



**LEAGUE OF WOMEN VOTERS®  
OF TEXAS**

**Testimony  
Subchapter B. Exportation and Importation of Waste  
To the Texas Low-Level Radioactive Waste Disposal Compact Commission  
Thursday, December 9, 2010**

My name is Susybelle L. Gosslee, and I live in Dallas, Texas. Today I am testifying on behalf of the League of Women Voters of Texas.

The League strongly recommends that the Compact Commission:

- Regulate the amount and types of wastes allowed to enter Texas' radioactive waste storage facilities through rigorous administrative and technical review processes that are open for review by the public, other agencies, and public officials. We recommend strict fines and penalties for parties that violate the administrative and technical processes;
- Deny access of radioactive waste into Texas' storage facilities from non-compact states and foreign sources;
- Closely inspect and monitor the export and import of these wastes, the storage sites, and transportation processes;
- Provide full disclosure of the waste application, characterization, and acceptance process with disclosure of all environmental monitoring data;
- Create incentives to accelerate pollution and contamination controls;
- Create and use vigorous enforcement mechanisms, including sanctions for states and localities that do not comply with federal standards with substantial fines for non-compliance;
- Ensure transparency at all levels of the application, operation, inspection, and monitoring processes;
- Require the storage/disposal operator to take full responsibility for their activities and decisions with significant consequences for intentional and unintentional non-compliance;
- Develop radioactive waste transportation safety procedures throughout the state including on-going training for first responders in the areas through which the waste will travel;
- Ensure that the storage/disposal site operator is legally and financially responsible for all risks associated with the transportation and storage of the materials it contracts to store;
- Ensure that disposal fees are sufficient to cover the costs of the measures outlined above and that these funds are under the control of the Commission, not deposited into the Texas General Fund;
- Increase security systems and equipment to protect people, public health, and the environment throughout transportation systems, including highways, railways, maritime shipping, and aviation; and
- Ensure that sufficient funds for remediation are available, if needed.

Since the rules are a major environmental rule change and affect the entire state, there is a need for fuller analysis of costs, benefits, and risks to the state. The expansion of radioactive waste coming into and stored in the state in perpetuity and the resultant risks need to be reviewed by the Texas Legislature. We urge the withdrawal of the proposed rules for legislative review.

These regulatory measures are necessary because the mission of a private company is to make a profit for its owners. The government's job is to make sure they do a good job. There is a social demand for greater accountability for all those who work in the low-level radioactive waste industry.

The present proposal assumes that the fees generated by wastes imported into Texas and disposed in the Compact Facility will be transferred to the State of Texas General Revenue Fund. The fees should be reserved to cover the costs associated with the perpetual operation of the Compact Commission, the professional and technical staff needed to oversee the entire process of regulation and inspection of transport, accident response and clean up, corrective action to failed facility components, and the complete cost of long term storage of the radioactive waste and perpetual maintenance of the facilities.

The Proposed Rules document states that when the Compact Facility becomes operational, there will be no additional cost to the State for administering the rules because the costs will be included in the disposal fee pursuant to §4.04(4) of the Compact. According to §675.21 Exportation of Waste to a Non-Party State for Disposal (d), the non-refundable application fee of \$500.00 (a \$50 fee for seeking to export less than 100 cubic feet or less) seems inadequate to address the total cost to properly evaluate and process an application. The League is concerned that there will be little or no oversight of the application process. We are also concerned that the self reporting process may be susceptible to manipulation and misrepresentation as to the character of the waste to be stored thus creating risk for Texans.

In the long-term we are concerned about the amount and type of financial assurances required of the facility operator. We strongly encourage a more thorough review and estimation of the cost of long-term care and the potential cost of corrective actions that may become necessary in the event of an accident or failure of the engineering design and controls due to human acts or acts of nature and the cost of perpetual care. At this time of economic insecurity, it is critical that the State have more than adequate financial assurances that operators will be able to respond to normal as well as unexpected liabilities and long-term care requirements.

Generally, the Compact Commission has not fully informed the population of Texas about proposed regulatory rule changes for nuclear waste storage with public announcements other than in the State Register which very few read. A democratic form of government is dependent upon the informed consent of the people. The League recommends that the Compact Commission increase the distribution of notices about its work so that transparency and informed decisions can be made by public officials and voters. A window of thirty days for public comment on proposals is meaningless when no one knows of the opportunity. It is also troublesome that the Commission decided to finalize these regulations during the holiday season when the public is focused on family. We respectfully request that the comment time on these proposed regulations be extended to at least February 1, 2011, to allow adequate public comment time.

Thank you for this opportunity to speak for the League, a non-partisan political organization working for informed and active citizen participation in government. I have a copy of my comments for you.