

Ms. Morgan: Good Evening, one last time I would like to remind everyone to please be sure that you have signed in at the desk outside, at the sign in table. And, please fill out a registration card if you plan on giving comments tonight. That is what I will be reading everyone's name off of tonight.

I would like to welcome everyone to this public hearing begin conducted by the Texas Low-Level Radioactive Waste Disposal Compact Commission, with the assistance of the Texas Commission on Environmental Quality and the Texas Attorney General's Office. My name is Ashley Morgan, and I am with the TCEQ and administratively supporting the Texas Compact Commission. I will be moderating this public hearing on behalf of the Compact Commission.

I would also like to introduce Susan Jablonski, she is outside and she is also with TCEQ; the Radioactive Division. At this time I do not see any Compact Commissioners here, but if I see them later and if they happen to come in, I will certainly acknowledge them.

We are here this evening to receive oral and/or written comments on the new Proposed Subchapter B to be added to Subchapter 671 Part 21, Title 31 of the Texas Administrative Code. If you intend to present oral testimony and if you have not already signed in at the registration table, please, once again, at this time please sign in. If you are not familiar with the proposed rule, copies of the proposal from the Texas Register are available at the registration table outside. There are also copies of this Hearing Notice and Contact information for the Compact, so that if anyone is planning to submit written comments, you can quickly find the information on where to mail or email your comments. For the record, you may submit your comments to the Texas Low Level Radioactive Waste Disposal Compact Commission at the following address: 3616 Far West Boulevard, Suite 117, No. 294, Austin, Texas 78731. And, you may email Margaret.Henderson, that is Margaret.Henderson@TLLRWDCR.org. And, again that contact information is outside on the registration table.

This hearing is structured strictly for receipt of oral or written comments. Open discussion during the hearing is not allowed. However, if anyone has additional questions or comments regarding the proposed rule, please visit the Compacts website at www@TLLRWDCR.org. The Compact Commission will continue to accept written comments until midnight, on Tuesday, April 13, 2010.

Due to the large number of people who have signed up to speak this evening, please keep your comments as brief as possible. We will limit comments to 3 minutes per person. I will set a timer and let you know when your time is up. And, at that time please wrap up your comments. If the allowed time is not sufficient, please feel free to supplement your oral comments in written form, and again, the Compact will accept written comments until midnight on Tuesday, April 13. We would like to be sure that everyone is given the opportunity to speak this evening. If

someone before you has already addressed your concerns or comments, it is not necessary to repeat those comments. You may simply endorse those comments and the Compact will be sure to acknowledge that those were your concerns as well.

Due to the large number of commentors, we will take a 5 minute break each hour.

We will now begin receiving testimony in the order in which you registered. Once I call your name, please come to the mic and state your name and who you represent for the record. Then, present your testimony. Please speak clearly into the microphone as tonight's oral comments are being recorded for the record, and so that the Compact Commission can issue a Response to Comments. Thank you.

First, we will have Eugene Klein. Mr. Klein if you will come to the microphone and state your name for the record and who you represent.

Time mark on CD # 1 of 2:: 4:03

Mr. Klein: Yes, Ladies and Gentlemen, my name is Eugene Klein, and some of you know me and some of you don't. The reason why I am here; I am supporting WCS. Of course, I work there. I have been a Health Physicist now for quite awhile. And, my point is that I hear all of this talk about 'Gloom and Doom' from radioactive material and so forth and so on. I hear about truck wrecks, I hear about this and I hear about that. I was also told at one time, "We are not going to change anybody's mind on radioactive material or radiation." All I ask is you research this stuff first before you talk about it. Many hospitals have closed down and left behind greater radioactive material because: 1) it was overlooked, 2) they could not afford to dispose of it, and 3) it was overlooked. We are offering a chance to store, and dispose of radioactive waste, so that "John Q Public"; and I think you know what happened down in South America, does not get killed by it. It's better underground than in your home, and some kid playing with it. Thank you.

Ms. Morgan: Thank you. Next, we have Ms. Patricia Klein. Ms. Klein if you will approach the microphone and state your name, and who you represent for the record.

5:50

Ms. Klein: My name is Patricia Klein, and I represent myself. I am hoping that the TCEQ will very rapidly pass this legislation in so that my 10 grand-children will have a choice other than menial jobs or oil fields, when they are of age, and are adults and want jobs to work. I know that it will bring many jobs to the community; I want those jobs to come, not just for my grand-children, but for everyone else's here grand-children. I don't want to see my children, or children's children, stuck at McDonalds, or on an oil rig because that is all that they have. Thank you.

Ms. Morgan: Thank you. Next we have Ms. Peggy Pryor. Ms. Pryor if you will approach the microphone and state your name and who you represent for the record.

6:43

Ms. Pryor: My name is Peggy Pryor, and I'm with No Bonds for Millionaires. I want the Compact to realize that you don't have any money. You aren't even here today. I think they are rushing the whole issue right now. You don't have money to actually to go through all the rule process. You having the TCEQ here, which is nice enough to come and do this. But, to me, they are not your guiding light. You are supposed to be your own guiding light. You are supposed to be smart enough and already have your rulemaking started. You don't have money to even hire a lawyer; you don't have the money to even have your by-laws written out. There are a lot of issues you don't even have. You don't have; you can't even support yourself. So, to me, we want you to say "No" to the import rule, because, the import rule has left out things like environmental impacts. Each facility that brings in nuclear waste; and we're talking about 90 plants, we're not talking about local hospital plants. We are talking about nuclear facilities; we're talking about closing down that this is opening this too. We're talking about facilities who already have brown outs, have brown fields around them, have leaks already around them. We don't want; they are going to bring in their stuff from decommissioning to Andrews, Texas. We're not talking about medical waste here. We are talking about nuclear waste. We are talking about highly radioactive waste. We are talking about possibly this opening up to overseas waste as well. We say "No" to the environmental rule because it doesn't....you are not... you are by-passing a lot of rules that are already established. You are not going to be abiding by regular protocol that has been established before. I say leave it and do not do this until you are fully ready. You are not ready as a Commission, you are not capable of handing this, you have no money to do this. You can't even here for us to actually look at you and say, who you are, to say what was going on here we are talking at; we are looking at TCEQ people. We think this is being rushed too fast. We think that there are too much; we think they are trying to by-pass a lot of the safety issues. So, we are also worried about transport issues; there are transport issues. We're not talking about trucks and stuff, we're talking about it traveling through, not only Andrews now, this will be traveling from all different directions, across the United States. One railway is not going to; out of Eunice, people in Eunice don't even have a say in this evidently. So, this is a concern for the people in Eunice. They are the ones that will be suffering, they are the closest if something happens; Eunice will suffer. So, I think we need to slow down and back-off. The Commission needs to stop and slow down. Thank you.

Ms. Morgan: Thank you. Ms. Rose Gardner, please. Please state your name for the record and who you represent, please.

10:15

Ms. Gardner: I'm Rose Gardner, and I live in Eunice, and I represent no one but myself today. I oppose the import rule. There still remains serious allegations by 3 former TCEQ employees who worked on the initial application for the radioactive waste license that claim there was confirmation of water in and around samples that were taken during the time that they worked there. Whistle blowers are never appreciated until something negative happens and questions are

raised. On Saturday, March 22, 2010, there was a 4.3 earthquake that shook up an area about 13 miles west of Carlsbad. The WIPP site isn't so terribly far from there and apparently, there were no reports of damage. If an earthquake could be so close and being yet so far, or remote, how can I not feel concerned about the damage at WCS site that sits over there at the Pecos Valley Aquifer. Perhaps this is not used for drinking water yet, but it may be one day. If there was any damage from an earthquake, would we all still feel that everything is alright over at WCS? Recently, the DOE presented us with the draft EIS for environmental mercury storage and WCS was the preferred alternative. Since the U.S. Government is unlikely to change its mind about where they will store the mercury, the added burden of dangerous waste and the transport of the same on wheel and truck is putting more danger on U.S. highways as well as Highway 234, and Highway 18, near the WCS site. As a resident of Eunice New Mexico, I hope that the problems with the import rule and possibly the expansion thereof, be addressed fully as part of the process and that all questionable shortcuts be eliminated so that the upmost safety to humans and animal population in Eunice, which is 5 miles from the WCS site, be considered above all the money and the jobs. The aspirations of WCS are very high. They will not be content until they have fill every hole they own with hazardous and chemical wastes, nuclear waste, mercury storage, and possible disposal of the same. When will enough be enough? When the Texas State Government has to do cleanup or when the Federal Government has to spend on a superfund project for cleanup that could have been prevented? God forbid, maybe when the City of Eunice, or Andrews are experiencing unusual illnesses or cancers that are unexplained. Maybe then it will be enough. I oppose the import rule. But, if the import rule is approved, the rule on radioactive waste importation must include a limit on the amount of waste, volume, and curie levels. And, there must not be any foreign radioactive waste imported. Since there is not enough capacity of WCS site opening up more waste room who determines that the TCEQ will have to expand the license, even though there are legal challenges pending. Thank you.

