

Radiation-Generating Equipment Committee (REC)

December 12, 2014

Meeting Minutes

MEMBER PRESENT

Lawrence Osher, Chair
Thomas Hangartner
Linnea Hopewell
Bryon Murray
Jill Paessun
Chuck Wissuchek

MEMBERS ABSENT

Jack Dukes
Kathryn Gardner
David Kimberly
Nina Kowalczyk
Bradley Kraai
Terri Yates
Paul Geis
Kerry Krugh, Vice Chair
Nichole Harris
Ruth Hackworth

ODH ATTENDEES

James Castle
Dwight Leeseberg

GUESTS

Thavendra Rajah, Mount Carmel Health System
Susan Suchan, Mount Carmel Health System
Kathy Grassman, Mount Carmel Health System
Timothy Carroll, Mount Carmel Health System
John Grecula
Mike Strongosky, Cleveland Clinic

The Radiation-Generating Equipment Committee (REC) meeting was called to order by chairperson, Lawrence Osher at 10:13a.m. The meeting was held at the Ohio Department of Health (ODH) in Basement Training Room A, 35 Chestnut Street, Columbus, Ohio 43215. The sign-in sheet serves as the official record of attendance.

Past Minutes:

The committee reviewed the October 24, 2014 meeting minutes. Bryon Murray made a motion to accept the minutes as written. Lynn Hopewell seconded the motion; the members present unanimously approved the minutes.

Current Business:

Jim Castle stated that the rule status is the same as last reported. Industrial Chapter 3701:1-68 and licensure Chapter 3701-72 of the Ohio Administrative Code (OAC) are the next chapters due for 5 year review. The review will need to begin around October 2015.

The REC completed the five year review of Radiation Therapy Chapter 3701:1-67 of the OAC.

Byron Murray made a motion to approve Radiation Therapy rules 3701:1-67-01, 3701:1-67-02, 3701:1-67-04, 3701:1-67-05, 3701:1-67-06, 3701:1-67-07, 3701:1-67-08, 3701:1-67-09, 3701:1-67-10, 3701:1-67-11, and 3701:1-67-12 of the OAC to go out for public comment. Jill Passion seconded the motion; the REC members present unanimously approved the draft rules to go out for public comment.

New Business:

At the next REC meeting, the REC and ODH plan to review comments to suggested revisions of the Chapter 3701:1-67 of the OAC. Also begin discussions regarding changes to Industrial Chapter 3701:1-68 and licensure Chapter 3701-72.

Open Forum:

No topics provided.

Future Meeting Date(s):

Friday, March 13, 2015.

Adjourn:

The meeting adjourned at 3:29pm.

RADIOACTIVE MATERIALS COMMITTEE (39)

April 8, 2014

Minutes

ATTENDEES:

Susan Hiatt, Chair, RAC
Victoria Morris
Douglas Draper
Robert Friedman, RAC
Jack Dukes
Jonathan Fortkamp
Bill Thomas, RAC

ABSENT MEMBERS:

Jeffrey Kennedy
Patricia Gallagher
David Close
Robert Peterson, RAC

ODH ATTENDEES:

Chuck McCracken
Karl Von Ahn

The April 8, 2014 meeting of the Radioactive Materials Committee was held in Basement Mohican Room, located at 35 E. Chestnut St., Columbus, Ohio. The meeting was called to order by Susan Hiatt, Chair, at 10:00 AM.

Review of Agenda: the agenda was approved as submitted.

Approval of Minutes from March 11, 2014:

The draft minutes for the March 11, 2014 meeting were reviewed. A correction was made to indicate, in the list of attendees, that Robert Friedman is a RAC member. Bill Thomas made a motion to approve the minutes as revised. Vicki Morris seconded the motion. The committee approved the motion.

Bureau Updates: Chuck McCracken provided an update on the following items:

- Lance Himes, the ODH General Counsel, has been named Interim Director of the Department of Health. Mahjabeen Qadir has been named Interim General Counsel.

- meetings on the increased controls rules, Chapter 3701:1-37, have not been scheduled yet. These meetings should be open, public meetings.

Old Business: Rules 3701:1-43-01 and -43-07

No public comments were received on these rules. Bill Thomas made a motion to send these rules to the RAC. Vicki Morris seconded the motion. The motion was approved.

New Business: Five-year review of Chapter 3701:1-40

Most of the rules in Chapter 40 are due for a five-year review. The committee reviewed the following rules: 40-01, 40-02, 40-03, 40-04, 40-05, 40-06, 40-08, 40-09, 40-10, 40-12, 40-13, 40-14, 40-15, 40-16, 40-18, 40-19, 40-20, 40-21, 40-22, 40-23, 40-24, 40-25, 40-26, 40-27, 40-28, 40-29, 40-30, 40-31, 40-32, 40-33, 40-34, 40-35, 40-36, 40-37, 40-38, 40-39, and appendices to rules 40-08, 40-14, 40-22, and 40-33.

The committee made some minor editorial changes to these rules. There was concern that the changes made to rule 40-14 in the March meeting had not been incorporated into the draft rule sent to the committee. This matter was tabled to permit discussion with Mark Light.

