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Texas Department of Health

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USNRC

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Date: August 4, 1987

To: Interested Persons

From: Ruth E. McBurney, C.H.P., Administrator *REM*
Standards Branch
Division of Licensing, Registration
and Standards
Bureau of Radiation Control

Subject: Proposed Amendments to TRCR

Enclosed please find for your review and comment proposed amendments to
Texas Regulations for Control of Radiation Parts 13 and 31.

The rules proposed in Part 13, "Hearing and Enforcement Procedures," will amend the public noticing procedures of uranium recovery licensing actions pursuant to TRCR Part 43. The amendment expands the types of notifications that must be made by the Texas Department of Health and by the applicant or licensee prior to the issuance of a new license, renewal, or major amendment. Procedures for notification are also set forth in the rules.

In Part 31, "Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography", the proposed rule will amend the requirements for source connectors on radiographic exposure devices by changing the rule from a technical manufacturing specification to a performance standard. The rule change is needed because even the best connectors being manufactured meet the intent of the rule but will not meet the exact technical requirements by the October 1, 1987 date specified in the rule.

The Agency will conduct a public hearing on the proposed rule on September 3, 1987, at 10:00 a.m. in the conference room of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, Texas. Please submit any written comments to Ruth E. McBurney, Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3189, by September 25, 1987.

Your interest is appreciated.

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PART 13

HEARING AND ENFORCEMENT PROCEDURES

13.2 amended as follows:

13.2 Definitions

Added:

"Major amendment" is an amendment to a license issued pursuant to Part 43 of these rules which:

- (1) transfers ownership of the licensed activity;
- (2) enlarges the licensed area beyond the boundaries of the existing license;
- (3) changes the method specified in the license for disposal of byproduct material as defined in Section 3(a)(2) of the Act; or
- (4) grants an exemption from any provision of Part 43 of these rules.

13.4 amended as follows:

13.4 Special Procedures for Issuing, or Renewing, or Amending Licenses to Process Materials Resulting in Byproduct Material Pursuant to Part 43

- (a) When the Agency determines that the issuance or renewal, pursuant to Part 43 of these rules, of a license to process materials resulting in byproduct material as defined in Section 3(a)(2) of the Act will have a significant impact on the human environment, the Agency shall prepare or secure a written analysis of the impact and make it available to the public for written comment at least 30 days before a public hearing, if any, on the issuance or renewal of the license.
- (b) The Agency shall publish in the Texas Register notice of the availability of the environmental analysis and the Agency's intent to issue or renew the license.
- (b) (1) At least 30 days prior to the issuance of a new license, renewal, or major amendment, pursuant to Part 43 of these rules, a notice will be:
 - (i) issued in the Texas Register;
 - (ii) mailed to the State Legislators in whose district the proposed activity exists, the County Judge(s) of the county(ies) in which the proposed activity exists, and the Mayor(s) of any incorporated city(ies) whose city limits are within five miles of the proposed activity;

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- (iii) mailed to the Chief Executives of other political subdivisions or special districts levying taxes upon the site(s) of the proposed activity;
 - (iv) mailed to owners of property lying wholly or partly within 1,000 feet of the perimeter of the license area as such ownership is shown on the most recent tax map or maps and in the deed records of the county or counties within which the license area lies or will lie, as of 30 days prior to the date the Agency notice of the proposed licensing action is published in the Texas Register; and
 - (v) published in a newspaper published in the county or counties where the proposed activity is located or in a newspaper of general circulation in the county or counties where the proposed activity is located.
- (2) The notice shall contain at least:
- (i) a statement identifying the location of the proposed activity and a summary of the proposed actions;
 - (ii) the availability of an environmental analysis for each proposed activity the Agency determines has a significant impact on the human environment; and
 - (iii) the offer of an opportunity to a person affected to request a hearing.
- (3) In lieu of the mailing notice requirements of 13.4(b)(1)(iv), for sites located wholly or partly within the city limits of incorporated cities, the applicant/licensee may, at the applicant's/licensee's expense, place a sign or signs at the site declaring the filing of an application for a license, renewal, or amendment and stating the manner in which the Agency may be contacted for further information.
- (i) Such signs shall be provided by the applicant and shall:
- (a) consist of dark lettering on a white background and shall be no smaller than 24 inches by 36 inches;
 - (b) be headed by the words "PROPOSED RADIOACTIVE MATERIALS LICENSE" in no less than two-inch boldface block printed capital lettering;
 - (c) include the words "LICENSE NO." and the number of the license in no less than one-inch boldface block printed capital lettering (more than one number may be included on the signs if the respective public comment periods coincide).
 - (d) include the words "for further information contact" in no less than 1/2-inch lettering;