Ms. Morgan Thank you. Diane D'Arrigo, you are next. Please state your name for the record, and who you represent.

13:30

Ms. D'Arrigo: My name is Diane D'Arrigo. I'm a Radioactive Waste Project Director at Nuclear Information and Resource Service. We; my background is in chemistry and environmental studies and I have been tracking this so called Low Level Radioactive Waste issue since the late 70's. I come from an area where one of the six previous so called low-level radioactive waste sites it is and supposedly permeable clay. And from the early 60's into the mid 70's radioactive waste was buried at that site. It was at a point before there were many nuclear power reactors running, but it does have nuclear power waste buried there. But the impermeable clay did end up getting cracks, and there were leaks and the projected clean up costs now for that site, which both the state and federal government are working out, is in the range of 5 billion dollars. And, that is from disposal from about 62' to 74' of radioactive waste. That is just a portion of the site there were other activities on the site. It has the WCS site and it tends to have other activities. The whole site is actually threatening the Great Lakes fresh water supply, the

largest fresh water supply and it's my understanding that this water supply is potentially one of the largest fresh underground water supplies that is in the vicinity of WCS. And, I wanted to share my concerns about the promises and what we ended up with in the past, and talk also about the liability. In this situation the waste is coming from a nuclear reactor mainly, that is the main source of so called low-level waste, medical waste is very short lasting and very small amounts, it's the reactor waste that is long lasting and intensely radioactive material. And, at all six existing sites, four of which are now closed, there have been leaks; some are still leaking, and the costs are going up and up at these sites, often borne by the state governments and then the local communities have their own problems because of it. So, these are things that I am hoping that do not get exasperated with this rule. I wanted to share the information with people here about the history in the past and what brought me into the issue in the first place, and you are at the front end of it and are able to actually perhaps prevent...and we were promised jobs and roads. We were also promised a hospital and that stuff didn't really happen. The workers that worked there got really high exposure to radioactivity. So the point now, though, about liability, is that the costs are something that are going to affect all of the people in Texas from this. And the site currently is licensed in, as you know, you are the ones that licensed it; is for Texas and Vermont only. By opening up the import rule, the possibility for 90 reactors around the country that have no where to send their most concentrated, most intensely so called "low-level radioactive waste," will line up to come in and, in fact they most likely are lining up, and if contracts are signed by the company and these utilities then, does that mean the TCEQ will open up and expand the license. Is there more pressure to expand the license to fulfill the contracts. The contracts part is before the horse. Another point here is that we in the United States are looking at the possibility of nuclear reactors being built and operating. And, no matter how one feels about that one way or the other, the truth is that there is nowhere for the most concentrated of the Class C and B of the low-level radioactive waste to go for permanent disposal, unless they are in one of the compacts that are excluded out of compact waste. So, the Atlantic compact; those states they could dump at Barnwell, the northwest and Rocky Mountain, if they were to build new reactors would dump it; the Hanford site. But anywhere else in the country needs...going on 10...Ok, needs a place to send it so we are looking at 26 new reactor proposals, and I've got with me, which I am going to submit to the record, documentation that the new nuclear reactors are planning on sending their wastes here. And, so this rule simply opens the door to enable, not just to; the site would not just be serving an existing generators, but it would actually enable new reactors to generate more waste that wouldn't have been generated before, with the intent of coming here, with the clear intent of expanding the license. So, what I am going to submit for the record is, the independent study that was done on the clean up of the west valley nuclear site and the costs, the full costs of cleanup study and some of the documentation from one of the several reactors that are proposed that are indenting of dumping at WCS. And, I will have to submit the rest of the comments in writing.

Ms. Morgan: Thank you. Mr. Chuck Cronenworth. I apologize if that is not the accurate name. Chuck. If you will come to the microphone and state your name for the record.

Mr. Cronenworth: That's me and I'm not speaking.

Ms. Morgan: Ok. Thank you. David Henderson. If you would state your name for the record and who you represent.

20:02

Mr. Henderson: Thank you. My name is David Henderson and I'm from Midland, Texas. I proudly work at WCS. Personally, I am speaking from a viewpoint of a relatively new employee at WCS. I've had 2 years experience there and over 35 years business experience in the Permian Basin area. While here at WCS, I have participated in the most extensive training and indoctrination programs that I have ever experienced anywhere, bar-none. From radiation safety awareness, to proper conduct of operations; we are trained. And continually refresher courses and personal improvement and occupational improvement licenses are required of all employees. As most employees, with pride in the workplace, I tell you working day to day with fellow employees entails more than just clocking in, putting in hours until retirement. We build relationships with each other that encompass not only task accomplishments, but involve daily interactions with each other in what I call "our workplace family". We depend on each other to obtain our share of work goes; we share with each other successes as well as heartbreaks of our personal lives. One day we are elbow to elbow in handling hazardous waste, inspecting transportation mode, or cleaning railcars for proper release for public transit, the next day we may be playing on a softball team together, eating potluck lunch, sharing a laugh or bragging successes about our children or grandchildren, or holding employees who have lost a loved one or going through illnesses. Just as we attempt to be good family members, we strive to be good neighbors as well. We race to cure cancer; we give money to United Way so that they can spread resources to those less fortunate than we are. We collect and distribute Christmas toys to kids who may not be having as good a time or year as our kids are. We recycle, we pitch in to clean city parks, we help send kids to camp, and we help send kids to college. We support fine arts; we really support fine barbeque and chili. Being a good neighbor is an aggressive goal for WCS; its one of our core values to be an excellent citizen in our community. Let me mention the quality of professionals and the dedicated workers that work with me at WCS. Daily I see the concentrated efforts of the departmental teams provide quality services to our customers, we strive to keep open communication lines available, so the entire facility is on the same page. We are responsible to each other to lean on each other to completely to each complete a rewarding task. We have a litany of university degrees, and years and years of on the job trainings; heck we still have employee number one helping lead us into the future. We preplan jobs and accomplish mock up training exercises prior to tasks completion and we evaluate and critique our work with an eye towards quality achievements. The financial influence of WCS will be attractive to the future and for generations. A short word about our future, many of the kids leave small town America, to go to college and end up elsewhere. Right now, even UTBP provides a nuclear energy program where local students can earn a degree right here in our backyard. Then, the local job market would be able to welcome these great kids back and into their projected futures. So, in summary I stand in support of WCS, and the commitments that we,

on the US and WCS team, have made to properly treat, store and dispose of 50 waste streams in the future, we support the importation and exportation rules, as stated “we own good earth, we employ good people, we enact good sites, and we work in partnership with good oversight to lead our country towards responsible waste management, now and in the future.” Thank you.

Ms. Morgan: Thank you. And, I should mention for the record that we would like everyone be able to speak tonight that does want to speak. However, if the 3 minute limit which I have asked you all to stay within, if that is not due able for you, feel free to come back up after everyone has had the opportunity to speak and we will certainly hear comments again, your additional comments and keep in mind as I mentioned earlier, you are more than willing to submit written comments to supplement your oral comments tonight. Ms. Linda Beach approach the microphone and state your name and who you represent for the record.

24.11

Ms. Beach: Hello, I’m Linda Beach and I represent myself but I also am Vice President and General Manager at Waste Control Specialist, and each and every day it is my job to ensure that the site operations are performed safely and compliantly. We are closing in on our 3 year anniversary, without a “lost time” accident, and this Fall we disposed of 3,776 containers of by-product material, a type of radioactive waste without incident and with very low radiation exposure to the employees performing the work. My employees and I live in Andrews, Eunice, Hobbs, Odessa, Midland, Seminole and other communities within the Permian Basin. Each one of us has to look our neighbors in the eye and be comfortable that what we do does not endanger them in any way. To the contrary, we know that safe disposal of low-level nuclear waste, which we can and will provide, will improve the quality of life for our neighbors through cost effective nuclear energy, medical radio isotope use and production, research and development, and many, many more activities, that rely on the use of radioactive materials. Some have questioned the suitability of the site, and the thoroughness of the review by TCEQ but that is not the question before the Compact Commission. However, having personally reviewed many of the documents submitted as part of the application and response to questions by TCEQ, I can attest that their review was indeed thorough. The question is whether the Texas Compact Commission should promulgate rules that would allow waste from states other than Texas or Vermont to be disposed of at the Compact disposal facility at WCS. These waste streams must be generated from the same processes and have the same radiological and chemical properties that have already been approved for Texas and Vermont waste generators; they are just generated in another state. Transportation concerns are already been analyzed as part demonstration of the safe transport from the Vermont generators I am strongly in favor of the approval of the Texas Compact Commission’s proposed export or import rules. These rules will allow for receipt of waste from other states, while still reserving sufficient disposal volume for Texas and Vermont generators. We need more waste for the compact disposal at the site to make it economically viable as the facility design is very robust and consequently more costly to construct than any other low level waste disposal facility in the nation. More waste at the WCS means more revenue for Andrews

County, and the creation of more safe, skilled jobs at WCS. As an Andrews County resident, I see this as a win, win situation. Thank you for the opportunity to comment.

