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Fwd: Import & Export Rule Comments

1 message

Rule Comment <rule.comment@tllrwdcc.org>

Tue, Dec 21, 2010 at 10:10 AM

To: margaret.henderson@tllrwdcc.org

----- Forwarded message -----

From: **Kathy Davis** <kathydavis@swllrwcc.org>

Date: Thu, Dec 16, 2010 at 5:08 PM

Subject: Import & Export Rule Comments

To: rule.comment@tllrwdcc.org

Below are comments on the rule from the Southwestern Low-Level Radioactive Waste Compact
Also, I have attached some of our forms for your reference as well.

Thank you
Kathy A. Davis

1. There is some ambiguity in the 675-23 rules as to who is to file the proposed import agreement with the Texas LLRW Disposal Compact Commission. It could be any "person" (675-23(g). It could be a "generator" (675-23(o). It could be the "agreement holder," "existing exporter" (675-23(k)(2). It could be a "number of generators" 675-23(f)(4)(A) Arguably, the petitioner could also be a broker, processor, storage facility operator.

Recommend 675-23(d) be amended to read: "Agreement Required - No person shall import any low-level radioactive waste for disposal that was generated in a non-Party State unless the Commission has entered into an agreement **with the generator** for the importation of that waste pursuant to this rule.

2. Comment 1, above also applies to draft rule 675-24.

Recommend 675-24(b) be amended to read: "Agreement Required - No person shall import into a party state any low-level radioactive waste for management that was generated in a non-party state unless the Commission has entered into an importation for management agreement **with the generator** for that waste pursuant to this rule.

3. Draft rule 675-23(h)(5) is confusing. It states; "Whether the Compact Facility operator has or will obtain, prior to importation, authorization from TCEQ to dispose of the proposed waste." The language in this factor implies that TCEQ somehow is involved in the importation agreement before the fact. Recommend this factor be clarified.

4. Draft rule 675-23(f)(1) - \$500 seems a bit much for the small generator. Whereas, the \$100 fee found in draft rule 675-24(e)(1) is reasonable.

5. Referring to draft rules 675-23(h) and 675-24(g)---360 days is not prompt.

6. General Comment: Action by the Commission in approving both the importation agreement for disposal and the importation agreement for management according to the draft rules requires a meeting of the Commission. I estimate your Commission will receive hundreds, if not thousands of petitions from the other 48 states annually. The workload associated with all these petitions will be huge. The Commission will be meeting full time throughout the year. I recommend the Commission consider giving Commission Executive Director and staff some sort of approval authority with periodic ratification of staff action by the Commission when it meets.

3 attachments

 **Petition EnergySolutions PRINT2011.doc**
43K

 **Disposal Report Print 2011.doc**
30K

 **Exportation Policy 2011.doc**
55K
