

Texas Commission on Environmental Quality
Program Report to the Texas Radiation Advisory Board
Preparation for April 14, 2007 Meeting

1. The Texas Commission on Environmental Quality (TCEQ) is continuing the technical review of the Waste Control Specialist LLC (WCS) license application for the disposal of low-level radioactive waste. An application revision was officially received by the TCEQ on March 19, 2007. Related to the radioactive waste disposal application, the TCEQ is also reviewing a RCRA, Subtitle C permit application for the disposal of mixed waste at the same location.

On August 30, 2006, Executive Director Shankle granted an extension to the Applicant to submit a complete application until May 1, 2007, conditioned upon any future clarification by the 80th Texas Legislature.

2. The TCEQ is monitoring, and providing support as requested, on several proposed bills introduced in the Texas Legislature related to radioactive material. SB 1604 has been favorably voted out of the Senate Natural Resources Committee and involves the potential transfer of functions related to radioactive waste from the Department of State Health Services to the TCEQ. Other bills are pending hearing by committees which the bills have been referred to. The last day of the session is May 28, 2007.
3. The TCEQ has suspended the technical review of a license application for the disposal naturally-occurring radioactive material by underground injection from Newpark Environmental Services of Texas, LP. The first Technical Notice of Deficiency (TNOD) was sent to Newpark on November 30, 2006. The Applicant has requested an extension to respond to the TNOD. A six month extension has been granted by the TCEQ.
4. The U.S. Nuclear Regulatory Commission (NRC) visited Texas as part of its periodic review of Texas' Agreement State Program in November 2006. The NRC Management Review Board (MRB) met on February 2, 2007 to make a final determination on the Texas Agreement. The MRB voted to change the status of the Texas program from Heightened Oversight to Monitoring. There were no issues identified for the TCEQ and the Monitoring will be focused on activities at the DSHS.
5. TCEQ continues to work on closing the historical buried radioactive waste sites that exist under TCEQ jurisdiction in Texas.

6. TCEQ's work with the Railroad Commission of Texas on possible amendment to the Memorandum of Understanding between the two agencies has been put on hold until completion of the 80th Texas Legislative session.

7. TCEQ remains in the initial stages of the rulemaking process for establishing low-level radioactive waste disposal fees for the proposed Texas Low-Level Radioactive Waste Disposal Compact facility currently under licensing review. The initial stakeholder meeting to open the dialogue for fee rulemaking has been delayed due the extension of the technical review for the Applicant to resolve remaining issues.