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- (e) include the words "Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756," in no less than one-inch boldface capital lettering and 3/4-inch bold-face lower case lettering; and
- (f) include the phone number of the Bureau of Radiation Control, Texas Department of Health, in no less than two-inch boldface numbers.
- (ii) The sign or signs must be in place by the date of publication of the newspaper notice required by 13.4(b)(1)(v) and must remain in place and legible throughout the period of public comment.
- (iii) Each sign placed at the site must be located within 10 feet of each (every) property line that parallels a street or other public thoroughfare. Signs must be visible from the street or thoroughfare and spaced at not more than 1500-foot intervals. At least one sign shall be placed along each property line that parallels a street or public thoroughfare.
- (iv) These sign requirements do not apply to properties under the same ownership which are noncontiguous and/or separated by intervening public thoroughfares, unless directly involved by the application.
- (v) The applicant/licensee shall certify that the signs have been posted.
- (c) The applicant/licensee shall cause notice of the proposed actions, in accordance with 13.4(b), to be published in a newspaper published in the county or counties where the proposed activity is located and shall pay for the publication of the notice.
 - (1) The applicant/licensee shall file proof of publication with the Agency at least ten days before the hearing. If no newspaper is published in the county or counties in which the proposed activity is located, the notice shall be published in a newspaper of general circulation in the county or counties. An affidavit by the publisher accompanied by a printed copy of the notice as published shall be conclusive evidence of publication.
 - (2) In addition, in the same edition that the notice is published, an advertisement shall be published outside the notice section of the newspaper which directs the reader to the notice section for the details of the proposed licensing action.
- (d) The applicant/licensee shall give written notice in accordance with 13.4(b) by certified mail, return receipt requested, to persons listed in 13.4(b)(1)(iii) and (iv). The written notice shall contain the same information that appears in the newspaper notice. Proof of mailing to the proper address or the receipt shall be accepted as conclusive evidence of the fact of the mailing.

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- (e) Failure to comply with the provisions of 13.4(c) and (d) may result in denial of the proposed licensing action.
- (f) The Agency will give written notice in accordance with 13.4(b) by certified mail, return receipt requested, to persons listed in 13.4(b)(1)(ii). The written notice shall contain the same information that appears in the newspaper notice. Proof of mailing to the proper address on the receipt shall be accepted as conclusive evidence of the fact of the mailing.
- (e)(g) When a hearing is requested in writing within 30 days after publication of the notice set out in 13.4(b), then the procedures set out in 13.3(c) and (d) and the Formal Hearing Procedures apply. Failure to submit a written request for a hearing in the form established by 13.3(b) within 30 days could result in denial of party status and in issuance or renewal of the license may result in no hearing being held.

PART 31

RADIATION SAFETY REQUIREMENTS AND LICENSING AND
REGISTRATION PROCEDURES FOR INDUSTRIAL RADIOGRAPHY

31.15 amended as follows:

31.15 Requirements for Equipment Used in Industrial Radiographic
Operations

- (a) Equipment used in industrial radiographic operations involving sealed sources manufactured after October 1, 1987, shall be certified at the time of manufacture to meet the following minimum criteria:
- (1) Radiographic exposure devices and associated equipment shall meet the criteria set forth by ANSI N432.
 - (2) For radiographic exposure devices which allow the source to move outside the device, application of motion in two planes and a positive force in at least one of these planes shall be required to complete the connection of a source assembly with a drive cable; the source/source connector shall be designed in such a manner that the source will not become disconnected if cranked outside the guide tube.
 - (3) The outlet nipple, lock box, and drive cable fittings of each radiographic exposure device shall be equipped with safety plugs or covers which will protect the source assembly from damage and from foreign matter during storage and transportation.
 - (4) Each sealed source or source assembly shall be permanently labeled with a unique serial number. For radiographic exposure devices which allow the source to move outside the device, the source assembly shall be permanently labeled with a unique serial number on the connector end of the source assembly and shall be labeled in accordance with 31.15(b)(3).
 - (5) Each radiographic exposure device shall have a permanently-stamped, legible, and clearly visible unique serial number.
 - (6) For radiographic exposure devices which allow the source to move outside the device, the drive cable must be positively connected to the source assembly before the source assembly can be driven out of the fully shielded position in a radiographic exposure device.
 - (7) Guide tubes (conduits) shall have passed the kinking and crushing tests for control units as specified in ANSI N432.