

DELAWARE AUTHORITY ON RADIATION PROTECTION
SUMMARY OF MEETING
September 13, 2010
Delaware State University
Martin Luther King Student Center
Dover, Delaware

Members Present: (those with checks only)

R. Arm	√	F. Fisher-Tyler	√	N. Melikechi	
F. Esposito	√	W. Holden	√	R. Subramanyam	√
L. Fox	√	D. Irwin		D. Tilton	
R. Frelick		C. Krikelis		E. De Whitt	√
		T. May			

Others Present:

R. Brinsfield	√	L. Terry-Graham	√	E. Tross	√	W. Fendt	√
N. Henry	√	A. Greenly	√	K. Neelans	√	J. Wright	√
F. Warren	√	P. Buttrey	√				

Authority Vice-Chairman Dr. Arm called the meeting to order at 6:15 pm and started the meeting with introductions to welcome visitors attending the meeting.

I. AGENDA ADOPTED

L. Fox moved to approve the agenda, E. DeWhitt seconded, and all members voted in favor of accepting. The motion was approved.

II. MINUTES

Dr. Esposito moved to approve minutes of the April 12, 2010 Authority meeting, W. Holden seconded, and all members voted in favor of accepting. The motion was approved.

III. CHAIRMAN'S COMMENTS

Dr. Arm thanked all members for their continued service on the Authority and indicated that work is continuing on By-Laws and Communications task teams, for the Authority. He encouraged all members who have not yet submitted their digital photos and brief bios for the new webpage to do so soon.

Dr. Arm presented a Delaware State Senate Letter of Commendation to W. Holden from Senator Colin Bonini, recognizing his many contributions as Chair of the Authority on Radiation Protection from 2004 – 2008. Mr. Holden was congratulated and applauded by all present.

IV. OFFICE OF RADIATION CONTROL (ORC)

In the interest of time and given the full agenda, R. Brinsfield distributed the ORC monitoring reports on new facilities, facility inspection summary, inspection violations and radiation technologist/technician certification statistics for the period January 1 – August 31, 2010 in hard copy, and requested that Authority members email him with any questions.

V. ETHICS IN STATE GOVERNMENT

Janet B. Wright of the Delaware Public Integrity Commission presented on ethics in state government, with particular considerations for Authority on Radiation Protection members and Agency staff to be aware of in carrying out their duties as officers of the state. She stated that certain ethics violations can carry civil penalties, as well as criminal penalties and can result in individuals being removed or suspended from their duties. She reviewed conflict of interest, and appearance of conflict of interest issues and advised the members that when an issue comes before the Authority involving an entity in which they have a financial interest (ie. their employer or a firm in which they are invested), that such members are obligated to recuse themselves from deliberation and voting to resolve on such matters. Further, she advised that whenever a member has a question about whether they have a conflict of interest in a particular matter, it is best to ask the Public Ethics Commission for an opinion (they meet monthly) and get it resolved before any actions take place. She reviewed guidance regarding lobbying and indicated that officers of the state may not represent or assist a private enterprise in a matter being considered by the state. She reviewed guidance regarding contracts, explained the concept of “self-dealing” and indicated that any contracts over \$ 2000 must be publicly noticed and bid. She provided hard copy handouts and encouraged Authority members to visit the Public Integrity Commission web page for more information.

VI. NEW BUSINESS

F. Fisher-Tyler briefed the Authority on the regulatory requirements for requesting exemptions and variances to the Delaware Radiation Control Regulations (DRCR). She indicated that the Agency has authority to grant exemptions to the regulations when based on a recognized standard, but in the absence of a recognized standard that the matter must be referred to the Authority. She reviewed briefly the criteria for Authority consideration of a variance from the regulation (DRCR Part K, Section K. 8.c). The criteria include: such variation is necessary to obtain a beneficial use by the owner/manager of an existing facility, and appropriate alternative measures have been taken to protect the health and safety of the public from ionizing radiation and assure that the purpose of the provisions from which the variation is sought will be observed.

W. Fendt, Radiation Safety Officer for the University of Delaware, and researchers F. Warren and P. Buttrey presented the request for variance from the Delaware Radiation Control Regulations to the Authority, proposing to allow the University to use a hand-

held x-ray device for veterinary research purposes, for Radiation Machine Registration No. 10056, using a Nomad Pro Veterinary device manufactured by Aribex, Inc. in the Department of Laboratory Animal Medicine (LAM). Hand-held devices are prohibited by the regulations.

The Authority members and other individuals present at the meeting asked questions such as: what benefit will be derived from the hand-held device, what types of research purposes are to be achieved, had they tried to find alternatives to a hand-held device, will the animals be restrained while the x-ray are taken, will a safety procedure be developed and if so who will approve the procedure, etc. The University staff submitted hardcopy illustrations to demonstrate the magnitude of improvement in image quality that could be achieved in this research application to assess metastasis of breast & prostate cancer to bone. The staff provided written answers to all of the questions posed by the Authority in writing prior to the meeting, provided a list of other states where the hand-held units are in use in other laboratory animal research facilities, and expressed their interest in starting use of this protocol as soon as possible.

E. Tross asked whether the University staff believe the device is necessary to carry out their research project, and they replied that they did.

The Authority concluded the discussion on the U of D Variance Request, thanked the University staff for their presentations, and voted to go into executive session for deliberations on the variance request.

VIII. PUBLIC COMMENTS

Prior to moving to executive session, Authority Vice-Chair Dr. Arm made a call for public comments, and there were no public comments submitted.

IX. ADJOURNMENT

B. Holden moved to adjourn the meeting, E. DeWhitt seconded and all voted to accept. The motion was approved.

The next Authority meeting is scheduled for Thursday, November 18, 2010 at Delaware State University in Dover, Delaware.

Respectfully submitted,

Frieda Fisher-Tyler, Administrator
Office of Radiation Control
Executive Secretary
Authority on Radiation Protection