Ms. Morgan. Thank you. Ms. Lisa Berta. If you'll state your name and who you represent for the record.

27:00

Ms. Berta: My name is Lisa Berta and I represent myself and I am the Technical Support Manager at WCS. I support importation. I work at the site and I live in Odessa. I've worked in radioactive waste management for nearly 20 years at commercial and federal facilities in 11 different states in our nation. I personally see the need for safe, responsible disposal of radioactive waste. With some facilities that have failed, I have personally been the one suited up, cleaning it up, and packing it for proper storage. There just isn't the places for it to go; WCS is needed for waste that I probably packaged personally 15 years ago. I expect to see some of those boxes back again in the future. I chose to work at WCS as their conscientiousness of their license and permit requirements is so high; it's exemplary compared to every facility I have worked at. Out of all the facilities I have seen, this facility is also the greatest steward of their environment. It's extensively studied, closely monitored, and request for disposal are subject to detailed review of the documentation prior to shipping. Thank you.

Ms. Morgan: Thank you. Charles Taylor. Please state your name for the record and who you represent.

28:24

Ms. Taylor. Charles Taylor; I represent myself. My position with WCS is Director of Health Safety and Security. I would like to take a moment and just say "thank you" for the opportunity to have open discussions like this; it is what we do in this country. We may not always agree, but it is what we do in this country. My background goes way back, as some of my fellow employees like to point out. We all have biases that influences our lives and and one of mine is living in the Ohio River in the early 70's, and not being able to breath the air that was emitting from the river itself; from the fumes and the vapors that were coming off; it was bad. It's probably what led me into the fields of nursing, safety, environmental; with an environmental degree, and the years that I have worked in nuclear plants out at the Hanford Reservation. And, now I am working down here with WCS. Why is this good? I think some of the first reasons why it's good is the fact that we have such tight controls that have been put on us by Regulatory Agencies, such as TCEQ. I believe those are good. It's tough working with them sometimes, but we have to have controls. We have good geology, and on top of the good geology, we have good technology that will go over top of it, and with the layers of protection that we have, to keep it from getting into any media that will get it back to humans. We have dedicated people as you have heard before, who are talented and driven and more important, they live in this community and will have to deal with what we have here. And, then you have heard also tonight, the financial benefits that will come from this, from this effort that we are going to put forth of

taking waste and putting it into the ground for permanent storage. Again, thank you and I support this initiative.

Ms. Morgan: Thank you. Jeff Shouse. Shouse?

Mr. Shouse: Shouse.

Ms. Morgan: Shouse. SHOUSE, correct?

Mr. Shouse: Yes, ma'am...

Ms. Morgan: Great...for the record. Please state your name.

30:51

Mr. Shouse: My name is Jeff Shouse and I am an employee of WCS, and I represent WCS and myself. My background is in Health Physics, and I have been working with nuclear power for more than 20 years. Nuclear power Navy, commercial nuclear power, and then decommissioning and cleanup of operations; and waste management is a big concern. I am in support of the idea of importation for the following reasons, probably the same reasons the activists are against it. There is a lack of disposal options in this country, and a lot of this stems from geology and hydrology around the country and the fact that WCS does have the perfect place for its disposal of radioactive waste.

You know, if we do not provide a disposal option for companies and businesses outside the Compact, they will store their waste and you can read horror stories throughout history where companies have gone out of business, closed their doors and left waste behind for our children to get into, to pollute our environment and our water. We need to provide a path for that. WCS is well characterized analyzed model facility, and I can't imagine a better facility in the country. Again, you know we talk about long term storage and a lot of individuals vote that we make companies that generate radioactive waste, that don't have proper disposal facilities store it at their facility. The idea of stewardship or long term perpetual care would be out of the question for some companies. They wouldn't be able to afford it, they wouldn't have a disposal path available for them; they wouldn't be able to open their doors and conduct business. Thank you.

Ms. Morgan. Thank you. Pam Shouse...Shouse.

33:11

Ms. Shouse: My name is Pam Shouse and I guess that I am representing myself. I just want to say that I support WCS's efforts to provide a safe disposal path for radioactive waste. Thank you.

Ms. Morgan: Thank you. Tom Jones. Please state your name for the record and who you represent.

33:32

Mr. Jones: My name is....excuse me...my name is Tom Jones and I'm a Vice President for Waste Control Specialists, and a resident of Andrews. We appreciate the Commission to holding this hearing in Andrews and take comments from various citizens that didn't have to travel to Austin. I want to go on record as supporting the adoption of the import/export rules proposed by the Compact Commission. I will submit the rest of my comments because they are redundant at other people that are in favor of the rule. We will submit our formal written comments at a later date.

Ms. Morgan: Thank you. And, if anyone has come in a few moments late, if you have comments bring your forms, or if you have not filled one out yet and you would like to make public comments this evening; if you would fill out a green form that is outside on the registration table, and just bring it up front, we will make sure that we put you in line for you to make your public comment tonight and go on record. Jim Van Vliet is next.

Mr. Van Vliet: My name is Jim Van Vliet and I represent Waste Control Specialists and myself. I am the Executive Vice President of Operations for Waste Control and have been in that position for about 6 months. The previous 25 years, I have been in waste management programs, projects, operations, facilities management; literally across the country, including New York, South Carolina, Tennessee, Illinois, Idaho, Washington State, New Mexico, and now Texas. At WCS, 2 of our 6 core values are: Safety and Health, and Environmental Responsibility. We live and work by these values. As a team we constantly strive for absolute safety in everything that we do. As a result we are approaching 1 year of operations since our last significant injury, and we are determined to extend this record for years into the future. We are equally committed to environmental responsibility. Our site has been extensively studied, modeled, and evaluated. We have drilled approximately 700 borings for various purposes over the last 15 years, we sample approximately 450 monitoring wells on a monthly basis, and we will be adding an additional 112 monitoring wells with our upcoming construction. We have almost 30 air-monitoring stations, and 4 radiology towers. The design and operational requirements imposed through our licenses, are more stringent than any in the nation. In short, low-level waste disposal at WCS is a safe, permanent solution. I encourage the Compact Commission to approve the exportation/importation rules for 2 primary reasons: 1) permanent disposal of low-level waste at WCS, including both in compact and out of compact waste is safe disposal and quite likely the safest disposal in the nation. Secondly, allowing importation of low-level waste will open pathways; to many generators currently, who do not have disposal pathways, ultimately resulting in cost effective, safer, lower risk management of the nation's low level waste. Thank you.

Ms. Morgan: Thank you. At this time, I would like to recognize County Judge Dolgener. He is also a Texas Low Level Radioactive Low Level Compact Commissioner. Welcome. Next, I would like to call Gailand Overton. If you will approach the microphone, state your name and who you are representing. Please.

37:25

Mr. Overton: Yes, thank you for the opportunity to speak tonight. My name is Gailand L. Overton. I am a member of the Eunice, New Mexico City Counsel, 5 miles west of the WCS site. I am here basically to support my own opinion; the Counsel and City has already supposedly filed their position on it. In my personal relationship with the WCS; I have two family members that work there, a wife and a son. I also had an opportunity to work there myself, for an Interstate Ventures, a contractor that was bringing some waste disposal of low- level radiation material from the Fernald Project site. And, I was amazed at the restrictions that they put on it. I mean; everything has to be just exactly according to the way our license is written. And, I think we; the WCS has a lot of really; people that are really that want to make sure that the environment is not impacted by what they are doing out there. Thank you for your time.

Ms. Morgan: Thank you. Next is Jay Britten. You'll state your name and who you represent for the record, please.

38:57

Mr. Britten: My name is Jay Britten and I'm an Andrews County Resident, and have been for 2 years. I also serve as the Director of Operations for Waste Control Specialists, presently. And, one of the things, first and for most, that I want to make sure that I go on the record, is that I am in favor of the proposed rules for importation of waste from non compacted generators. One of the things that I have noticed listed in the past; and I'll go back to: I've been involved in the nuclear industry for going on 16 years now, ever since I graduated from college. And, when I was in college studying environmental management, and health physics, one of my instructors, who has since passed away, introduced me to the concept of NIMBE, which is obviously everybody in here has understood before, or is not in my backyard. Over the last few couple of decades, this kind of transferred to what some other mentors in my life which is called NOPE, which is "Not on Planet Earth". That being said, the reason that I bring that up is, is that the topic of disposal of low level radioactive waste is an emotional topic. And, sometimes the emotions get in the way of sound decisions and sound policy. The importation of radioactive waste into Waste Control Specialist is supported by the citizens of Andrews County, who have taken the time and effort to go and study the geology and the science behind everything that has been; you know that WCS has stood by since day 1. They have taken the time to investigate and support. Not only WCS as a corporate citizen, but also WCS as being the answer to an environmental...environmental problem that not only Texas has a problem with, but the entire Nation. Opening up to importation of WCS will help fulfill that need, not only for the Texas/Vermont Compact, but for the entire nation as a whole. Thank you.

