

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

Minutes of a regular meeting at 9:30 a.m. on Wednesday, February 19, 2014

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

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

Absent member(s): Ms. Dupre.

Also present were: DAG Caroline Keefe (via phone), Mr. Paul Orlando, Ms. Ramona Chambus, Mr. Al Orlandi, Ms. Patricia Gardner, Ms. Jennifer Goodman, Mr. Richard Peros, 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 of eight Commission members was met, three members in person and five members via conference call. One member was absent.

Minutes

The minutes of the regular meeting held on November 20, 2013 was presented for approval. Members present at this meeting, Dr. Timins, Mr. Baldauf, Mr. Winegar, Ms. Moore, Mr. Gandica, Mr. Tokarz, and Dr. Mauro voted for approval, and the minutes were unanimously approved.

The scheduled regular meetings of December, 2013 and January, 2014 were cancelled due to a lack of agenda items at those times.

Report of Commission Members

Dr. Timins questioned a radioactive materials incident which was reported in a recent Monthly Report. The incident took place at a private residence. Ms. Gardner reported that after an investigation by the radioactive materials section it was determined that no dangerous materials were on the premises and no further action was necessary.

Old Business

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

Ms. Gardner reported that Readoption was under review at this time and has an anticipated April 15, 2014 filing date.

Agreement State Update

Ms. Gardner stated this update is basically covered in the following stakeholder presentation.

New Business

Stakeholder Presentation

Ms. Jennifer Goodman and Mr. Richard Peros both took part in presenting certain portions of the 10 CFR Part 37, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material stakeholder PowerPoint presentations.

A few items of note are the rulemaking dates which include a rule launch meeting on March 24, 2014. According to NRC rules, Agreement States (including New Jersey) must implement Part 37 rules (new Subchapter 65) by March 19, 2016. Non-agreement states that hold NRC licenses must implement new requirements by March 19, 2014. NRC will maintain the increased control orders until 2016 when all Agreement States should have adopted Part 37 requirements. Because New Jersey's license conditions reference the NRC Orders, the new rule must be adopted and effective by March 2016 or the license conditions will be invalid. Several issues regarding reciprocity have not been resolved by the NRC. For example, do New Jersey licensees that do work in Delaware (an NRC state) have to implement the new requirements? The presentation went over the general provisions of Part 37, background investigations and access control program requirements, physical protection requirements during use, physical protection requirements during transit, records, and enforcement.

A copy of the detailed presentation was distributed via email to all Commission members.

Ms. Ann Martz gave an overview of amendments to Subchapter 24, Nuclear Medicine Technologist, that incorporate new license category "fusion imaging technology" as enacted by recently passed legislation. A stakeholder meeting was held on the subject on December 18, 2013. Ms. Martz provided a website for the most updated information which can be found at <http://www.nj.gov/dep/workgroups/>. At that site look up past meetings and find 7:28-24. The launch meeting for this subchapter will be held concurrent with the above agreement state rulemaking actions.

Body Scanners Exemption Request

Ms. Ramona Chambus, Acting Chief in the Bureau of X-Ray Compliance (BXC), received an exemption request on February 1, 2014. The Monmouth County Sheriff's Office, Corrections

Division, is seeking exemption approval in accordance with N.J.A.C. 7:28-2.8 to utilize a full-body x-ray scanner manufactured by Smiths Detection, Inc. on inmates as part of its security protocol. The scanner would be used in the detection and removal of contraband on or in the body cavities of inmates/detainees and will be operated by the Monmouth County Correctional Institution (MCCI) staff.

Commission members were given information regarding the operation of the scanner as provided by the applicant. There was much discussion and questions were raised by Commission members regarding the specific use by MCCI. Mr. Orlando suggested that a meeting be set up with BXC and MCCI staff to go over these concerns. The areas that need clarification include: a complete characterization by the manufacturer of how effective dose was determined and what methods of measurement were made to aid in this determination; what technique factors are used for scanning; what parameters can be adjusted and by whom; what guidance is provided to those who adjust technique factors and under what conditions. These are just a few of the questions which will be presented at a future meeting with the Assistant Director of Radiation Protection, BXC staff, and MCCI.

The results of this meeting will be reported at a future Commission meeting.

Closed Session

A closed session was not necessary at this meeting.

Public Comment

There were no public comments.

Adjournment

The meeting was adjourned at 10:50 a.m. The next regular meeting is scheduled for Wednesday, March 19, 2014. 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