

From: [Elizabeth McCaskill](#)
To: [RulemakingComments Resource](#)
Cc: [White, Duncan](#); [Trussell, Gregory](#)
Subject: [External_Sender] NRC-2017-0022 and NRC-2008-0173 (STC-21-032)
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Attachments: [STC-21-032_Signed.pdf](#)

Libby McCaskill
OAS Director of Rulemaking

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July 1, 2021

Gregory Trussell and Duncan White
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Trussell and Mr. White:

The OAS Executive Board (Board) appreciates the opportunity to comment on the Nuclear Regulatory Commission's (NRC) "Notice of Interpretation on Industrial Radiographic Operations at Temporary Radiography Jobsites and an Agreement State Compatibility Category Change; Request for Comments" (STC-21-032). The Board reviewed the changes to the interpretation of 10 CFR 34.41 and the associated compatibility category and received comments submitted to the NRC by the state of Oklahoma. The Board supports Oklahoma's position and offers the following comments:

The Board is concerned with how the new interpretation may affect the orderly pattern of regulation across the National Materials Program (NMP). Use of the words "sufficient" and "sufficiently" in the interpretation are ambiguous, and the change from Compatibility Category B to C may cause diminished consistency in interpretation for those states that choose to relax their standards. This type of inconsistency will, at the least, cause issues with radiography licensees who regularly work under reciprocal agreements among numerous states. Typically, the Board will argue for more flexible compatibility requirements, but with radiography in this context there are possible transboundary compliance issues.

The NRC described that it intends to develop addendums to the NUREG-1556, Volume 2, Revision 1, "Program-Specific Guidance About Industrial Radiography Licenses" and Inspection Procedure 87121, "Industrial Radiography Programs" to address the interpretation of surveillance requirements. There was only one example provided in the *Federal Register* notice, "The second individual could, for example, use remote video surveillance to maintain awareness of ongoing radiographic operations from a nearby darkroom." To our knowledge, operating remote video surveillance from a radiographer's darkroom is not a standard industry practice. These addendums will be crucial in creating consistency across the NMP and should include multiple examples of acceptable surveillance practices for licensees that do operate using industry standards.

Lastly, the Board questions whether this interpretation will be as protective to radiography crews and members of the public as the previous interpretation. In the example given, without a second individual physically present, there will be less awareness of the perimeter and ability to

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intercede should someone try access the jobsite. Additionally, you lose out on the redundancy of alarming rate meters, dosimetry, and survey instruments by having only one radiographer working with the source while the other is only nearby. If there is evidence that this current level of protection is unnecessary then it should be presented and discussed before this new interpretation is implemented throughout the NMP.

Once again, the Board appreciates this opportunity to comment. We are available should you have any questions or need clarifications to our responses.

Sincerely,

A handwritten signature in blue ink, appearing to read "David H. Crowley".

David Crowley, Chair
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Radioactive Materials Branch Manager
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