Ms. Morgan: Thank you. John McCoy. Please state your name and who you represent for the record.

41:08

Mr. McCoy: Good evening, my name is John McCoy and I represent my own company, McCoy Consulting and I am working with WCS as a consultant. And, I would like to speak out in favor of the importation of the proposed rule. In my over three decades of working with hazardous materials, I quite literally shipped tens of thousands of articles worldwide, quite literally by trains, planes, automobiles... well, maybe not automobiles, trucks, ships, and I can assure you that transportation has been studied ad nauseam. We know what we are doing. The rules that we live under are the most stringent in the world; I have seen that in my professional life. Also here at WCS, I have been to every waste disposal site in this country that is still active, not necessarily inactive ones. I have been to West Valley, and other places that are inactive, and we are blessed by great science here. We have had a veritable army of engineers, who look at this site. If we put all the paper on the desk on the table in front of you, I am sure it would collapse. The State of Texas has looked at this and we take this quite seriously. But, the most important thing, I think is that we in Texas have to realize that we are not independent country anymore that ended a long time ago. We are part of a nationwide infrastructure, and that infrastructure includes nuclear power, includes nuclear medicines, and includes material science. All of these research facilities around the nation, that we benefit from, even though we do have nuclear reactors here in Texas. I'm quite sure that we receive power from other states and are generated by nuclear reactors. So, why can we say that that waste would have no place to go, couldn't come here, that they would have to store it on site. Yet we benefit from that. In nuclear medicine, I've had two very dear friends whose lives were saved with nuclear medicine, with high energy Gamma rays, to treat their cancers, and couldn't be treated by any other means. That material comes from some place, and it wasn't here in Texas, and it does generate waste. If those facilities don't have a place to put that waste, what is going to happen? Eventually, they are not going to be able to survive. Also, here at WCS; WCS is going to have a problem that if importation is not approved, then the site is going to be so expensive, for even the people inside of Compact, that Texas and Vermont will also lose out. So, I encourage the Commission to look at the big picture, and look at the nuclear infrastructure as a whole, and step up and do the right thing. Thank you very much.

Ms. Morgan: Thank you. Devona Edwards, please. Ms. Edwards please state your name for the record and who you represent.

44:12

Ms. Edwards: My name is Devona Edwards, and I represent myself and Waste Control Specialists. Nuclear energy is our future. Along with this comes waste. Along with the waste comes opposition. But, if the opposition has a better way of disposing of this waste, now is the time to come forward with the new plan. Or, how we can do this better and safer. We can not just wish this waste away. Thank you.

Ms. Morgan. Thank you. Gary Edwards.

44:51

Mr. Edwards: My name is Gary Edwards and I represent myself. We are all gathered here to discuss the future of WCS. I would like to remind you that our energy, worldwide, are being depleted. As the population of the world is growing, all the time, and the third world countries are using modern technology, more and more, our natural resources are going to be depleted even sooner. We are not going to be able to go back to simpler times of horse and buggy and candlelight, as the population can not survive at the rate the world is being populated at. With man made energy comes waste. We have to be able to dispose of this waste, we have no choice. I remind everyone, that WCS is a low level waste facility. They can only take in low-level waste. WCS tests consistently; they have an environmental department that all they do is test constantly. They test the soil, plants, wildlife, at all times. They even test the contents of the septic tanks and toilets, that the employees use before the contents are hauled off and disposed of. I think everyone would prefer a non energy supply of gas and oil, but we all know that it will eventually going to be run out. WCS by the tests conducted seem to be one of the better places to dispose of this waste as the tests have come to this conclusion. We have been run around all over the world looking for new sources of gas and oil. Round this area we are going to have to diversify as our jobs in oil and gas industry dry up along with oil wells. This will affect all of us, whether we work in the oil field or not. We are all connected to one another. Thank you.

Ms. Morgan: Thank you. Ed Greene. Mr. Greene, please state your name and who you represent for the record.

47:08

Mr. Greene: Good evening, my name is Ed Greene, and I am a resident here in Andrews. I just want to support WCS. I know that in the past; I am retired, and I used to work with some low level material, and being shipped here to various places in the United States. And, it wouldn't be sent here, to Andrews, to WCS, if they weren't in compliance with all the standards of the federal government and agencies. And, my hats off to them for doing a job well done. Thank you.

Ms. Morgan. Thank you. Ms. Patricia Greene. Please state your name and who you represent for the record.

47:59

Ms. Greene: My name is Patricia Greene and I work at WCS and I am representing myself as an Andrews's resident. I just want to state for the record that I am in favor of this, and I want to say how proud I am of the people of Andrews as they have stepped forward, realized what they have to offer to the rest of the country, and have watched WCS grow and develop and care, because that is one thing that I guarantee working there; WCS does care. And, they abide by all rules, and they do everything they can to make things the way they should be. And, I am very grateful to be there and I am grateful to the Andrews people that they step up to the plate and realize that we have something to offer to the country, and its something that is needed deeply. Thank you.

Ms. Morgan: Thank you. Michael Burney. Please state your name and who you represent for the record.

49:09

Mr. Burney: My name is Michael Burney and I represent myself, my wife and I also work for WCS as Director of Contracts. Everybody's; the "anti's" are all upset about this facility even being here. My only question is, we've gone arsenic and we've got fluoride in our water here. Yeah I know, now that we are a greater than 10,000 people, they've come up with a fluoride or a osmosis water system so we can drink cleaner water. But, I gotta tell you that every time we take a shower here, we are stepping into the arsenic and stepping into the fluoride. Where is the indignity, where is the outrage that I see on this? So, I can tell you that working at WCS for the last 5 years; when I first got here I could tell you that I don't have a background in waste, but I can tell you that the folks that work here; they know what they are doing. They have helped me, they have helped others; these folks pitch in and they help each other. We know what we are here to do, and we do it with a professional and a professional manner. So, I want to make sure that everybody understands that we are not here to just do this and leave; we are here to do this for a living. Thank you.

Ms. Morgan. Thank you. Martha Gitt. Would you like to speak? Please state your name and who you represent for the record.

50:42

Ms. Gitt: Good evening, I am Martha Gitt. Excuse me, I don't have anything prepared. I probably traveled the longest distance in support of WCS, as I came from Cincinnati yesterday. I am a WCS employee, and I want to go on record in support of the import rule. For a variety of reasons, echoing the support that some of you have already heard, but probably most importantly, how much it is going to help the Texas and Vermont generators. The import rule will offset a lot of costs of the current compact generators, and provide them benefit; financial benefit to support their operations. It will also help all the other commercial nuclear waste generators in the country. Like so many people have already stated, the waste has been generated, is in storage, and its in current configurations that are not necessarily safe. I have worked in a variety of waste disposal facilities, actually back in 1979, I marched on Three Mile Island, I was very anti-NUKE, until I got myself educated, and started working in the field. Of all the different kinds of work that I have done, when you are working with radioactivity, and you are dealing with radioactive contamination, it is the most controlled, the most understood, the engineering, transportation, all the issues have to be thought out, they have to be planned for; all kinds of contingencies. I've worked for WCS for about 4 months now, and everything that I have read, is very thought through, very well understood, and there have been plenty of people that have looked at the issues, so I know that their; our model is very good. So, again I just want voice my support for the import rule. Thank you for your time.

Ms. Morgan: Thank you. Matt Aubert. Aubert...sorry. If you don't mind stating your name for the record. Aubert.

Mr. Aubert: Yes, ma'am.

Ms. Morgan: That's a T, thank you.

52:50

Mr. Aubert: Yes, ma'am. My name is Mathew Aubert and I am a Radiation Trainer at WCS. I have been with WCS going on 2 years now. I was born and raised in Houston, Texas, and I am a native of Texas. Prior to becoming part of the WCS team, I traveled the nation and working at many different DOE sites and utilities. I am proud to be part of the team here at WCS. The mindset here at WCS, has always been and always will be safety excellence and compliance, to say a few. For every individual employed here with us, goes through an enormous amount of training, with an emphasis of radiation safety. WCS is a pioneer, to say the least, for this area. We were here before LES, and partly why they chose the spot for the uranium enrichment facility. That is another indication that we chose a perfect spot over 15 years ago. Andrews County is in the 10 counties for oil and gas production, here in Texas. But, one of these days, maybe, not in our lifetime, that might not be the case. In order to prosper in this part of the country, we need to use what assets and resources that we have here. And, bottom line is that we are sitting on a jewel talking geographically with the soil that we have here. This will not only create new jobs, and economic opportunities for the Permian Basin, not like we have done in the past 15 years, but we will generate new revenue for Andrews County. This will pay for roads, recreational facilities, and public projects that will enhance the quality of lifelong residents here. WCS is a safe and permanent solution to a significant environmental problem. I've heard somebody comment that we are rushing this. Well, we have been here for 15 years, I don't think that's; you know not a small amount of time, so I don't think we have rushed anything. We have done everything according to law, by going to meetings, and doing what we have to do to get where we are at. So, in my opinion, we have done everything the right way. The only way. So, and I fully support importation/exportation with this and no further comments.

