

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

Minutes of a regular meeting at 9:30 a.m. Wednesday, January 20, 2016

The following Commission members were present in person: Dr. Julie Timins, Paul Orlando, Sue Dupre, Anthony Valente and Brendan McCluskey.

Members present via conference call: Bob Tokarz, Mary Moore, and John Mauro.

Absent member(s): Alfonso Gandica

Also present were: Jacobine Dru, DAG, Arthur Robinson, Al Orlandi, Ramona Chambus, Mary Lazarides, Bill Klimik and Christine Gares.

Members of the public via conference call: Kenneth Kopecky Ph.D., PASO, and David Simmons R. T., Radiation Therapist Dosimetrist

Call to Order

Chair Dr. Timins called the meeting to order at 9:34 a.m. and announced that notice of the meeting complied with the Open Public Meetings Act. The Notice was published in the Courier Post, Trenton Times and Bergen Record. The Notice was filed with the Secretary of State and posted in at least one place reserved for such or similar announcements.

Roll Call

A quorum was met with 6 Commission members: Dr. Timins, Mr. Orlando, Ms. Dupre, Mr. Valente and Mr. McCluskey. Ms. Moore and Mr. Tokarz joined the meeting starting with "Old Business" agenda items

Minutes

A motion was made by Sue Dupre and seconded by Paul Orlando to approve the October 2015 meeting minutes. This motion was unanimously approved.

Report of Commission Members

Dr. Timins mentioned that she came across an issue concerning state boards and their actions not being exempt from Federal Trade Commission anti-trust laws. Dr. Timins has requested that the Commission's attorney, DAG Dru, review the recent decision and advise the Commission and Board if any procedural changes are needed. Mr. Orlando will electronically distribute the documentation to the Commission members

Dr. Timins briefly discussed a recent article that studied thyroid cancer incidence in children, 18 years and under, residing in areas affected by the Fukushima Daiichi nuclear power plant accident in Japan. The article will be distributed to Commission members.

Dr. Timins asked for an update on the Commission members who have taken the on-line Ethics training. Mr. Orlando stated all but one Commission member has taken the training.

Old Business

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

Radiologic Technology Board of Examiners October 2015 Meeting Report:

Mr. Orlandi presented the outcomes from the Board's October 29, 2015 meeting. The Commission was provided an update on the Bureau's tracking of technologists with active license sanctions and reported that since the October Board meeting two technologists have completed their court ordered sentences and satisfied all conditions for retaining their licenses. All other technologists with active sanctions remain compliant with their imposed conditions. The Commission discussed the Board's revisions to its license sanction review process which now includes the issuance of a letter of reprimand for lesser offenses that do not meet the level of severity of an Administrative Order.

New Business

Garden State Veterinary Specialists Exemption Request:

The Commission on Radiation Protection (Commission) previously granted Garden State Veterinary Specialists' (GSVS) requests for exemption from certain provisions of New Jersey Administrative Code (N.J.A.C.) 7:28-20 "Particle Accelerators for Industrial and Research Use" for the use of their previously registered Siemens particle accelerator. GSVS was granted exemptions from the following requirements: N.J.A.C. 7:28-20.9(a), 20.9 (b), 20.11(b), and 20.11(h)1. The exemptions were for a 6MeV Siemens accelerator (Reg #601214) used in the radiation therapy treatment of animals. In September 2015, GSVS replaced their Siemens linear accelerator with a Varian 21 EX linear accelerator. Due to this change, the previously granted exemption became null and void. GSVS requested the Commission to extend the previously granted exemptions to cover the Varian 21 EX linear accelerator. The Bureau submitted an extensive report evaluating the new installation and its operation. In addition, the Bureau conducted an on-site inspection and determined that the facility was compliant with all regulatory requirements except for the sections of Subchapter 20 for which the new exemption was sought. In addition, the Bureau reported to the Commission that, in the opinion of the Bureau, it was appropriate to extend the previous exemptions to the new unit.

Hearing no other comments, and after careful consideration of the Bureau's technical report and inspection results, a motion was made by Mr. Valente and seconded by Ms. Moore to approve the exemption request. This motion was unanimously approved.

N.J.A.C. 7:28 Rule adoption:

Mr. Orlando presented the draft Notice of Adoption relating to revisions to N.J.A.C. 7:28-1.5, 1.6, 6.1, 24, 58, 60, 61 and 65. Mr. Orlando stated that the rule proposal comment period ended on December 28, 2015 and a total of 62 commenters submitted comments. Sixty-one commenters submitted comments related to the new license category in fusion imaging CT technology being proposed at N.J.A.C. 7:28-24. Mr. Orlando stated that the Department reviewed and considered all comments but no substantive modifications of the proposal were required based upon these comments. The Nuclear Regulatory Commission submitted several comments regarding N.J.A.C. 7:28-1.5, 1.6 and 65.1. As a result of the NRC comments, technical modifications to these proposed rule sections are being made upon adoption. Ms. Moore commented that licensed fusion imaging CT technologists need to know that their licenses do not allow them to perform CT procedures that are not part of a fusion imaging procedure. Mr. Orlando and others discussed how the Department has made it clear that licensed fusion imaging CT technologists are not permitted to perform CT procedures that are not part of a fusion imaging procedure. Ms. Moore was satisfied with the clarification. Mr. Orlando also stated that the target adoption date of the rule is March 7, 2016.

Hearing no other comments, a motion was made by Mr. Orlando and seconded by Ms. Moore to approve the Notice of Adoption as written. This motion was unanimously approved.

Public Comment

There were no public comments.

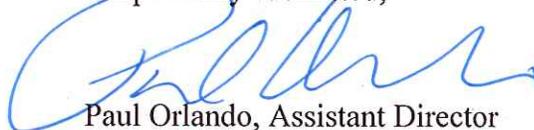
Closed Session

A closed session was not necessary at this meeting.

Adjournment

The meeting adjourned at 10:15 a.m. The next meeting is scheduled for February 17, 2016. A taped transcript of the meeting is available for review. Copies of the abbreviated minutes are available by contacting Christine Gares 609-984-5463.

Respectfully submitted,



Paul Orlando, Assistant Director
Commission Secretary