



## Texas Radiation Advisory Board

Michael Ford, C.H.P.  
Chair

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May 6, 2004

The Honorable Rick Perry  
Governor of Texas  
P.O. Box 12428  
Austin, Texas 78711

Dear Governor Perry:

I have written the enclosed letter to Commissioner Hawkins expressing my serious concerns about any division of the radiation control program along functional lines. This is clearly not in the best interest of the state for the reasons stated therein.

Experience in other states and at other agencies does not indicate that dividing radiation control operations along functional lines works well; in fact, it has not worked and has cost states more in the end. In Nebraska and Kentucky, the organizations were returned to consolidated radiation control programs. The U. S. Nuclear Regulatory Commission (NRC) has noted the adverse programmatic effects inherent in the "functional" reorganization of state radiation control programs (see <http://www.hsr.d.ornl.gov/nrc/reviews.htm>).

Among their recent findings regarding the review of Louisiana's radiation control program, the NRC found problematic the "... lack of centralized oversight of the radiation compliance program and the lack of direct supervision by individuals knowledgeable in radiation safety...." This is the exact organizational structure that Texas is preparing to stand up on 1 September 2004.

Nuclear safety and security lies at the root of the Texas Radiation Advisory Board's (TRAB's) concerns. Recently, former Senator Sam Nunn stated during a nuclear terrorism exercise at NATO headquarters that preventing al-Qaida from getting its hands on nuclear material was the best chance of stopping the group from building a bomb. "It's well within al-Qaida's operational capabilities to recruit the technical expertise needed to build a crude nuclear device," he said. "The hard part is getting the nuclear material, but we do not make it nearly hard enough."<sup>i</sup>

It is my concern that the new organizational structure — in the not-too-long-term — will create conditions more favorable to those seeking nuclear materials for the purpose of doing Texans (and all U.S. citizens) harm.

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The Environmental Protection Agency has documented the loss of nearly 1,500 radioactive sources by U.S. sources in the five decades before 1996, recovering only half of them.<sup>ii</sup> As you can see, we are still not making the task of acquiring nuclear materials nearly hard enough for our own security.

The success of radiation control operations is imperative to nuclear safety and security in Texas. I urge you to support Commissioner Hawkins in making a decision to maintain a unified program and avoid jeopardizing the control of radioactive materials and radiation generating devices in Texas with unnecessary and unwise reorganization.

The TRAB maintains that a united radiation program is in the best interest of radiation protection in Texas. This is achievable in a department organized along truly *functional* (or programmatic) lines.

I have requested a meeting with you on this subject. I look forward to meeting with you in the very near future to discuss this very important matter.

Very truly yours,

Original signed by:

Michael S. Ford, C.H.P.

Chair

Enclosure

cc:

Lieutenant Governor David Dewhurst

House Speaker Tom Craddick

Representative Warren Chisum

HHSC Commissioner Albert Hawkins

HHSC Legislative Oversight Committee

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<sup>i</sup> "Computer war games give Europeans grim message of nuclear terror threat," AP Worldstream; 5/4/2004; PAUL AMES, Associated Press

<sup>ii</sup> "Toll from 'dirty bomb' could be costly ; Researcher: Estimates are too low," USA Today; 5/4/2004; Dan Vergano