Ms. Morgan: Thank you.

Mr. Aubert: Thank you.

Ms. Morgan: Rosalyn Bernie, please.

(Inaudible...)

Ms. Morgan: Ok. Please state your name and who you represent for the record.

54:54

Ms. Bernie: Rosalie Birdie and I represent myself; my husband does work at Waste Control. I am in favor, absolutely. If not for Waste Control, we would not even be here. My husband and I have been here for 5 years; we have lived in many states. We were; he was in the Army for 24 years, and we moved 15 times; I am not moving again. So, I am here permanently. Not only do I have a lot of good friends that work there, people that we have become very close to as family. But, if I didn't feel that they were very regulated and very safety conscious out there, I wouldn't be here. I'd move. Thank you.

Ms. Morgan: Thank you. Billy Green, please.

(Inaudible...)

Ms. Morgan: Mr. Green, please state your name and who you represent for the record.

56:04

Mr. Greene: I'm Billy Green and I represent myself and I am also a citizen of Andrews, and I am a former employee of WCS. I fully support what they are trying to do. It will definitely benefit not only Andrews, but Eunice, eastern New Mexico, Texas, and the nation. WCS has the safest site for what they want to do, as long as the rules are followed and they stay within compliance, and I am fully in support of what they are doing. And, I am confident that they will follow the rules and do what is necessary to keep this safe. And, again I spent 20 years in the Navy nuclear submarines, and it's totally safe for any of you doubters of what they are doing. We have to have a place to dispose of this, and Andrews; WCS is the safest place to do this. Thank you.

Ms. Morgan: Thank you. At this time we are going to take just a 5 minute break, and please take this opportunity if any of you would like to make comments, to fill out these green cards for us. And, also if any of you have already made comment, and anticipate and wanting to make additional comments, if you all would let us know we can put you back in the line behind everyone, once we have our first round. Thank you.

Ms. Morgan: Next is Jesus Cisneros. Mr. Cisneros if you will approach the microphone and state your name and who you represent for the record.

57:56

Mr. Cisneros: Hello, my name is Jesus Cisneros and I represent myself, my wife and my family, and WCS. I have been in this field for over 21 years and I have been chasing companies that have just completely fallen apart and they run away from what their responsibilities are. What I like; what I really like about WCS is that they gave me responsibility, and they gave us the right to stop any work out there. If we see that something is wrong, we have the authority to say

“stop”. So, in my opinion, I think, what more can you ask for? And, I have been doing this for 21 years; I’ve been on the frontline, I’ve been doing surveys, I’ve been watching a lot of this work being done, and being shipped around and so forth. My wife and I are originally from Colorado. We had to leave Colorado and go to Nevada test site. We had to leave the Nevada test site and came out here to Andrews. And, I am hoping that this is a place that we can stay, and move forward. So, thank you.

Ms. Morgan: Thank you. Stephanie Cisneros. Please state your name and who you represent for the record.

59:38

Ms. Cisneros: My name is Stephanie Cisneros, and I am here representing myself. As my husband just said, we moved around; he’s got all the experience and I know nothing about this, but I fully trust his judgment. And, he would not put me in a situation where there was any danger. So, I have full support of WCS and what they are doing, and that’s it.

Ms. Morgan: Thank you. Nicki Widmeyer. Mayer? Please state your name for the record and who you represent.

1:00:21

Ms. Widmeyer: My name is Nicki Widmeyer. I represent the Sierra Club and the Unitarian United Church of Midland’s Green Sanctuary Committee. I would like to thank WCS’ own Mr. Jones for inviting all of the people that are interested in protesting what is going on here in Andrews. I have lived in Midland for 32 years. There have already been several people here, who have given you a litany of potential dangers, to adding more toxic waste here. I do want to go on the record as supporting Rose Gardner’s remarks, the Pryor sisters remarks, and Diane D’Arrigo’s comments. But, I also want you to hear some of my own personal concerns. My concerns go way back in caring for the environment. My parents were 2 school teachers, growing up in the Midwest. They raised me and my sibling on a very meager salary and taking us all over the country showing us everything there was to see, in order to give us a sense of wonder, and a sense of place no matter where we might decide to settle in the future. They didn’t have to lecture us, or preach; we got it. When we moved here it took me a long time to “get it”. This is not anything like where I grew up, but I grew to love it very much. My parents visited here often, and encouraged me to cultivate an appreciation for what is here; wide open spaces, spectacular sunsets, no smog, and friendly, warm hearted people. But, now we have WCS. You may be tempted to call me a tree-hugging environmentalist because I care about what type of toxic chemicals that I come in contact with. Why would I ever approve of more toxic waste in my own backyard? So, let me call WCS the way I see it. Corporate Opportunist who thinks that they have 100% support for what they are doing here now. And, what they want to bring here in the future. Well, I am here to tell this Commission that they don’t have 100% support. They can go to however many conferences, meetings and tell all the beauocrats in the country, that “we all want toxic waste here”. But, I had to come here tonight, and speak my

mind, and tell you that it would be a lie. We may be stuck taking Vermont's toxic waste, but we don't all don't want the nation's toxic waste transported here from all over the country, or from all over the world, for that matter. That was not the official goal when Texas passed a law allowing for a profit...for an a profit disposal site here. And, it's not what the TCEQ license allows. Erin Brockovitz is already here in Midland trying to find out who is responsible for the contamination of water in South Midland. In 30 years, her successor isn't going to have to look very far at all to find out who is the source of pollution in the Permian Basin. I'm really tired of Corporate America barging ahead on projects with dollar signs in their eyes, and apologizing for damages later. Who is going to apologize to those children and grandchildren still living here, when WCS is gone? There is no guarantee against accidents, both human and caused by Mother Nature. People have asked for alternatives to storing toxic waste here. There are safe processes to make radioactive materials harmless. But, then there would not be all of the billions of dollars flowing in and around this area, to handle this matter. If you have seen the movie "Avatar", you will remember a poignant exchange between the main characters, "I see you". I want to make sure that the Commission sees me. Thank you.

Ms. Morgan: Elicia Sanchez. Please state your name for the record and who you represent.

1:04:44

Ms. Sanchez: I'm Elicia Sanchez, and I am the Chief Financial Officer for Waste Control Specialist, but, I am here representing myself, and my family, as a citizen of Andrews. WCS has been in business for quite a few years now, and we have been technically importing waste for years now, for treatment, storage. But, the waste that is treated is then shipped back off, so it's on the highways, all over the U.S., already coming to us; we treat it and it's shipped off to the disposal site to where it's being disposed of right now. So, we are not really asking to do anything beyond what we have already been doing for quite a few years, we are just wanting to dispose of it now, to put a final resting place. No, we are not going to send it back on the road again. We are going to keep it here, we are going to put it in a hole that has been tested, unbelievably so. And, I want to go on record and support the importation and exportation rules. And, I also want to state that I do live in Andrews, as do many of the people that work for Waste Control Specialists, and a lot of my friends that don't work for Waste Control Specialists. I'm a mom, I'm a grandmother, and if I had any concerns about what we were doing at Waste Control, I wouldn't work here. It's not about money, it's not about Corporate America, it's about the 130 or 40 continuing to grow people that live here, in Andrews, and in Eunice, and in Jowel, and in Hobbs, that work here, and live here and raise their children and grandchildren here. It's; you know, that's the people that are doing this, not Corporate America. And, we are very educated people. We are not people that; you know they are just pulling off the street; don't know what they are doing. We work hard and we take pride in the work that we do. And, when people come in and say that we don't know what we are doing, and we are not caring about the environment, that's not a jab at Waste Control Specialists, that's a jab at the employees at WCS. And, you know, I take heart in that. So, I just want the Commission to know that we do know

what we are doing. We take pride in what we are doing. And, we will do a good job. Thank you.

Ms. Morgan: Thank you. Scott Kirk. Please state your name and who you represent for the record.

