

## Texas Department of Health

Charles E. Bell, M.D.  
Executive Deputy Commissioner

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February 27, 2001

Paul Lohaus, Director  
Office of State and Tribal Programs  
U.S. Nuclear Regulatory Commission  
Mail Stop 03H20  
Washington, D.C. 20555

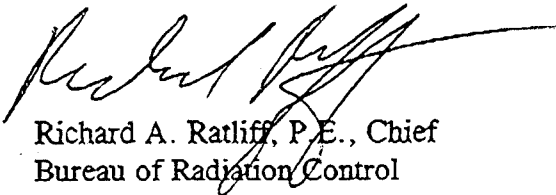
Dear Mr. Lohaus:

The Texas Legislature is currently in session and will soon be taking up the issue of Low-Level Radioactive Waste Disposal. The issue of above ground disposal will be debated again and I request that you provide us the specific requirements that would be necessary in addition to 10 CFR Part 61 to license an assured isolation facility.

As you can see from the attached letter from Representative Warren Chisum, this is an urgent matter in Texas and we request an expedited response.

If you have any questions, please contact me.

Sincerely,



Richard A. Ratliff, P.E., Chief  
Bureau of Radiation Control

Enclosure



TEXAS HOUSE OF REPRESENTATIVES

**Committee on  
Environmental Regulation**

77th Texas Legislature

Warren Chisum  
*Chairman*

Dennis Bonnen  
*Vice Chairman*

February 26, 2001

Mr. Richard Ratliff, Chief  
Bureau of Radiation Control  
Texas Department of Health

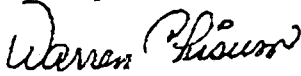
Dear Mr. Ratliff:

As you know the need to open a disposal facility for radioactive waste continues to be an urgent priority in Texas. Not only do we need the facility for the waste generated in our state, but we need to responsibly meet our obligations under the Texas-Maine-Vermont Compact.

We know that the Nuclear Regulatory Commission(NRC) has commented that they would respond more fully to the question of assured isolation should any State come to the Commission directly. As recently as April 1999 John Greeves, Director of the Division of Waste Management, Office of Nuclear Material Safety and Safeguards, NRC wrote that "Although Part 61 does not require a design that incorporates retrieval concepts, a State could include retrievability in the design if the other requirements in 10 CFR were met."<sup>1</sup> In his presentation at the Sixteenth Annual International Radioactive Exchange Decisionmakers' Forum last October, James Kennedy, Technical Assistant, Environment and Performance Assessment Branch, NRC, said, "The NRC is open to new ideas such as assured isolation and is available to assist states when asked to help."

I am asking you to submit an official request to the NRC for what requirements would be necessary in addition to 10 CFR Pt. 61 to establish an assured isolation facility in Texas. Please let me know if you require further assistance from my office in accomplishing this. I also urge you to convey to the NRC that this is an urgent matter in Texas and we would appreciate an expedited response.

Thank you,

  
Warren Chisum

<sup>1</sup> Letter from John T. Greeves to Mr. Martin G. Malsch dated April 12, 1999

