

From: [Mike Broderick](#)
To: [RulemakingComments Resource](#)
Subject: [External_Sender] FW: Oklahoma comments on 10 CFR 34.41(a) reinterpretation
Date: Thursday, June 17, 2021 4:50:36 PM

Regarding Docket IDs NRC-2017-0022 and NRC-2008-0173

From: Mike Broderick
Sent: Thursday, June 17, 2021 3:03 PM
To: duncan.white@nrc.gov; gregory.trussell@nrc.gov
Cc: Cook, Jackie <Jackie.Cook@nrc.gov>; Erickson, Randy <Randy.Erickson@nrc.gov>
Subject: Oklahoma comments on 10 CFR 34.41(a) reinterpretation

Please accept these comments from the state of Oklahoma on the proposed reinterpretation of 10 CFR 34.41(a) as referenced in the Agreement States letter STC-21-032.

Oklahoma does not believe the proposed reinterpretation improves clarity or helps radiation safety. The main issue is the ability of the second individual to maintain awareness of operations and be able to take charge, provide assistance, or help prevent unauthorized entry. We believe that these tasks are necessary for radiation safety, and that they require actual observation. We believe that performing work in the darkroom is not generally compatible with performing these functions. The proposed reinterpretation attempts to address this by mentioning having video observation available while in the darkroom. Even accepting the assumption that video observation is equivalent to direct observation, having video observation available at a temporary job site is a very rare, almost unheard-of situation in our experience. The much more common situation of a radiographer claiming to be exercising supervision while isolated in the dark room with generator on and air conditioner running is not clearly addressed in the reinterpretation. Is the intent of the reinterpretation to suggest that without video access or a similar technological aid, the traditional interpretation still stands that the supervising radiographer must have “eyes on” surveillance, and thus a radiographer in the darkroom cannot be exercising supervision? This would mean little or no change from the current interpretation. If so, we feel this needs to be explicitly addressed in the reinterpretation.

If the intent of the reinterpretation is to suggest that even without video available, a radiographer isolated in the darkroom can maintain awareness of operations, and be able to take charge, provide assistance, or help control unauthorized access, this should also be made explicit in the reinterpretation. Oklahoma would not support this view. We don't think it is compatible with the statement in the proposed reinterpretation that the supervising radiographer be "sufficiently aware of the ongoing activities to be able to provide assistance or take charge when necessary and to prevent unauthorized entry."

As the NRC is well aware, traditional health physics safety concerns remain central to our mission, but they have been supplemented in recent years by enhanced requirements for various security measures. These requirements have become important enough that an entire new Part (Part 37) has been added to 10 CFR to address them. We believe that having another set of eyes and ears maintaining awareness and security is an important addition to the requirements for alarms, background checks, etc. The second observer increases the chance that cues such as surveillance by an adversary will be noticed, and complicates the task of an adversary. Radiographers at temporary job sites are often in remote areas using extremely powerful and hazardous radioactive sources, and a reinterpretation cutting down on their awareness of their surroundings may jeopardize an important part of their security.

We appreciate the opportunity to have our concerns considered.

Mike Broderick

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