1:07:10

Mr. Kirk: Yes, I am Scott Kirk, and I will speak for myself tonight, but I also work for WCS. I am Vice President of Licensing Corporate Compliance, and I am also the Radiation Safety Officer for the site. I wanted to say "yes", I do support the importation rule, but as importantly, I support a national solution. Many recognize as a heavy lift act, Texas Compact Commission to serve a national need by allowing importation of low level waste to generators that do not have a disposal pathway. I am very pleased to say, as I am sure most people are in this room, that we are the first successful site that will be licensed and developed done with the Low Level Policy Act. There have been 10 sites before us that have failed. There must have been about a billion dollars spent on this failed effort. But, we have been successful. I tell people that we are successful not because we have ideal geology, but because we have tremendous local and regional support and from those in our community that would like to see us successful and have been pioneers in the energy field for almost 100 years now. In December of last year, there was a meeting in Austin about the importation rule, and there were medical researchers and they mentioned the fact that in 36 states, medical researchers and other waste generators currently do not have a waste disposal option. Representatives from the University of Missouri were here, and they also indicated and shared their experiences about a major initiative under way to develop a national and independent supply of radiopharmaceuticals, made up of Mollu-99 or Mollbdenum-99. They also mentioned the fact that because they're in Missouri they couldn't as they currently don't have a disposal pathway and they see WCS as being a solution to their problem. You also heard something similar from a group called the Council on Radionuclides and Radiopharmaceuticals, and they mention the fact that there has been hundreds and hundreds of discontinued medical products and it's for the treatment and diagnosis of cancers and other types of illnesses. You also heard them say that they believe that WCS as being the last hope to help in important medical research for cancer and other types of illnesses. You also heard in December from the Department of Energies National Security...excuse me...National Nuclear Security Administration on their efforts and joint efforts to collect disused sealed sources. They currently have no disposal pathways and currently pose a national security risk. Currently, there is no disposal pathway for these types of sources, and WCS represents one of the last hopes for them as well. Unless there is a solution, wastes that are generated by and in 36 states, could be stranded into perpetuity. Texas Compact Commission to find a win - win solution, not just for Texas but as a designation as a whole. And this solution would not just benefit not only Texas, and Andrews Counties, but also waste generators across the country. And while they would also preserve the disposal capacity, they are due to the generators in Texas and Vermont. Thank you very much for your time.

Ms. Morgan: Thank you. Bob Stewart. Please state your name and who you represent for the record.

1:10:40

Mr. Stewart: I'm Bob Stewart and I am the Electrical Maintenance Supervisor at WCS, but I speak strictly for me. I had a little speech but, decided midway through to just kinda answer on some of the things that I have heard here tonight. One young lady mentioned a waste disposal unit in the 60' and 70's. I was actually alive then when we had leaded solder, when we had leaded gas, when we took mercury out of thermometer and put it in dimes so it would be nice and shiny, black and white TV's , black and white movies; a lot has changed since then. Then, this was a calculator; a lot of technology has changed. What we do at WCS has changed too, as compared to the landfills she was speaking of. I've worked a lot of places over the years and I have never been someplace that places more emphasis on being safe, on keeping the most minor little oil drip out of a vehicle cleaned up, and everything straight. And, I feel that we go well beyond the regulatory rules that are put on us. We don't have any trees at WCS to hug; they're mesquite bushes. So, that is not something that we really need to worry about. We have deer run through there; none of them glow in the dark, none of them have 6 heads; we are safe, we are clean and we will take care of it. Thank you.

Ms. Morgan: Thank you. Eric Schiel

Schiel: Did you say Eric Schiel?

Ms. Morgan: Yes. Please state your name for the record and who you represent.

1:12:47

Mr. Schiel: My name is Eric Schiel and I am representing myself. I am a Territorial Sales Manager for Yellow House Machinery. I just need to say that after what we have been through the past year with the economy around here, we need the diversification in West Texas, we need the growth, and as somebody that has been subject to Waste Controls safety precautions and regulations; at times they make it hard to do business with them because they are so stringent, they care about what is happening out there. And, I have no worries anytime that I am on that site, how I am going to be affected or how my family is going to be affected. That's all.

Ms. Morgan: Thank you. Brandon Young. I think its Young? Brandon you...something...Brandon Young, I believe....Ok. I will try him in a few minutes. Candance Greenwood. Please state your name and who you represent for the record.

Ms. Greenwood: My name is Candance Greenwood and I represent myself, and WCS. I have worked there for almost 5 years now, and I come from a beautiful part of the country; Arizona. But, to me, I wouldn't work out there if I didn't think they were doing the right thing. And, that

is basically what I have to say, and I support everything that they do and the import rules. Thank you.

Ms. Morgan: Thank you. Priscilla Jeffries. Please state your name and who you represent for the record.

1:14:51 [testimony continues on CD # 2 of 2]

Ms. Jeffries: I'm Priscilla Jeffries and I am somebody that has given 25 years of my life to over 4,000 students in Andrews County; I love all of these people here, I really care about them. The whole town is my home, they are my family, and the reason I am speaking is because I do care about them. And, I care about them because I don't just live in Andrews; I live in different parts of the world. I have Egyptian friends, Pakistani friends, friends from India, friends from Spain, friends from Morocco. I've been teaching World Social Studies for 26 years; 25 in Andrews, and I have had many guests through my 25 years. I've had a guest who went to the Ukraine and was connected to the nuclear explosion there as a church Christ missionary; Ms. Peggy Haines. She would come back and be guests with my class, and we even had a young man from the Ukraine and he would tell my students; 6 classes a day...that's right I have 7 now, about the effects of the radiation, even years later it was still in the soil, it was in the water, and all that. And, another thing, the French, the French have 80% of their electrical power comes from nuclear power plants. The French are a very advanced and a very cautious people. They do not, ever, consider burying their nuclear waste above a water layer. Andrews County is mentioned in a Glencoe book that I have been teaching out of for 8 years, who for 7 times a day, to a lot of students; I have 152 now, most years I have had 135 or 150, I mean all together its been about 4, 000 students. Glencoe says in that book, "the largest underground water Aquifer, in the world is right here in West Texas; Ogallala". That waste has been stored 14 feet above the largest underground Aquifer in the world. It will not only affect Andrews County, it would affect a lot of the whole Permian Basin; it's in that Glencoe book, its connected to Libya, because Libya is the only other place in the world that has the similar large, large underground water Aquifer. I have a field in Archeology, I have worked with geologists, I've held that training, and I know from Dr. Jack Hughes, who gave me a whole field at West Texas State University, working with Billy R. Harrison now at the Pan Handle Plains Museum. I know a lot about geology, and Mother Nature, which is God; God is in control, men are not. When the Titanic sailed, those men said; we, this is the best thing we have made to save, we have made it so good, and they really believed they did. I love all the people that have come up to speak and I understand that they are doing everything they are doing, and that they have studied a lot. And, that they are really doing everything that they can to keep everything safe. But, you cannot control God or nature. Earthquakes are hitting more and more all the time. They are hitting even in place like start here Cairo Egypt, which my friends in Egypt said they couldn't believe it in 1993 when an earthquake hit Cairo. I have been in Al-Azhar Mosque and the windows were still shattered in that Mosque in 1994 because they simply didn't have the money to fix it. There has been an earthquake hit in Israel and they couldn't believe it; they had an earthquake in Israel. So, they started putting earthquake things up and that was in the 1990's. You can not control what is

happening in the earth, no matter how much men say they can do it or women or how much education; God is in control. And, I am speaking this because I love all of you; I love people here in Andrews County, but 14 feet above the largest underground Aquifer in the world, other than Libya; in North Africa. Earthquakes are happening more and more all the time. The French do not bury their nuclear waste above their water layers. They bury them 80 feet below the water layers because they know there could be a leak. Ok, that is all that I have to say because I love all of you; I don't know you, but... I have had over 4,000 students and I have had a lot of you as students; not students, but your sons and daughters, and because I care about you. And, I know a lot of people's paychecks are coming from this, and that is important, but hopefully there won't be an earthquake, or something else.

Ms. Morgan: Thank you. (*Inaudible...*) Brent Stoneman. If you would state your name for the record and who you represent.

CD #2 of 2: 2:36

Mr. Stoneman: I'm Brent Stoneman and I represent myself, my family and I also work at Waste Control Specialist. I have a background in geology and also environmental science, and I am an accountant right now. I just want to say mainly, I am going to reiterate what a lot of people have said regarding the safety. I have been at the site for 5 years and the safety regarding, from my administrative beginning gets more strict regarding what department you go to. But, it is stressed to everyone, every day. And safety is stressed for the employees and themselves, their families, the communities and the environment. And, their practice is to keep the environment safe, so that there is no repercussions that will affect the employees at WCS in a negative fashion. Also, like I say, I am going to be redundant a little bit, mainly on the safety. The importation, as one of the co-workers said; we have received waste for several years, be it by rail, be it by road...however it comes. And, this would be a little bit different, but not so much in the fact that it has been studied by the TCEQ and it is also being studied by different agencies, by different higher up agencies, if you will. And, there have been no findings in a negative manner regarding any issue of the transportation itself. I fully support the importation/exportation rules that this community is here to hear. And, I apologize; I'm shaking and all that; I had a stroke a few years ago, so I will blame that. But, once again I fully support the importation and exportation and the disposal of this waste there have been several; close to a 1,000 different tests, well tests, boring tests around the site; we have up to close to 2,000 acres. And, they have tested several different places and various depths and have not found any water source based on the geology and my background in geology and everything; I understand what they are looking for, and what they are looking at. And, the closest; the Aquifer that supports this area is not 14 feet underneath, it's about 14 miles to...what's the direction...east...I'm sorry, east. So, it's a very safe site and the geology and the formations of the underground, and it kind of aggravates me in a way because the main thing is that people, not all people that are opposing anything to do with WCS, but just like I heard earlier, research and understand what you are going to talk about and complain about before you start complaining. Thank you.

