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Comment No. 2

From: WALTER COFER <radcontrol@embarqmail.com>
To: <SECY@nrc.gov>
Date: Wed, Jul 11, 2007 12:15 AM
Subject: Comments Regarding the Petition for NRC Rulemaking Dated Jan. 25,2007 Submitted by the Governor of the State of Washington

My name is Walt Cofer. I am a radiation safety consultant and an industrial radiographer certified by the American Society for Nondestructive Testing. . I am the president of Radiation Control, Inc. (based in Tallahassee, Florida). My company provides radiation safety and regulatory consulting services and training to a variety of industrial, commercial, government, and other radioactive materials licensees, including industrial radiography licensees. I was an industrial radiographer and radiation safety officer in the mid-1980's, then was a regulator with the State of Florida radiation control program for 16 years. While with the Florida Dept. of Health's Bureau of Radiation Control, I spent 13 years in the radioactive materials program, where I was the agency' s industrial radiography expert. While with the Bureau, I:

- Was the principal regulatory liaison with the state's radiography licensees and registrants
- Reviewed the bulk of the ind. radiography license applications and amendments
- Performed numerous inspections of radiography licensees
- Conducted most of the state's radiography incident investigations
- Trained the rest of the agency's staff on ind. radiography
- Drafted the agency's radiography internal and external radiography licensing and inspection guides, checklists and procedures
- Was the principal author of a total re-write of Florida's industrial radiography regulations in 2001 – which remain the most restrictive radiography rules in the nation (a big mistake, by the way)
- Served as an adjunct instructor at the NRC Technical Training Center, where I taught industrial radiography licensing and inspection procedures to numerous state and federal regulators for over 8 years
- Participated in multiple Commission workshops on ind. radiography rulemaking issues, including the Commission's rulemaking workshops in the mid-1990's and the Commission's task force on radiography source security following the Larpen, TX incident
- Served on multiple Conference of Radiation Control Program Directors, Inc. workgroups and committees dealing with radiography regulations and radiographer certification

I believe that my position as a stakeholder and my training and experience qualify me to comment on this petition.

I am opposed to Governor Gregoire's petition to require the addition of GPS units to industrial radiography cameras, and I also oppose her alternative – for the Commission to grant states the flexibility to impose more stringent requirements than those required under current NRC regulations.

My opposition to the addition of GPS units to radiography cameras is based on the following:

- GPS units would not prevent theft of the devices, would provide little if any deterrence to thieves or terrorists, and would provide little if any enhancement of authorities' ability to recover a stolen radiography camera. The requirement to add GPS units to cameras will be a matter of public record, so anyone serious about illegally obtaining a camera would take measures in advance to defeat them from acting as tracking mechanisms. If someone has the wherewithal to steal a camera, they will likely have the ability to defeat its GPS unit.

- The multiple Increased Measures that currently apply to industrial radiography sources (national inventory, enhanced facility and vehicle security requirements, reliability and trustworthiness background checks on personnel, restrictions on access to procedures and equipment, etc.) are appropriate and adequate requirements that provide reasonable assurances to deter theft. There has been little opposition from the industry regarding the existing measures, despite the time and monetary

investments the measures require, because the licensees recognize the threat posed by high activity radiation sources.

• At some point, additional security requirements provide a poor return on the investment. A requirement for GPS units is a good example, because the costs to licensees could be substantial. Modifications to radiography cameras needed to incorporate GPS units will impose costs on equipment manufacturers due to research and development, the regulatory approval process (expensive and time-consuming safety evaluations will be required), and altered production processes. These costs will be passed on to the manufacturers' clients – the licensees, who already face skyrocketing insurance costs due to the increased threat associated with possession and use of high activity sources. This industry already carries a high monetary burden to provide what all can agree is an essential service to the U.S. and global economy.

My opposition to Governor Gregoire's alternative petition for the Commission to grant states the flexibility to impose more stringent requirements than those required under current NRC regulations is based on the following:

• Industrial radiography is a cross-jurisdictional service industry; licensees (and registrants) perform their activities wherever they are in demand, and they are in demand everywhere. The existing lack of uniform regulations imposes a severe burden on the industry; rulemaking that increases the complexity of regulatory requirements imposes additional burdens that drive up costs and make compliance more difficult. The Governor's alternative petition is exactly the opposite of what is needed, which is a uniform set of regulations that apply to industrial radiographic operations in all jurisdictions.

• Florida is a good example of why more restrictive regulations don't work. The state currently has the most restrictive, and most prescriptive set of industrial radiography regulations in the country, and those rules have accomplished little or nothing to advance the safety of radiographic operations in the state, or to improve security. That is because the state's regulators have failed to adequately enforce the rules, train their staff or require them to conduct unannounced field inspections on a regular basis. The situation in Florida is akin to requiring the state' s motorcyclists to wear five safety belts and have five driver licenses (that only apply in Florida), while paying the highway patrol officers minimum wage, equipping them with Humvees, and instructing them to only pull over cars and trucks. Who do you think is out there speeding, the car and truck drivers, or the motorcyclists?

This petition is an example of what is wrong with the current regulatory framework applied to the industrial radiography industry; it represents another case of government continuing a long-prevalent trend of attempting to apply engineering solutions to safety and security issues, when experience has shown that these problems cannot be engineered away.

What is needed is not GPS units on (or in) radiography cameras, or any other modifications to equipment, additional equipment, or any other enhancements to equipment or procedures. What is needed is for state and federal regulators to perform their job – to go out and enforce the existing regulations. Currently, unannounced inspections of field radiography operations are few and far between announced office inspections – which are virtually worthless (as has been conceded repeatedly by the Commission's own senior inspectors). In addition, the regulators' training on industrial radiography is woefully inadequate, so when the few field inspections do occur, the personnel conducting them lack the knowledge and training needed to identify safety issues, interview workers, investigate incidents, and impose appropriate corrective actions.

For many years now, the NRC, the states and state radiation control organizations (the Conference of Radiation Control Program Directors and the Organization of Agreement States) have promoted a "risk-based" approach to regulation of ionizing radiation sources, yet have demonstrated little willingness to apply it. Rather than focusing their personnel and resources on the radiography industry - that desperately needs stronger regulatory oversight, the states and NRC continue to devote their attention to low risk radiation sources such as generally licensed material and naturally occurring radioactive material (NORM). It's time for the Commission and its state partners to "walk the walk" instead of just "talk the talk."

Instead of GPS units, how about doing a better job of training the regulators and getting them out in the field where all these high activity sources are being used? That way, they can ensure that the requirements that are already in place are being followed. Plus, the increased likelihood of actually

being inspected will do far more to improve the safety of workers and the public, and provide a far greater enhancement of source security than GPS units, satellite tracking, alarm systems, etc., etc.

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Priority:	Standard
ReplyRequested:	No
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Message is eligible for Junk Mail handling
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