The committee will continue its review of this chapter at the next meeting.

Next meeting: The next meeting will be held on May 13, 2014 starting at 10 AM.

Adjourn: the meeting was adjourned at 11:46 AM.

RADIOACTIVE MATERIALS COMMITTEE (39)

March 11, 2014

Minutes

ATTENDEES:

Susan Hiatt, Chair, RAC

Victoria Morris

Robert Peterson, RAC

Douglas Draper

Robert Friedman, RAC

Jack Dukes

Patricia Gallagher

Bill Thomas, RAC

ABSENT MEMBERS:

Jeffrey Kennedy

Jonathan Fortkamp

David Close

ODH ATTENDEES:

Mark Light

Karl Von Ahn

The March 11, 2014 meeting of the Radioactive Materials Committee was held in Basement Mohican Room, located at 35 E. Chestnut St., Columbus, Ohio. The meeting was called to order by Susan Hiatt, Chair, at 10:00 AM.

Review of Agenda: the agenda was approved as submitted.

Approval of Minutes from February 11, 2014:

The draft minutes for the February 11, 2014 meeting were reviewed.

Jack Dukes made a motion to approve the minutes as submitted. Vicki Morris seconded the motion. The committee approved the motion.

Bureau Updates: Mark Light provided an update on the following items:

- Lance Himes, the ODH General Counsel, has been named Interim Director of the Department of Health. The former Director resigned last month.
- The NRC's Management Review Board reviewed the report of the IMPEP review of Ohio's agreement state program. The NRC recognized Ohio's good practices in reviewing medical events and auditing general licensees.
- The Governor has appointed Dr. Sadhna Verma, of the University of Cincinnati, to serve on the RAC as the regulatory specialist.

Old Business: none.

New Business: RATS 2012-4

RATS 2012-4 concerns manufacturing and distribution requirements and generally licensed devices. The following rules are being revised: 3701:1-40-09, 40-10, 40-12, 40-13, 40-14, 46-31, 46-33, 46-35, 46-36, 46-37, 46-39, 46-40, 46-41, 46-44, and 46-49. The following rules will be rescinded: 46-04, 46-45, 46-46, 46-47, and 46-48.

The committee reviewed the proposed changes. Some editorial changes will be made. With regard to rule 46-31, the committee suggested revising section (A)(6) to read "Evidence the device has been registered in the sealed source and device registry." However, since these rules are compatibility level B, the Bureau staff felt the NRC would not permit this change, which was therefore not incorporated.

Jack Dukes made a motion to send these rules, as revised today, and subject to final editing by the staff, out for public comment. Bob Peterson seconded the motion. The motion was approved.

Next meeting: The next meeting will be held on April 8, 2014 starting at 10 AM.

Adjourn: the meeting was adjourned at 11:30 AM.

RADIOACTIVE MATERIALS COMMITTEE (39)

February 11, 2014

Minutes

ATTENDEES:

Victoria Morris
Jeffrey Kennedy
Douglas Draper
Robert Friedman, RAC
Jack Dukes
Bill Thomas, RAC

ABSENT MEMBERS:

Susan Hiatt, RAC
Robert Peterson, RAC
Jonathan Fortkamp
Patricia Gallagher
David Close

ODH ATTENDEES:

Mark Light
Stephen James
Karl Von Ahn

The February 11, 2014 meeting of the Radioactive Materials Committee (RMC) was held in Basement Mohican Room, located at 35 E. Chestnut St., Columbus, Ohio. The meeting was called to order by Bill Thomas at 10:00 AM.

Review of Agenda: Bill Thomas discussed the agenda and no changes were noted.

Approval of Minutes from January 14, 2014:

The draft minutes for the January 14, 2014 meeting were reviewed. Vickie Morris made a motion to approve the minutes as submitted. Bob Friedman seconded the motion. It was noted that two spelling errors were identified in the initial draft. A correction was provided in an email, dated February 3, 2014. The committee approved the motion.

Bureau Updates: Mark Light provided an update on the following items:

- The Director of the DOH resigned, effective February 21, 2014. No replacement has been named.
- The NRC approved the definition of byproduct materials that was proposed by the Bureau after a review of the Security rules, 3701:1-37. The NRC recommended changing rule 3701:1-38-01 to include a definition of "byproduct material" consistent with the NRC's definition in 10 CFR 37.5. No change to 38-01 was required.

- The NRC's Management Review Board will be in Columbus on February 18 to discuss the results of the IMPEP review of Ohio's agreement state program. The review was conducted during the week of December 9, 2013.

Old Business: None.

New Business:

The RMC reviewed the comments by the NRC and the Regulation Amendment Tracking System (RATS), RATS 2012-3. The comments from the NRC were initially provided in the Federal Register on July 6, 2012 (77 FR 39899) and referenced changes in 10 CFR 30, 34, 40, and 71. The RMC verified that the changes to 3701:1-40-16 (f), 3701:1-48-05 were adequate to resolve the comments by the NRC. The RMC verified that no changes were required for 3701:1-44-14; the OAC already addressed the requirement to inspect the tailings or waste retention systems and notify ODH in the event of an issue. No change was required. Vicki Morris made a motion to approve the changes and send the revised regulations out for public comment. Jack Dukes seconded the motion. The committee approved the motion.

