

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, August 16, 2018
14th Floor Conference Room
333 Market Street

I. CALL OF THE MEETING

The August 16, 2016 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:06 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present: George D. Bedwick, Chairman
 John F. Mizner, Esq., Vice Chairman
 W. Russell Faber
 Murray Ufberg, Esq.

Telephone: Dennis A. Watson, Esq.

II. APPROVAL OF THE JULY 19, 2018 PUBLIC MEETING MINUTES

Chairman Bedwick asked for a motion for approval of the July 19, 2018 public meeting minutes, as submitted. Commissioner Faber made the motion and Vice Chairman Mizner seconded, and the motion passed 5-0.

III. NEW BUSINESS

A. ACTION ITEMS

1. No. 3208 Environmental Quality Board #7-550: U.S. Nuclear Regulatory Commission (NRC) Consistency Rule

Michelle Elliott, Regulatory Analyst, explained the regulation brings Pennsylvania into compatibility with the U.S. Nuclear Regulatory Commission (NRC) radioactive materials program by removing provisions that can only be implemented by NRC.

George Hartenstein, Deputy Secretary for Waste, Air, Radiation, and Remediation, Dave Allard, Director, Bureau of Radiation Protection, and Keith Salador, Assistant Counsel, Bureau of Regulatory Counsel, Department of Environmental Protection, were present to answer any questions.

Chairman Bedwick wondered what the benefits are for Pennsylvania doing its own enforcement as opposed to relying on the federal government. Mr. Allard explained that the Commonwealth's costs for licenses is 25 percent lower than the NRC's.

Vice Chairman Mizner made a motion for approval. Commissioner Ufberg seconded, and the motion passed 5-0.

2. No. 3169 Environmental Quality Board #7-499: Radiological Health

James Smith, Regulatory Analyst, explained this regulation is a general update of existing regulations covering 13 chapters to reflect the current standards of the industry, last updated in 2009. The regulation clarifies the radon certification application and reporting requirements for certified radon service providers and provides greater detail regarding the goals and designs of testing and mitigation protocol requirements. Mr. Smith mentioned two public comments were received on the final regulation, and the issues raised in those comments were raised at the proposed rulemaking stage and those issues were considered and addressed by the Environmental Quality Board (EQB) in the final rulemaking.

Mr. Hartenstein, Mr. Allard, and Mr. Salador, were present to answer any questions.

Chairman Bedwick mentioned a comment indicating an issue was possibly overlooked by the EQB. Mr. Hartenstein said the comment was received and addressed relating to proximity to machines and regarding whether the machine was giving off a source similar to baggage scanning machines. He noted there are provisions in the regulation to deal with this limited instance and there is a general exception regulation to look at the machine and its protection standards.

Commissioner Ufberg asked what prompted this comprehensive review and change after nine years. Mr. Hartenstein replied it was due to the advance of the machinery on the medical radiological side as well as protocols adopted in the industry.

Stanley Hampton, corporate radiation safety officer, Avid/Eli Lilly and Company, explained the device discussed in comments is totally shielded on its own, which is different from other machines and there are only six of them in the Commonwealth. He said the exemption mentioned is best for the process.

Vice Chairman Mizner wondered where the six machines are located. Mr. Hampton guessed they would be in research facilities such as in Philadelphia.

Chairman Bedwick made a motion for approval. Vice Chairman Mizner seconded, and the motion passed 5-0.

IV. OTHER BUSINESS

1. James Smith Retirement

Chairman Bedwick announced Mr. Smith, Senior Analyst, is retiring before the next meeting and recognized him for his service since 1995. Mr. Smith was presented with a plaque recognizing his service with the Commonwealth.

Commissioners Mizner, Ufberg, Faber, and Watson also commended Mr. Smith for his years of service.

2. Approval of Vouchers

Commissioner Faber made motions to approve vouchers and expenses for the period June 29, 2018 through July 19, 2018. Vice Chairman Mizner seconded, and the motions passed 5-0.

V. DATE AND PLACE OF SUBSEQUENT MEETING

Chairman Bedwick announced the next public meeting is scheduled for Thursday, September 13, 2018, at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg.

VI. EXECUTIVE SESSION ANNOUNCEMENTS

Chairman Bedwick announced that no executive session would be held.

VII. ADJOURNMENT

Chairman Bedwick announced the meeting adjourned at 10:28 a.m.