Ms. Morgan: Thank you. Terry Burns. Please state your name for the record and who you represent.

6:51

Mr. Burns: My name is Terry Burns and I represent myself and the Permian Basin section of the Sierra Club, Lone Star Chapter. I am a Physician here in the area and I object to the import rule and I would like to clarify, I think, a few points in medial research and radiation treatment is often mentioned. It is a very tiny portion of nuclear waste and its all almost very short acting and easily disposed of. It really has nothing to do with any of this and the prosperity at WCS. This is all about nuclear power, and I agree with an earlier speaker that nuclear power does generate waste and so we have a problem. And, I agree that doing something with that waste is important and one of the important things here is, of course not to produce anymore of that waste and not have any more nuclear power plants making more waste. Likewise, if we are talking about Iran and North Korea, and Pakistan, and having nuclear weapons, it's always because of nuclear power; so called ATOMS for Peace. It's caused by proliferation. We don't need more nuclear power plants around the world; we need less. We don't need more nuclear waste. Import rules will open this site up to waste potentially from all over the world; low level waste is not low level risk, it is waste that will be hazardous here tens and hundreds of thousands of years. And, I think that it is amazing, there has been a parade of supporters and employees and family members related to WCS; I'm sure it's a great company and I have no objections to the company and its ethics, and its workplace. I don't think this is so much about the company in fact; I am surprised that everyone here has so much faith in the state and federal government. Usually, I think, people out here are pretty independent minded, and a little more "tea party" minding. Here, we have people that are absolutely confident that the agencies are all doing an excellent job. I personally am a little bit more on the "tea party" side and somewhat skeptical. I have seen here; we are attempting to set a rule for importation of waste without quantity limits or curie limits, without location limits. When the site isn't even fully approved for operation, when the site isn't even developed, when the capacity of the site isn't even determined and this has been the process all along. We have agencies that constantly are making approval before rather than after everything is in order; I like things to be in order. We have license granted when 90 conditions were not met by the application. But, the license was granted, and of course, the WCS are working on meeting the conditions. Everything is done backward. We have a 50 year history in this country of federal government support of a hundred billion dollars and more for nuclear power and still Wall street won't support it; WCS claims that it may go out of business if it doesn't get the import rule, and yet, we are told that it's a permanent company that will always be here, unlike other companies. And, we are told that the people who live here, yes it's great to have good jobs and make good money, and I support that. But, the license currently is for 15 years and the waste considerations only have to be conceived of from a relative 200 years. And, this stuff as I have said will be here for hundreds of thousands of years. And, I would just like to conclude by saying just a slight summary of what we are looking at so far: We have, right now, 1.3 million pounds of pcv's coming here in almost 4,000,000 cubic yards of Hudson River. The waste again was cheaper to move it 2,000 miles, rather than to properly decontaminate it. We

have, you know, 80,000,000 pounds of Fernald high-level waste that is highly toxic waste; I won't get into the low level and high level. But, highly, highly toxic and long lasting waste

Ms. Morgan. Dr. Burns...

Dr. Burns: We have the potential of 1.4 million tons of depleted uranium, and then we have all the by-product of uranium and we have 11, 000 tons of mercury...probably. So, it's going to be a site that you might as well consider untouchable for until God's green earth has come. Thank you.

Ms. Morgan: Thank you. Robert Saffell.

Mr. Seffell. That's Saffell...

Ms. Morgan: Saffell...

Saffell: That's fine...

Ms. Morgan: Pleases state your name for the record and who you represent.

12:43

Mr. Saffell: Certainly. I am Robert Saffell and I am a resident of Andrews County. I don't work for WCS, but you are nice folks. I had some issues, particularly with the comments that have been brought up here since the questioning has begun or public comment. First of all, it's nothing but a benefit to this County for WCS to have a nuclear license, and more importantly to have the import/export license. We have millions of different types of products sold throughout this country that contain either contain either high levels or low levels of radioactive material. There is no-where to dispose of most of it; it just gets stockpiled. Everything from my smoke detector in my house, to the radio iodine treatment I get at a hospital. And then if you go look at the nuclear waste straight from nuclear plants; we are better off disposing it at a controlled and orderly manner than stockpiling it at a plant. More importantly, I have a hazardous waste dump here in at the county; introducing a nuclear license to a hazardous waste dump, introduces nuclear controls to a hazardous waste dump. That tells me that they are falling under some of the tightest and strictest controls that this country has to offer in any industry, because the nuclear industry does not just look at a single nuclear aspect of your operation. When you become a nuclear facility, they look at everything. So, now I know that they are controlling the mercury better, the PCB is better; the toxic waste they get in is better. Because everything in some way directly or indirectly directly falls under the par view now, of a bureaucracy, that controls us directly. I support the import/export rules and I hope that it goes through. Have a nice evening.

Ms. Morgan: Thank you. At this time I would like to remind everyone if you are interested in providing oral comment tonight, please fill out one of these green forms for us. If you have any

in your lap or anything like that, if you would bring them forward, that would be great. Anyone, we are getting closer to the end, and, certainly I will call one more time, just in case any of you change your mind. Next is Scot Youngblood.

14:57

Mr. Youngblood: My name is Scot Youngblood and I represent myself and I am an employee of Waste Control Specialist and I am one of their Civil Engineers at the site, and I have had the privilege of working there for 8 months now. And, I would like to say that I am in full support of the expansion of the Compact Commission and import rules. Most of my ideas and topics have already been covered by other persons, but I would like to mention, since it was brought up by other persons, that facilities such as the Whip site have been able to transport countless numbers of containers of radioactive waste safely through the State of Texas, on the very highways that have been mentioned before. Thank you.

Ms. Morgan: Thank you. And, one more time, Brandon Young, are you interested in making public comment? (*Inaudible...*) ...as going on record or the rule...Barney Noll.... would like to go on record for being for the rule...Noll, would you like to make comments...

Barney has already left...

Ms. Morgan: Ok. He is on record. Stu Parsons would also like to go on record as being for the rule and not speaking tonight unless Mr. Parsons has changed his mind?

Mr. Parsons: (*Inaudible*)

Ms. Morgan: Would you like to speak

Mr. Parsons: No.

Ms. Morgan: Carl Coggin. Would like to go on record as for the rule. Mr. Coggin would you like to make public comment at this time?

Mr. Coggin: (*Inaudible*)

Ms. Morgan: Ok. Thank you. Ivy Espinosa. Would like to go on record as being for the rule.

Mr. Espinosa: Inaudible...they are all carpooling...

Ms. Morgan: Thank you. Nothing wrong with carpooling. Ok, thank you. Let's see...Pat McDonnell. Please state your name and who you represent for the record.

17:35

Mr. McDonnell: Pat McDonnell and I represent myself and WCS. I've been at WCS for almost 9 years now. I am the Health and Safety Manager and we run the safest waste disposal site in the states. I am not a Texan, I'm still Canadian; don't hold that against me. But, I have been living in the United States, now in Texas for the last 16 years. I'm in full support of WCS and request that you grant importation. Thank you.

Ms. Morgan. Thank you. Roger Settler. I'm sorry, Settler.

Mr. Settler: Yes.

Ms. Morgan: Please state your name and who you represent for the record.

18:27

Mr. Settler: Honorable Members of the Commission, I am Roger Settler and I am a candidate for the Mayor of Lubbock, and I represent numerous members of my family and clan. I come tonight to speak to; for those folks in Lubbock and other areas who are affected by what goes on here tonight. This is not just a local matter in Andrews County, it will affect all of West Texas and potentially all the local Ogallala Aquifer, which stretches through the Dakotas and Saskatchewan. Back in the 1970's there were 3 sites proposed by the United States Government as permanent nuclear repositories sites; one of them was Deaf Smith County, of which is situated over a very active part of the Aquifer. At that time, we had numerous hearings and we were successfully able to beat back that effort to place nuclear waste in West Texas. Yucca Mountain was chosen; now I understand for whatever reason, it may not be the permanent site, although it is remote and it is not located on an Aquifer, and it is the logical site in the United States for nuclear waste disposal. Unfortunately, because of poor leadership, here in the State of Texas, and Harold Simmons being somehow able to "backdoor" this radioactive waste site here in Andrews County through shenanigans in the legislature. We now face once again, a battle to place nuclear waste, from all over the United States, and potentially all over the world, right here, over the Aquifer again; the most fertile agricultural area in the world. This nuclear waste is nothing to be trifled with, ladies and gentleman, it has a half-life of 5, 10, 15 thousand years and a potential to be radioactive in perpetuity. Human civilization has only existed for 6, 000 years of recorded history. We are placing an incredible burden on our descendants by asking them to be custodians of nuclear waste; and we can't know what is going to happen, 5, 10, 15 thousand years from now. And, yet when we talk about nuclear power, when we talk about radioactive waste, this is the burden we are placing on our descendants. Among my people, the American Indians, we talk about every change that is proposed must be looked at into the 7th generation; something that isn't often done in our governmental bodies. But, here we have to go past the 7th generation; thousands of generations of descendants will be affected by what we do. Do we really want to put something this dangerous in West Texas, right by an agricultural area? We in Lubbock fear the importation of nuclear waste because we know it is going to come right down the highway, right by Texas Tech in Lubbock, and if there is a nuclear accident, our people may

