

December 18, 2010
P.O. Box 93
Fort Davis, TX, 79734

TLLRWDC, Margaret Henderson, Interim Director
3616 Far West Blvd., Ste. 117, #294
Austin, TX, 78731

Dear Ms. Henderson:

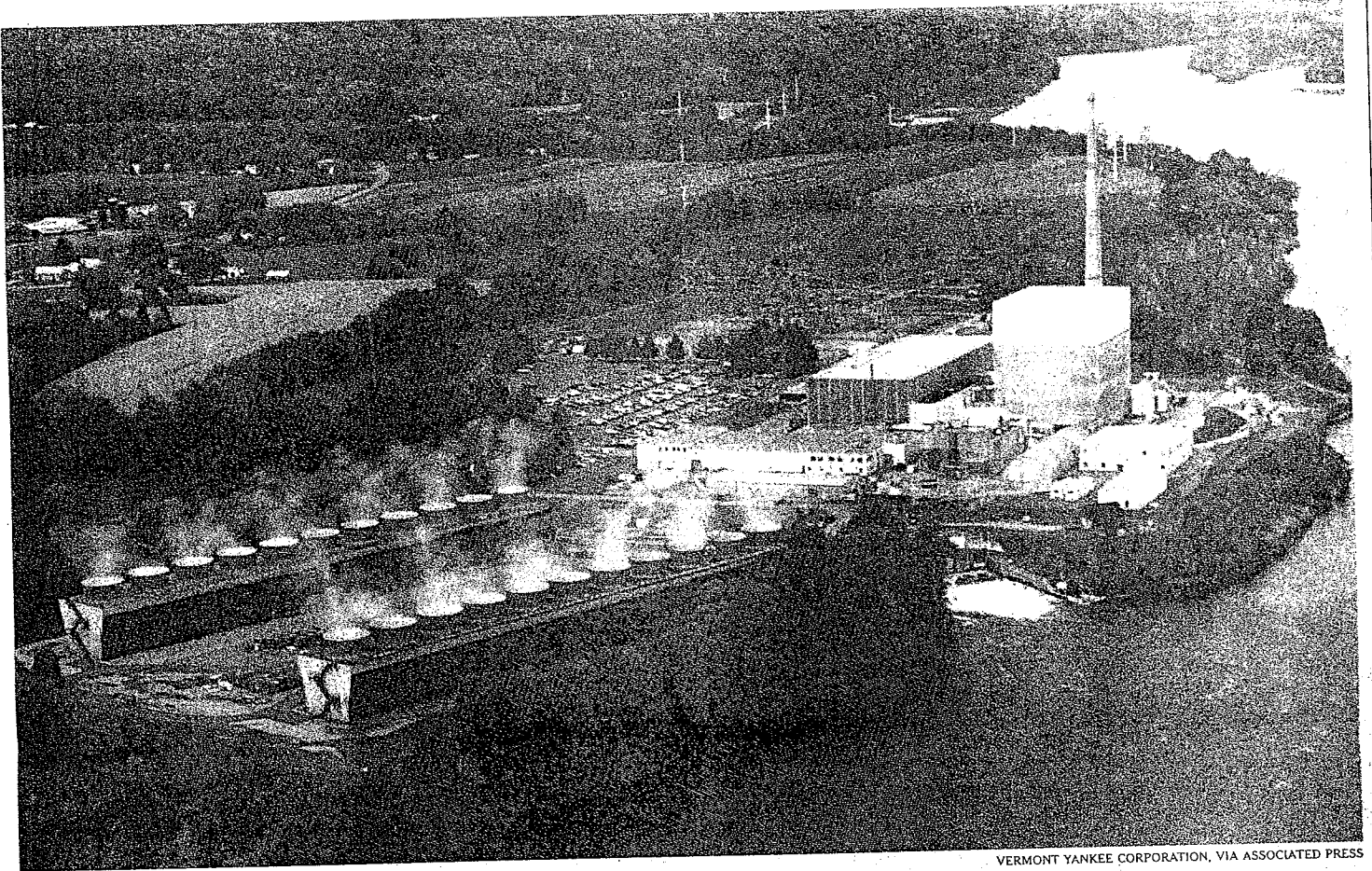
I'd like to voice my opposition to the proposed export and import rule that would allow non-compact radioactive waste be disposed of at Waste Control Specialists' site near Andrews, Texas. First, why the rush to finalize the proposed rule, when two of the Compact Commissioners have raised serious questions about its implications. Their points deserve further deliberation (-referring to Commissioners Wilson and Gregory). Obviously, Waste Control Specialists owner Simmons has much to gain from the proposal; is his political influence (re: campaign donations) so great as to allow new rules to be ram-rodded through without thorough review? The odor of this pending deal has attracted attention nationally (-see December 3rd article that appeared in "The New York Times", enclosed).

