

Ms. Henderson,

On behalf of the Department of Defense Executive Agent (DODEA) for low-level radioactive waste (LLRW), we congratulate the Texas Commission on publication of 31 TAC §§675.21 - 675.23. Given the DODEA's mission to ensure safe, cost-effective, and compliant disposal of all DOD low-level radioactive waste, this rule is of particular interest to us. Our program provides LLRW disposal for the U.S. Army, Air Force, and Navy, Defense Logistics Agency, and Defense Threat Reduction Agency, as well as other governmental agencies. The DODEA LLRW Charter directs us to develop and maintain liaison with states, compacts, and regulators.

We have reviewed the published rules and generally endorse the policies and procedures set forth by the Texas Low-Level Radioactive Waste Disposal Compact Commission. It is evident that the Commission has gone to great lengths to generate rules that thoroughly address the many facets involved in the exportation and importation of low-level radioactive waste. While this rule does not specifically authorize the importation of waste, we believe the Commission has the necessary procedures in place should this become a viable option in the future.

Specific comments relative to the proposed rule follow:

With regard to "person" used throughout the rule, this term is used to describe "an individual, corporation, partnership or other legal entity, whether public or private" as provided for in 112 STAT. 1544, P.L. 105-236. We take this to mean that whatever legal entity we determine will represent the DODEA for LLRW disposal requests will be allowed to enter into an agreement with the Texas Commission, e.g., the DOD or specific service (Army, Navy, Air Force) or individual generator.

With regard to payments, can the Texas Low Level Radioactive Waste Disposal Compact Commission accept payment other than from check or money order? Are payments via Electronic Funds Transfer (EFT) an option? In addition, we note that the Evaluation Fee charged is open-ended based on level of effort involved. The federal government is prohibited from unauthorized commitment of funds availability; any agreement with the federal government must have a fee certain attached to it to ensure proper funding procedures are followed prior to commitment and obligation by authorized federal personnel.

Thank you for the opportunity to comment on the proposed rule. POC for this correspondence is the undersigned.

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