pay the price. As any city or community that is on the route. Unfortunately, if we look at examples like Chernobyl, that have been brought up before, we see the potential for disaster in this situation, and we know what it can do. And, there are alternatives; I watched an episode of "World Focus", just the other night and Denmark leads the world in applications of wind and solar energy and biomass. We have the potential to do it, and there are sayers that say it can't be done. It can be done, its being done all over Europe, it can be done here, and our recent push for a nuclear plant; thank God we stopped them in the 1970's, and for 30 years we haven't had to worry about new ones being built. Now, tragically, a new one is being built. We must look at this very closely, ladies and gentlemen, because we cannot do this to our descendants. The lady who mentioned the Titanic; the good lady that spoke before me, didn't mention something that I will bring to your attention; that the builders of the Titanic said it was unsinkable, and in fact one of them went so far as to say that "God himself can not sink this ship". Well, God had other plans. Disasters do happen and the parade of witnesses who support this proposal, my heart goes out to them; I know they need economic development but, prisons, nuclear waste sites, is not the way to go ladies and gentlemen, it is not. This is not economic growth; this is something that will be disastrous for future generations. I urge you in the strongest terms to not approve importation or exportation. This site should be closed down as soon as practicable, and the nuclear waste should be transported to a remote site, like Yucca Mountain where it will be safe. Thank you.

Ms. Morgan: Thank you. Michelle MacCaslino would like to go on record as for the rule. Would you like to speak by any chance? No?

Ms. MacCaslino: Yes.

Ms. Morgan: Ok. Ms. McCasland please state your name and who you represent for the record.

24:00

Ms. McCasland: My name is Michelle McCasland and I represent myself and WCS. I am a long term employee of WCS; I've been there for nearly 10 years now. I have never in my life worked for a facility who teaches you so much and takes into consideration your safety. I can't tell you how many times I have heard in our safety meetings "we want to send you home the same as you came". We take it seriously, every one of us do. I have 5 grand-children that live in this area, my daughter, my step-children; I'm a homeowner in Andrews, and I live in Eunice now. I have a great stake in this area, and I have no problem whatsoever supporting this.

Ms. Morgan: Thank you. Tim McGree would like to go on record as for the rule. Would you like to speak, by any chance...No?

Mr. McGray: (Inaudible)

Ms. Morgan: Ok. Thank you. And, Mr. Settler, I have you one more time...do we have a dup?

Mr. Settler: I have one more ...

Ms. Morgan: If you will hang on one second, let me call for one more round of folks first time around and then we will certainly start on that. Is there anyone else that has not spoken yet, or provided me with a green sheet, before we take on any additional speakers? One more...if you don't mind bringing that up here for us. One second...Hi, thank you.... (*Inaudible...*) Wait one moment for me...Thank you for your patience...

Ms. Pryor: Sure

Ms. Morgan: Thank you Ms. Pryor, if you would state your name for the record and who you represent.

26:30

Ms. Pryor: I'm Dolores Pryor and I represent myself. I am a resident of Andrews; I have lived here for 60 years. And, I am against this import/export rule because it...I've heard that it will also mean that we would be importing a waste; low-level radioactive waste from other countries if this passes. And, that would also mean that there would be a landfill extension, more than what it is now, and I really don't think that I would like to have a lot of low-level radioactive waste around Andrews. I know that WCS practices a lot of safety rules and things like that, but there is also a potential of leakage. There will always be, no matter how you try to be safe in everything that you do, but you still could have accidents. And, that is all that I have to say.

Ms. Morgan: Thank you. Once again is there anyone else that would like to provide oral comment before we give other folks a shot to come back up here? No. Ok, this next round, we will limit to 5 minutes. Mr. Settler, I think you are it, right now. If you will come up here for the record and re-state your name and who you represent for the record.

28:16

Mr. Settler: Roger Settler and I am a candidate for the Mayor of Lubbock, and I represent numerous members of my family and my clan. There is nothing so powerful in all the world as an idea whose time has come. Edmund Burke spoke the immortal words centuries ago, but they still apply today. The idea "whose time has come" are products that will generate electricity and other means of power, for the consumer, without generating waste that is a problem for generations to come. Wind, solar, biomass, geothermal; the list goes on and on. Just recently a box has been developed that may liberate the individual homeowner from the power grid. This has already happened in Denmark, where individuals achieve; would go in and get financing and the governments there are progressive enough to provide that financing. And, they would set up a windmill, not on some distant hillside, but on their own farm, their own property; small windmills that would generate enough electricity to sustain their household and indeed, many of them sell power back to the grid; they generate so much. Here in West Texas we have all

experienced the wind, we know how much of it there is. Certainly the sun, if you have been in West Texas on a hot summer day, you know the potential for solar energy, all you have to do is feel the seat of your car. This is the direction that we should be going; nuclear is not safe. History is repeat with examples of how dangerous nuclear energy can be. There is a no-mans land surrounding Chernobyl from the nuclear incident that happened there; Three Mile Island, the nuclear reactor that stopped the production of nuclear power plants in the United States in the late 1970's. The PCB's in the Love Canal situation, outraged the country for a period of time. But, now we have been lulled into a false sense of security, that somehow, like the Titanic, you know; this waste can be safely handled. And, God once again, reminds us, you know of the power of nature. We were having earthquakes in West Texas; can you imagine that, something that most of us have never experienced. But, low-level earthquakes are happening and seismologists tell us that this will increase, that global warming might have a roll in that; El Nino might have a role in that. But, the shift of tectonic plates is creating the possibility of earthquakes, and no company and no corporation can guarantee the safety of this proposal. I know that on the reservation, we have a problem when political issues come up the employees of the Bureau of Indian Affairs, form a parade and they come up and speak for whatever proposal the Bureau has submitted, and we see this tonight. A parade of witnesses from Waste Control Specialists, and yet, it doesn't just affect Andrews County, it affects Lubbock, it affects Amarillo, it affects the entire Ogallala Aquifer and the richest agricultural region in the entire world; the breadbasket of the world. We cannot jeopardize this for something as tenuous for making West Texas for whatever economic reasons, the national and indeed, the international repository for nuclear waste is simply too dangerous. I will submit to you, members of the Commission, ladies and gentlemen, do not press down on the brow of the people this crown of thorns. Do not do this to us, do not do this to future generations; they will speak ill of us someday for having placed this burden on them. There are better ways, we know there are alternative resources are out there; this is the direction we should be going. We should be closing down nuclear power plants and we should be closing down waste site like this one. Thank you.

Ms. Morgan: Thank you. Is there anyone else that would like to present testimony at this time?

32:49

Ms. Widmayer: Once again, my name is Nicki Widmayer and I spoke earlier against the import rules being discussed here today. I would like to make two rather factual comments to the Commission: 1) is to remind them that employees of TCEQ actually quit when their advice and recommendations were ignored about the licensing of WCS; they must have had good reasons for quitting and not being able to support what is going on here, 2) Harry Reid got 20 years of work stopped on Yucca Mountain in Nevada, because they didn't want it there. They didn't care about the jobs that were going to be lost in Nevada. There must be some reason why these people cannot support toxic waste, nuclear waste being in Nevada or in Texas for that matter. I would like the Commission to take notice of those two comments. Thank you.

Ms. Morgan: Thank you. Anyone else that has already spoken? Ms. Andrea Warnke. Warnke. If you will state your name for the record and who you represent.

34:31

Ms. Warnke: My name is Andrea Warnke and I represent myself. I am not, nor have I ever been an employee of WCS, so I don't have that mess. You've got a mountain of evidence on hydrology, geology, transportation, physics, safety, and I think you have plenty to consider, and I am sure that you will. So, I will just say in very simple terms, that as a nation, we certainly have a problem. We have a waste, and yet we have a suitable repository for that waste. So, I would like to see us to move forward. We have a solution, let us move toward it. I support the adoption of export/import rules and would like to go on record. Thank you.

Ms. Morgan: Is there anyone else at this time that would like to present oral testimony. Ok, once again the Compact will continue to accept supplements to tonight's oral testimony and written comments on Proposed New Subchapter B, to be added to Chapters 675 Part 21, Title 31, Texas Administrative Code, until midnight on Tuesday, April 13, 2010.

If there are no further comments, this hearing is now closed. The Compact appreciates your comments and thanks you for coming.