And to dig deeper beyond the above issue, Waste Control Specialists' Andrews site has very serious safety issues - to the extent that two TCEQ engineers who had studied the site resigned when it was OK

If the Ogallala Aquifer beneath the Andrews site should eventually be contaminated by the radioactive waste in storage, this would affect agriculture and populations into the Central Plains states, far beyond West Texas. And as if this threat to a major aquifer isn't enough, the seismically active Capitan Reef (from Carlsbad NM south to Alpine TX — see enclosed article) could be contaminated.

Should the proposed rule change go forward, West Texas will become the dumping ground for nuclear waste from any number of states. And the currently somnolent public in Texas will awaken to ask — on whose watch was this abomination permitted? How was their judgement corrupted?

With deep concerns,
Bruce Colvin



VERMONT YANKEE CORPORATION, VIA ASSOCIATED PRESS

Vermont's new governor fears there may be no room in a Texas dump for the Vermont Yankee plant when it is taken out of service.

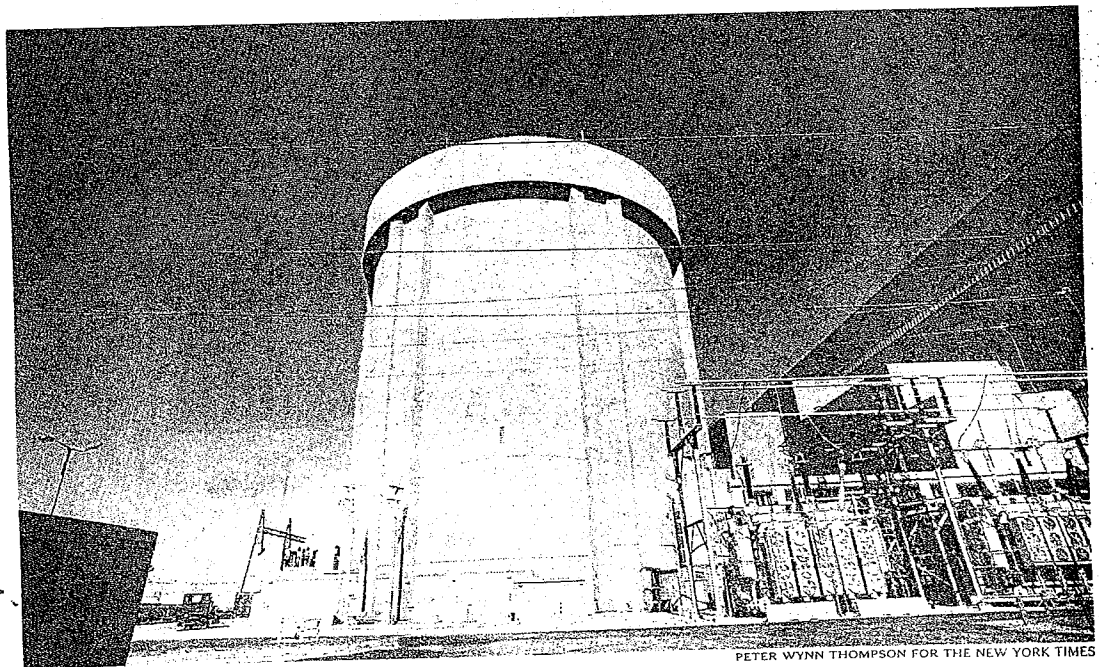
Texas Proposal Spurs Race to Dispose of Nuclear Waste

By MATTHEW L. WALD

WASHINGTON — Aged nuclear plants in Vermont and Illinois may be playing the equivalent of musical chairs in a graveyard, vying for space at a dump in Texas whose owner hopes to accept radioactive waste from many other states.

