



July 8, 2014

Texas Low-Level Radioactive Waste Disposal Compact Commission
333 Guadalupe Street, #3-240
Austin, TX 78701

RE: All Current Applications for Importation

Dear Chairman Wilson and Compact Commissioners,

SEED Coalition and those who have signed on to these comments remains concerned about any and all applications to import radioactive waste for disposal in Texas. We urge that no applications be approved at this time due to our many increasing health and safety concerns.

Potentially Explosive Waste at the WCS Site

Our Recommendations: Protect public health and safety

- *Halt approval of all applications until the Compact Waste Facility site no longer stores potentially explosive transuranic waste and until the site can be clearly determined to be fully dry.
- *Weigh in against further importation of WIPP site/ Los Alamos waste.
- *Weigh in against attempts to bring high-level radioactive waste to Texas for storage or disposal.
- * Ask WCS for their plan to address a potential explosion before considering any applications for further disposal at the site. Obtain detailed reports regarding site temperatures and the handling of potentially explosive transuranic waste.
- *Recommend that additional fire trucks be made readily available at the site to assist in case of wildfires or an accident.
- *Obtain site seismic data and analysis of the 5.2 earthquake in New Mexico on June 29, 2014 and aftershocks, and request a public presentation.
- *Consult with independent legal and technical advisors to determine whether current license requirements are being met. In 2007, TCEQ staff wrote, "The Applicant has failed to demonstrate compliance with 30 TAC §336.728(f) which states "The disposal site shall provide sufficient depth to the water table so that groundwater, perennial or otherwise, shall not intrude into the waste."
- *Weigh in against the TCEQ amendments that would allow further expansion of the site, erode curie limit requirements and reduce financial assurance for WCS.
- *Request that TCEQ routinely present recent updated water monitoring data, including the percentage of saturated monitoring wells and an analysis of depth to water at various wells, at every Compact Commission meeting.

We have grave concerns about the potentially explosive transuranic waste that came from Los Alamos and the WIPP site and is now stored at the WCS site; the risks to workers and those who might be impacted if radiation is released, risks to the environment and wildlife, and concerns about the wisdom of increasing risks by burying additional radioactive waste. Cameras may be monitoring the transuranic waste, but no camera can prevent an explosion.

This situation is serious. One report says that 5 of 6 suspect barrels are in Texas, along with many others from WIPP.

Your voices are likely to be heard by officials and policy makers. Please fully assume the responsibility that comes with the Compact Commission's policy to protect the health, safety and welfare of citizens and the environment of party states:

"It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; **to promote the health, safety, and welfare of the citizens and the environment of the party states**; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of the compact."

Require WCS to Provide Their Plan to Address Explosions – Before Considering Any Applications for Further Waste Disposal

There's no evidence of a plan for dealing with an explosion of the highly radioactive Los Alamos/ WIPP material if one were to occur, only assurances that waste is being kept as cool as possible and that cameras are on it. Does such a plan exist? What happens if an explosion is about to occur? Or during such an explosion? The waste is not half a mile underground, like it would be if buried at the WIPP site. How far could radionuclides from this waste travel if they went airborne or got into waterways? Can the waste be moved at this point? Can it be moved back to the WIPP site or to Los Alamos?

Apparently, hot temperatures increase risks of explosion, and this week's forecast is for 90 degree plus days. NewsWest9 reported on June 11, 2014:

Five more drums with the same highly acidic contents are under surveillance 24/7 at Waste Control Specialists in Andrews. If they get too hot, it could potentially be explosive.

"They're constantly monitored, they've got temperature gauges on them, we know what the temperature is, we've got videos monitoring them in case there's anything we need to know about we can act quickly," Chuck McDonald, Spokesman for Waste Control Specialists in Andrews, said.

To keep them cool, the 55-gallon drums are stored below ground inside a 25-foot concrete canister surrounded by rock material for insulation and sealed off with a heavy steel lid.