The RMC reviewed several chapters of 3701:1-38 as part of the 5 year review. Specifically, Rules 38-02, 38-02 Appendix A and B, 38-03, 38-05 thru 38-11, 38-12, 38-12 Appendix A, B and C, 38-13 thru 38-15, 38-16, 38-16 Appendix, 38-17, 38-18, 38-18 Appendix, 38-19, 38-19 Appendix A, 38-20 and 38-22 thru 38-24. Minor editorial changes were noted in several rules. Jack Dukes made a motion to approve the rules and submit them for public comment. Vicki Morris seconded the motion. It was noted that Rule 38-03 discussed the registration for handlers of radiation-generating equipment. This rule and any others that describe requirements for a "registrant" must be reviewed by the Radiation Generating Equipment Committee. Mark Light suggested that the rules be sent out for public review and in parallel, added to the agenda of a future REC meetings(s). The Committee approved the motion.

Next meeting: The next meeting will be held on March 11, 2014 starting at 10 AM. At this meeting the committee will complete the 5 year review for 3701:1-40, Licensing Requirements for By-Product and Accelerator Produced Radioactive Materials, and 3701:1-46, General Licenses and Licenses for Manufacturing and Distribution.

Adjourn: the meeting was adjourned at 11:40 AM.

RADIOACTIVE MATERIALS COMMITTEE (39)

January 14, 2014

Minutes

ATTENDEES:

Susan Hiatt, Chair, RAC
Victoria Morris
Jeffrey Kennedy
Douglas Draper
Robert Friedman
Jonathan Fortkamp
Patricia Gallagher
Bill Thomas, RAC

ABSENT MEMBERS:

Phil Jenkins, RAC
Robert Peterson, RAC
David Close
Jack Dukes

ODH ATTENDEES:

Mike Snee
Mark Light
Stephen James
Karl Von Ahn
Eric Ziegler

The January 14, 2014 meeting of the Radioactive Materials Committee was held in Basement Mohican Room, located at 35 E. Chestnut St., Columbus, Ohio. The meeting was called to order by Susan Hiatt, Chair, at 10:00 AM.

Review of Agenda: Bill Thomas moved that the agenda be approved as submitted. Vicki Morris seconded the motion. The motion was approved.

Approval of Minutes from October 8, 2013:

The draft minutes for the October 8, 2013 meeting were reviewed. Bill Thomas made a motion to approve the minutes as submitted. Bob Friedman seconded the motion. The committee approved the motion.

Bureau Updates: Mike Snee provided an update on the following items:

- The NRC's IMPEP review of Ohio's agreement state program took place the week of December 9. The review was postponed from October because of the federal government shutdown. The NRC's draft report has been issued, and Ohio has received top marks in every category reviewed. Because of this good performance, the next IMPEP review will be held in five years. The NRC recognized Ohio's good practices in reviewing medical events and auditing general licensees.
- Eric Ziegler, a health physicist recently hired by the Bureau, was introduced. The radioactive materials side of the Bureau is now fully staffed. There is now only one vacancy in the entire Bureau.

Old Business:

Chapter 3701:1-37 and related rules:

The committee reviewed the comments received on the new Chapter 37 and related rules. Two comment letters were received, from Dr. Steven Cartwright of Kettering Medical Center and from the NRC. The Bureau responded by letter to the issues raised by Dr. Cartwright. None of his comments resulted in any changes to the rules.

The Bureau will be issuing a guidance document which should be helpful to licensees having the type of questions raised by Dr. Cartwright. In addition, the Bureau is planning a series of public informational meetings on this new chapter to be held in April and May.

Some changes to the rules were made in response to the NRC's comments. These were minor wording changes.

One change the NRC recommended was not made. The NRC advocated changing rule 3701:1-38-01 to include a definition of "byproduct material" consistent with the NRC's definition in 10 CFR 37.5. The Bureau is appealing this recommendation. In Ohio, the definition of "byproduct material" is set in the Ohio Revised Code. The NRC has agreed (informally) that the comment should not have been made.

Patty Gallagher made the motion to send the Chapter 37 rules and rules 3701:1-40-07 and -49-02 on to the RAC. Vicki Morris seconded the motion. The motion was approved.

New Business: Rules 3701:1-43-01 and -43-07

Rule 43-01 is being changed to reflect revisions made to the Ohio Revised Code. These changes emphasize that drill cuttings are not TENORM.

Rule 43-07 is being revised to provide the correct reference to the Revised Code.

Bob Friedman made a motion to send these rules out for public comment. Jonathan Fortkamp

seconded the motion. The motion was approved.

Next meeting: The next meeting will be held on February 11, 2014 starting at 10 AM. At this meeting the committee will review rule changes required by two NRC RATS documents, 2012-3 and 2012-4.

Adjourn: the meeting was adjourned at 10:56 AM.