Under an alliance struck 16 years ago between Vermont and Texas, tiny Vermont can fill up to 20 percent of the space at any low-level nuclear waste dump built in Texas' wide-open spaces. Texas got the right to exclude other states' waste. But as a company prepares to begin construction this month on the state's first one, the arrangement may be jeopardized by swiftly changing circumstances.

A private company that won a contract to operate the plant, at a site in Andrews on the New Mexico border, wants to accept waste from the 36 states that do not have space to dump for some



PETER WYNN THOMPSON FOR THE NEW YORK TIMES

The operator of a plant in Zion, Ill., wants to ship certain waste from its reactor to Texas.

ico border, wants to accept waste from the 36 states that do not have access to a dump for some of their waste now. And a commission made up of representatives from the two states that controls the planned dump has proposed a rule for accomplishing that.

Waste disposal is so difficult, says the company, Waste Control Services, that power plants and other generating sources have reduced their volumes sharply. And Vermont and Texas together produce so little that, the company adds, it would have to charge huge amounts per cubic foot and per unit of radioactivity to get its investment back.

The prospect of losing space to waste from generators in other states worries the incoming governor of Vermont, Peter Shumlin, who has vowed to shut down that state's reactor, Vermont Yankee. He fears that when it comes time to tear it down, there will not be enough space for its contaminated components in Texas if other plants can ship waste there first.

"It's a race for space," said Mr. Shumlin, a Democrat. "When push comes to shove, the first waste that arrives is the waste that gets in."

Not everyone in Vermont agrees. The state has two seats on an eight-member bi-state commission that controls the dump, and its delegates, chosen by Mr. Shumlin's predecessor, support the change in rules for imported waste. By law, they say, the compact allows states to charge nonmembers much higher rates.

The Texan chairman of the commission, Michael S. Ford, says Vermont has little to worry about. "The Compact Commission will vigorously protect the interests of our sole and loyal partner, Vermont, in the Compact and assure that their disposal needs are well known and fully accounted for," he wrote in an e-mail message.

But nuclear experts in Vermont suggest it would be wiser for the commission to postpone a decision on imports until it determines how much space Vermont Yankee's waste will need.

Nuclear operators around the country are watching with interest. In Zion, Ill., north of Chicago,

The operator of a plant in Zion, Ill., wants to ship certain waste from its reactor to Texas.

for example, a company called EnergySolutions is decommissioning a twin-unit reactor and plans to put the least radioactive material in its own dump, in Clive, Utah, but wants to ship slightly more contaminated material to Andrews.

The arrangement between Vermont and Texas was brokered under federal laws passed in the 1980s to encourage states to establish dumps for low-level waste. The laws allowed the forging of "low-level waste compacts," under which a state could select a future dumping site from which other states would be turned away. (Maine was initially also part of the compact with Vermont and Texas but dropped out.)

Mr. Shumlin said he saw the hand of Entergy, a company based in Louisiana that owns Vermont Yankee — and 10 other reactors in six other states, none of them with access to a low-level waste dump — in the proposal to expand the compact. Those in-

clude the Indian Point reactors in New York.

He suggested that the backers of the proposed rule were rushing to get it in place before he takes office on Jan. 6 and gains the power to replace the Vermonters on the commission who favor the new rule.

The day after he was elected governor last month, the commission approved a draft rule and put it out for public comment. The comment period will end Dec. 26, and the commission could vote anytime after that.

Mr. Ford denied there was any last-minute scramble, saying that the commission had been working on the proposed rule since last year.

Of the six panel members from Texas, two are said to oppose allowing waste imports from additional states and four are said to favor it. With the Vermonters, that points to a 6-to-2 vote in favor of the new rule.

