



April 13, 2010

Texas Low-Level Radioactive Waste Disposal Compact Commission
Margaret Henderson
Interim Executive Director
3616 Far West Blvd.
Suite 117, #294,
Austin, TX 78731

Re: Citizens Awareness Network Comments on Proposed Rule, 31 TAC §§675.21 –
675.23

Dear Commissioners:

Citizens Awareness Network (CAN) is a grassroots environmental organization working to end the use of unaffordable and dangerous nuclear power in the Northeast and replace it with sustainable, reliable and affordable energy generation. CAN appreciates this opportunity to provide comments on the export/import rule that has been proposed by the Texas Low-Level Radioactive Waste Disposal Compact Commission. CAN believes import of radioactive waste from outside of the Compact is not in the interest of Vermonters or the State of Vermont and urges the Commission not to go forward with the import part of the rule at this point in time.

Vermont Yankee will be shut down in 2012, given the recent vote by the Vermont Legislature to not allow its license renewal. We need assurance that the decommissioning disposal needs of Vermont will be met. The State of Vermont has entered into a Compact with Texas to manage the disposal of low-level radioactive waste generated in Texas and Vermont. The Commission should not ignore this responsibility in lieu of possible profits to be gained by opening the Compact facility up and allowing it to become the nation's radioactive waste dump.

Vermont is a party to the Compact on the premise that there will be capacity for Vermont's low-level radioactive waste disposal needs at the Compact facility. CAN appreciates the efforts of the Vermont Commissioners at the January 22, 2010 Compact Commission meeting to add language to the rule in an attempt to reserve capacity at the site for Texas and Vermont disposal needs. (§675.23(b)) However, the added verbiage is insufficient. The rule need to specify exactly how much space at the Compact facility is guaranteed for Vermont and Texas radioactive waste.

It is our understanding that the Compact Commission has estimated Texas and Vermont disposal needs over the next 50 years at 6 million cubic feet and that Vermont's share of that total, 1 million cubic feet, is meant to allow for the decommissioning of Vermont Yankee. According to the license for the Texas disposal site, the capacity of the Compact facility is limited to 2.31 million cubic feet. CAN objects to the Commission proposing a rule governing import, which could allow many other states to dump waste at the site, when the Compact facility is only licensed to dispose of 38.5% of the estimated disposal needs of the Compact states. The amount needed for the decommissioning of Vermont Yankee must be reserved in the Compact facility, as initially licensed, regardless of when decommissioning occurs.

The proposed rule should ban the import of international waste. The rule should also be considered a major environmental rule and should be subject to an environmental impact assessment. Increasing the volume and curies of the radioactive waste to be disposed of at the Compact facility through import would increase the potential environmental impacts. These potential environmental impacts need to be thoroughly addressed before going forward with the proposed rule.

We are concerned, too that nuclear reactors that are not yet built are relying on sending their waste to the Waste Control Site when the current licensed capacity is less than Texas and Vermont need. By taking this action, the TLLRWDC is enabling production of more waste far beyond the licensed capacity.

The Compact radioactive waste facility must be available to meet Vermont's needs for disposal since Vermont Yankee will be shut down and since the Compact was originally intended to serve Texas and Vermont.

Sincerely,

Deborah Katz
Executive Director
Citizens Awareness Network

Chris Williams
VT Citizens Awareness Network