

Texas Low Level Radioactive Waste Disposal Compact Commission

Chair

Michael Ford, C.H.P.

Vice-Chair

John White

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Commissioners

Richard H. Dolgener
Bob Gregory
Kenneth L. Peddicord
Uldis Vanags
Robert C. Wilson

23 January 2009

Susan Jablonski, Director
Radioactive Material Division, MC 233
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Dear Susan:

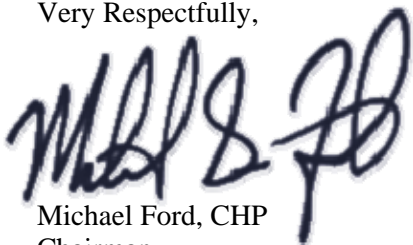
Yesterday, I learned that the TCEQ is proposing to adopt rules on 28 January that will, among other things, govern the operation of the Texas compact radioactive waste disposal facility and establish a procedure for setting disposal rates for that facility. The proposed rules include requirements that are germane to the operation of the Texas Low Level Radioactive Disposal Compact Commission under Chapter 403, and therefore, I request that the adoption of these rules be postponed for 30 days so that the newly-appointed Commission can review them carefully and provide comments, if necessary.

The essence of my request is based on an initial review of the proposed rules. I am concerned that certain considerations have not been made regarding the jurisdictional boundaries between the TCEQ and the Compact Commission. Other areas of the proposed rules seem to indicate that Chapter 403 requirements may not have been properly considered in all cases. Additionally, the proposed rules appear to be silent on the establishment of fees to reasonably support the operations of the Compact Commission.

I understand this is a late request; however, the Compact Commissioners have only recently been appointed, and we have not had our first organizational meeting, nor have we had staff resources or sufficient time to review the proposed rules. However, we will be meeting 13 February (via teleconference) to deliberate on the retaining of staff among other things. We should have an opportunity to review the proposed rules more thoroughly in the next 30 days and provide comment as necessary.

Your favorable consideration of this request is sincerely appreciated.

Very Respectfully,



Michael Ford, CHP
Chairman

CC: Chairman Buddy Garcia
Commissioner Larry Soward
Commissioner Bryan Shaw, Ph.D.
Mark Vickery, P.G.
Vice Chair John White
Honorable Richard H. Dolgener
Commissioner Bob Gregory
Commissioner Kenneth L. Peddicord
Commissioner Uldis Vanags
Commissioner Robert C. Wilson
Kevin Green
Toby Baker