Mr. Shumlin said he would seek to appoint two commission-

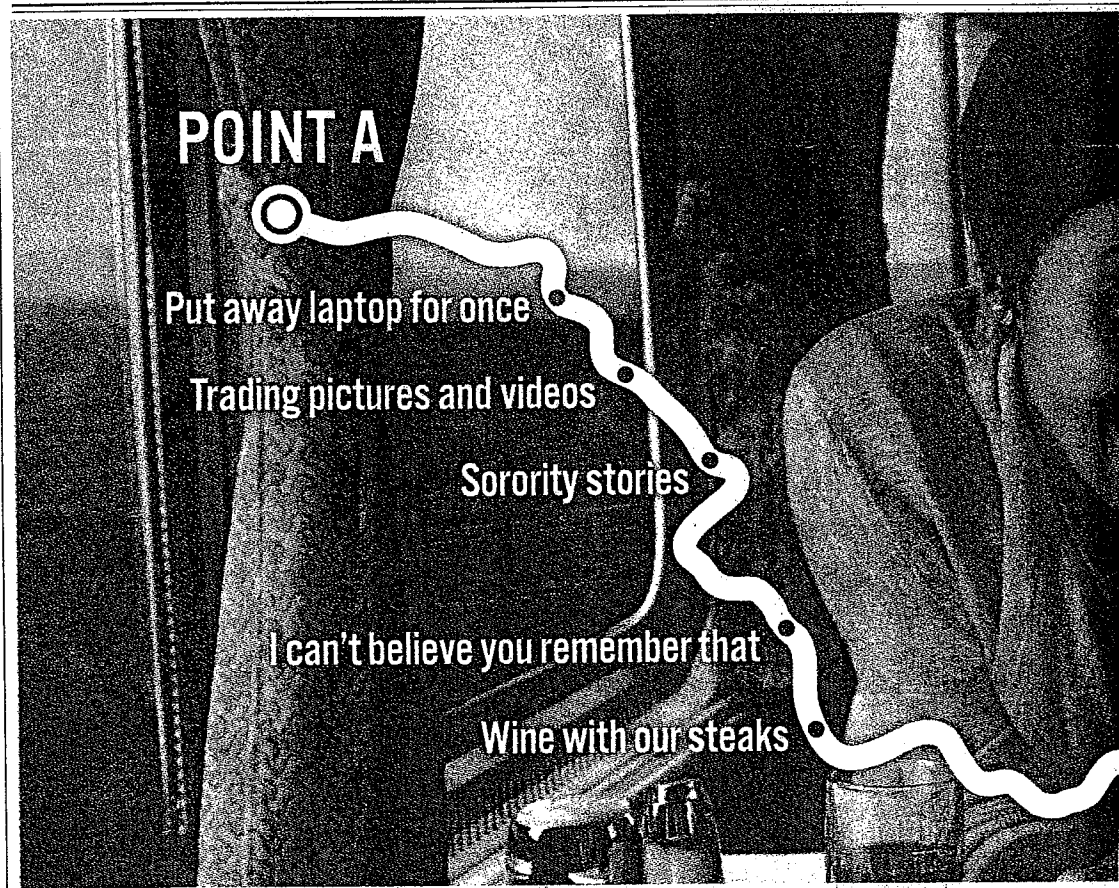
ers who opposed changing the rule. That would lead to a 4-to-4 tie and prevent the passage of the rule.

For its part, Entergy, which recently put Vermont Yankee up for sale because the state has refused to let the company keep running it beyond 2012, said it agreed that Vermont's access should be protected.

The dump, expected to cost \$75 million, will be a concrete-lined hole in the ground set in nearly impermeable red clay, which is supposed to prevent the waste from contaminating underground water supplies.

"They're trying to get it done before the new governor takes office," said Tom Smith, director of the Texas office of the consumer advocacy group Public Citizen, which opposes the dump.

Asked whether Gov. Rick Perry of Texas had taken a position, a spokesman said he expected that the commission "will ultimately make a decision that is in the best interest of Texas."



POINT A

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From Detroit to:

Challenges loom in new proposals to dump nuclear waste

10-2)-04

In August, I wrote about the dangers to Texas of the Central States Compact, and the perils of dumping its radioactive waste in West Texas. I alluded to a third and ultimately more direct waste problem: the regional waste disposal under negotiation, including waste from a new uranium enrichment plant on the New Mexico border. New waste could come into the proposed Waste Control Specialists' Andrews County Dump.

Richard Simpson, an expert on the growing threat of such a plant, writes about the issue and the link to the Big Bend area.

