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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 26, 2013

Pamela J. Henderson
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Ms. Henderson:

The Texas Commission on Environmental Quality (TCEQ) has recently initiated rulemakings for implementation of legislation. This letter is in response to the August 13, 2013 letter we received from the Nuclear Regulatory Commission (NRC) regarding changes TCEQ is making to Title 30, Texas Administrative Code (TAC), Chapter 336.

NRC made a comment concerning the TCEQ assumed annual interest rate of 2.0% versus the NRC standard of 1.0%. This comment was a comment that was also received during a TCEQ rulemaking in 2009. We were unable to address this comment during the 2009 rulemaking because 30 TAC §336.1129 was not open during that rulemaking. Similarly, we are also unable to address your comment in the current rulemaking as the relevant TAC provision is also not open during this rulemaking.

Further, the commission adopted the assumed real interest rate of 2% to be consistent with the assumed real interest rate, above inflation, of 2% used for the funding for institutional control for the low-level radioactive waste disposal license. In order to remain consistent and because this comment is for Category C compatibility, the TCEQ will not be making this change in future rulemakings.

The TCEQ appreciates the comments received by the NRC on its rulemakings. If you have any questions regarding this letter, please contact me at (512) 239-5308 or by electronic mail at charles.maguire@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Maguire", written over a horizontal line.

Charles Maguire, Director
Radioactive Materials Division
Texas Commission on Environmental Quality