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MARK COLEMAN
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

FRANK KEATING
Governor

December 21, 1999

Paul Lohaus, Director
Office of State Programs
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Lohaus:

We have discussed the issue of empty radiography cameras, and how they would be covered under Oklahoma's proposed Agreement. As you know, the Commission mentioned this issue in the decision to approve our proposal for a limited exclusion of source material.

Radiography cameras are a potential problem under a rigid interpretation of the proposed Agreement. When they contain a radiography source, they are source material used for shielding in association with byproduct material, and are clearly under state jurisdiction. However, when the byproduct material is removed or decays away, the source material in the camera would remain, and would no longer be associated with byproduct material. This would place such empty cameras under NRC jurisdiction.

The Commission and NRC staff have expressed concern at this problem. The Oklahoma staff agrees that this is not a desirable situation. This change of jurisdiction would be inconvenient to licensees, awkward for NRC and DEQ, and contrary to the simplifying intent of the limited exclusion.

Oklahoma agrees with the NRC position that empty radiography cameras should be under State jurisdiction when the proposed Agreement is implemented. This will be consistent with the spirit of the limited exclusion, with the wishes expressed by the Commission, and with our discussions of this matter.

If any further discussion or clarification of this issue is needed, feel free to contact me.

Sincerely,

Mike Broderick
Environmental Program Manager
Radiation Management Section

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