—Fran Sage

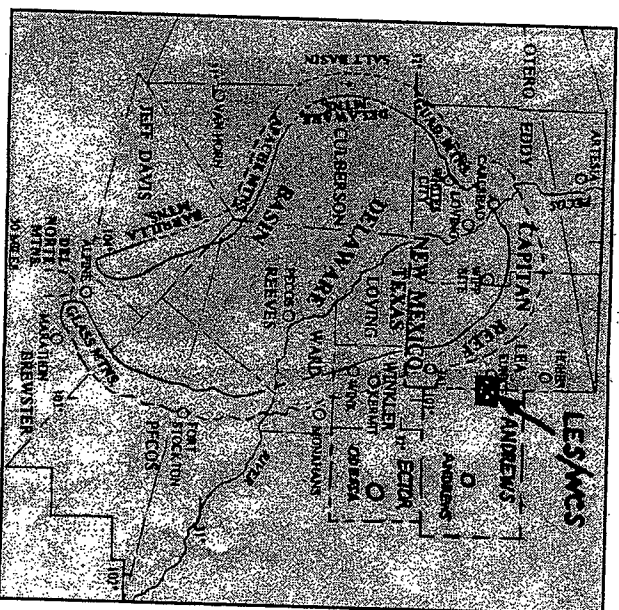
By Richard Simpson

In the 78th Legislative Session (2003), conservative reasoning that had prevented Texas from becoming a national nuclear dump gave way to a radical change. The new policy emphasizes short-term profits for a private company to import long-term hazards into Andrews County, Texas.

The Legislature's radical new approach opens Texas not just to radioactive waste, but may also spur initiatives in nuclear power generation and nuclear weapons production.

The result is that a nuclear "second coming" is now slouching toward Andrews to be born. Waste Control Specialists, the Andrews company promoting this madness, has for years hoped to attract industries to join with its hazardous and nuclear waste facility on the Texas-New Mexico border (near Burnice, N.M.).

With help from powerful interests in Texas and New Mexico, WCS has succeeded in marrying its waste "empire" to a uranium enrichment enterprise that will produce fuel for nuclear power but could also make material for nuclear weapons of mass destruction. The company proposing to enrich uranium adjacent to WCS (& the Texas-Vermont Compact site) is Louisiana Energy Services (LES), whose advances were rejected at two previously chosen sites in



Louisiana and Tennessee.

LES is owned by a European consortium accused of security breaches that spread nuclear technology to "rogue" nations. Although the company claims

it will enrich uranium only for power plants, not weapons, both LES and WCS have abandoned past assurances in deference to their "bottom line." Unfortunately, uranium enrichment has caused some of the worst radioactive pollution in the world, but of course, LES/WCS claims that such problems are history.

The Andrews/Eunice site is usually associated with the Permian Basin/Panhandle region of Texas and the Ogallala Aquifer beneath it. However, the site also sits above the northeast edge of the Captain Reef, a buried horseshoe shaped structure with Alpine at its southernmost opening. The Captain Reef is exposed on the Earth's surface at the Apache, Guadalupe and Glass Mountains and is crossed by the Pecos River at Carlsbad, N.M., and Grandfalls, Texas. Areas near the reef have produced the largest (Valentine, 1931), most recent (Alpine, 1995 & 1998), and most numerous seismic events in Texas.

Eunice, N.M., has experienced recent (1992 & 2001) earthquakes, and many others have occurred along the eastern edge of the Captain Reef. In addition, kars in the reef's structure interacts with sulfuric acid from petroleum deposits to create

channels that make hydrologic systems impossible to define.



The Andrews/Eunice vicinity has many other characteristics that make it a poor choice for high-risk activity. These characteristics include numerous sinkholes, floods, high winds and tornados; active oil and mining industry (thousands of wells drilled); environmental justice concerns; and "nature tourist" destinations such as the Guadalupe Mountains, Carlsbad Caverns and Monahans Sandhills.

The frenzy to spawn nuclear industries along the Captain Reef should give pause to Big Bend residents. Roughly the same distance from Alpine as Sierra Blanca, the Andrews/Eunice threat is madness on a scale not thought possible in earlier times.

Richard Simpson is a long-time activist who has opposed radioactive waste disposal in West Texas, New Mexico and elsewhere. He spends his time in New Mexico, West Texas and Austin.

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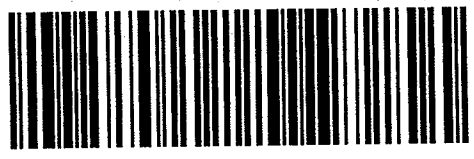


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