and (g) – Requires that initial and annual surveys be performed to determine the levels of radiation resulting from activation of the target and other pertinent areas. Registrant states that access to the target to perform surveys and wipe tests is not possible without partial machine disassembly.

The Bureau recommended that this request be denied. If the PASO can prove during an initial survey and wipe test that there is no activation of the target and/or other pertinent areas, then documenting this in the PASO report and including a recommendation that no further tests are warranted satisfies this requirement.

After careful consideration, Commission members voted unanimously to accept the Bureau's recommendation to deny this request.

8. VMRIRT request for exemption from the requirements of 7:28-20.11(h) – Requires that operating personnel be supplied with direct reading dosimeters and specifies the data logging requirements if personnel are exposed to high radiation areas (e.g. greater than 100 mR/hr).

The Bureau recommended that the facility be exempted from the use of direct reading personnel dosimeters provided the registrant supplies all individuals with appropriate personnel monitoring equipment (e.g. whole body, TLD badges) and provided that the monitoring devices are worn while the particle accelerator is in operation.

After careful consideration, the Commission voted unanimously to table this request pending further testing and information from VMRIRT about the radiation levels that exist following use of the accelerator.

Closed Session

A closed session was not necessary at this meeting.

Public Comment

There were no public comments.

Adjournment

The meeting was adjourned at 11:20 a.m. The next regular meeting is scheduled for Wednesday, April 18, 2012.

A taped transcript of the meeting is available for review. In addition, copies of the abbreviated minutes are available by contacting Betty Sigafos at (609) 984-5636.

Respectfully submitted,

Original signed by

Paul Baldauf, P.E.
Commission Secretary