

## DELAWARE AUTHORITY ON RADIATION PROTECTION

Regulations Task Force

Summary of Meeting

March 28, 2018

Jesse Cooper Building

Dover, DE 19901

### Attendees

F. Esposito

F. Fisher-Tyler

W. Fendt

M. Finkelstein

W. Holden, III

#### I. Call to Order

F. Esposito called the meeting to order at 9 am, the agenda was discussed and there were no changes proposed.

#### II. Old Business – Repeal & Replace Parts F & H, Amend Parts A, B, D, K, X

F. Fisher-Tyler provided an overview of proposed rule for Parts F, H and other parts that include the definition of “licensed practitioner.” She reported that these proposed regulations are targeted for publication by the Register of Regulations on May 1. She stated that the proposed rules will be open for public comment for 30 days, after which any comments will be addressed, and a final rule would be expected for publication July 1, barring any unforeseen developments. She also stated that the Authority distribution, and the parties who submitted written comments in 2017 will be emailed a link to the subject regulations, upon publication. Further, she reported that unless substantial comments are received, the regulations would be published as a final rule on July 1, 2018.

#### III. New Business – Phase 5 Review Parts E, I, K, T

F. Esposito initiated discussion of regulations to be addressed in phase 5 of the Authority on Radiation Protections comprehensive radiation control regulatory review. It was determined that Part T, Transportation would remain minimal in nature, since it references transportation of radioactive materials, for which the Nuclear Regulatory Commission has primary oversight in Delaware. Part T was last reviewed in 2002. It was determined that a citation for 10CFR20 that references transportation of radioactive materials, and especially spent nuclear fuel should be identified.

**Action Item:** Research 10CFR20 references to transportation, F. Fisher-Tyler.

F. Fisher-Tyler initiated discussion of Part K, Compliance Procedures, which was last reviewed and amended in 2013. She reported that Part K, Appendix A contains an extensive set of regulatory citations that provide examples of violations that could be issued during an onsite inspection of an x-ray facility. She stated that this chapter needed to be revised as part of this last phase of review, to ensure that the list of

example violations is consistent with the full range of published regulations.

**Action Item:** Develop draft Part K, Appendix A to reflect regulations replaced or amended to date, F. Fisher-Tyler.

F. Fisher-Tyler initiated discussion of Part E, Industrial Radiography, with review of the CRCPD Suggested State Regulations (SSR) Part E published in 2015. The group agreed that this updated chapter of regulations should be reviewed for repeal and replace of the published Delaware radiation control regulation 4465 part E, last published in 2002. The SSR was reviewed page by page, and it was agreed that the entire chapter would have all content related to radioactive material stripped out, since the Nuclear Regulatory Commission has primary licensing and enforcement authority for radioactive material. It was agreed that the SSR would be reviewed in detail, and a first draft developed by ORC for Authority review.

**Action Item:** Develop first draft Part E to better fit with Delaware status as non-agreement (or NRC) state with respect to radioactive material licensing & enforcement, F. Fisher-Tyler.

**Action Item:** Contact PA, NJ, MD to determine accepted industry practice for radiation control programs and end users, F. Fisher-Tyler.

F. Esposito initiated discussion of Part I, Radiation Safety Requirements for Particle Accelerators. The CRCPD SSR has not been revised since 1991, and the Delaware regulation was last amended in 2002. The group agreed that this chapter, Part I should be taken off the table for discussion for the time being, but gather information about neighboring state regulations for particle accelerators. The group also agreed that it is important to have this regulation in place in the event that in future, a particle accelerator facility is located in Delaware.

**Action Item:** Contact PA, NJ, MD to determine what guidance they are using, given the very dated, and vague CRCPD SSR last published in 1998, F. Fisher-Tyler.

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| IV. | Public Comments<br>There was nothing to report.      | F. Esposito |
| V.  | Adjournment<br>The meeting was adjourned at 12 noon. | F. Esposito |

Respectfully submitted,

Frieda Fisher-Tyler,  
Administrative Agent,  
Authority on Radiation Protection