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To: John F. Morrall III/OMB/EOP@EOP
cc: "'andyohare@apca.org'" <andyohare@apca.org >
Subject: Draft Report to Congress on Costs and Benefits of Federal Regulations

Please see attached letter.



- att1.htm



- TXI Comments to OMB.DOC



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May 24, 2002

John Morrall
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Office of Management and Budget
New Executive Office Building
Room 10235
725 17th Street, N.W.
Washington, D.C. 20503

Subject: Draft Report to Congress on Costs and Benefits of Federal Regulations

The above notice published in the *Federal Register* on March 28, 2002 (67 FR 15014) requested public recommendations on the disposition of regulations proposed and promulgated by federal agencies. TXI Operations, LP (TXI) hereby requests the removal of an applicable regulatory action that was taken by the U.S. Environmental Protection Agency (EPA). This regulatory action addresses the management of cement kiln dust (CKD), a byproduct of cement manufacturing. TXI, based in Dallas, Texas, is a major producer of cement in both Texas and California.

More specifically, TXI supports reversing EPA's Regulatory Determination Under the Resource Conservation and Recovery Act (RCRA) Regarding Cement Kiln Dust (60 FR 7366, February 5, 1995) as well as rescinding EPA's Proposed Rulemaking Under RCRA Regarding Cement Kiln Dust (64 FR 45631, August 20, 1999). These actions have clearly been demonstrated to be unnecessary and economically unjustifiable, given CKD's low toxicity and environmental risk.

The American Portland Cement Alliance (APCA) has prepared and will send to your office by May 28, 2002 a more detailed letter addressing the specific reasons why such regulation is clearly unnecessary (May 28, 2002 - Andrew O'Hare of APCA to John Morrall of OMB). TXI endorses the content and conclusions of that ~~letter~~ and hereby incorporates them by reference into this letter.

Again, TXI respectfully requests that OMB direct EPA to reverse its Regulatory Determination regarding CKD and rescind the proposed regulations under RCRA Subtitle C for CKD. Thank you for your consideration.

Sincerely,

D. Randall Jones
Vice President
Corporate Communications and
Government Affairs