"Now we're in the process of moving that into an area where we can surround it with dirt. The significance of that is it helps cool the containers. This time of year obviously heat is a factor so that will significantly reduce the temperature inside those containers," McDonald said.

What Could Go Wrong?

Fortunately, wildfires haven't swept Andrews County just south of the radioactive waste site yet this year, as they have before. No tornadoes have struck and no terrorists have attacked.

However, to add to concerns, a recent **5.2 earthquake occurred near Lordsburg, New Mexico on June 20, 2014**. It was felt in El Paso, Tucson and Phoenix.

What were the seismic readings at the WCS site during the earthquake and its aftershocks? What seismic information is available and what has been provided to the Compact Commission?

Earthquake risks are real. Homefacts.com reports, *"The USGS database shows that there is a 2.55% chance of a major earthquake within 50km of Eunice, NM within the next 50 years. The largest earthquake within 30 miles of Eunice, NM was a 4.6 Magnitude in 1992."*

Potential seismic activity combined with having radioactive waste that might explode stored at the site seems like a bad combination, one that could lead to release of plutonium, americium and other radionuclides, as just occurred in New Mexico.

Add to this the fact that the site sits above the Dockum and OAG aquifers, near the Ogallala Aquifer. Furthermore, these increased risks come at a time when WCS is trying to expand its license, while lessening its financial assurance.

WIPP Failure – A Warning We Should Heed

The February 14, 2014 release of radiation at the WIPP site illustrates the fact that even the "best" of sites can leak. DOE stated as recently as 2013 that "The "pilot" plant today is an international model for the safe, environmentally sound disposal of radioactive materials." Transuranic waste that derives largely from legacy nuclear weapons materials is buried underground at the WIPP site, which has won awards for excellence in environmental achievement from the New Mexico Environmental Department.

Yet only fifteen years after operation has begun, a radiation release of plutonium and americium has resulted in contamination that has been detected 26 miles away, in the Carlsbad, New Mexico city area and 22 workers have been exposed. Radiation levels have remained high around Carlsbad, and spiked again in mid-June. The WIPP site failure and resulting radiation release has largely been blamed on a declining safety culture. If a major radioactive release and worker exposure can occur at a relatively new repository site that has been widely touted for safety, Texas should heed the warning.

Safety is already taking a backseat in Texas as the few remaining protective provisions in WCS' license are systematically gutted through TCEQ license amendments. WCS now seeks to expand the site, while reducing financial assurance.

Problems at the WIPP site greatly increase our concern about risks at the WCS site, especially the risk of radioactive contamination of water, which scientists have warned us about all along.

TCEQ scientists and technical experts felt strongly enough about water contamination risks at the WCS site that they unanimously recommended denying the license, and three employees resigned their positions in protest of licensing. They were concerned about the presence of water at the site and wrote, **"Groundwater is likely to intrude into the proposed disposal units and contact the waste from either or both of two water tables near the proposed facility."**

Erosion of safety requirements for the WCS site is already underway. Having a dry site was once considered by staff scientists at TCEQ to be a crucial safety factor in preventing the contamination of water.

Instead of ensuring a fully dry site, TCEQ approved more lax requirements. Instead of enforcing the formerly designated “dry line” at 150 feet away from waste, TCEQ now allows burial of radioactive materials even when standing water is present, as long as the canister isn’t going directly into water and many monitoring wells at the site show the presence of water.



Photos of a suspect radioactive waste drum that appeared on the NewsWest9 website.

High-Level Radioactive Waste?

These increasingly serious risk factors come at a time when Governor Rick Perry and Speaker of the House Joe Straus have been suggesting that Texas could import high-level radioactive waste - spent fuel rods - for storage and perhaps even disposal. This concept is lunacy. High-level radioactive waste is the last thing Texas needs. The Governor said that he thinks a suitable site can be found, but no scientific study has found such a site. Some Texas sites were ruled out decades ago. Political forces seem to be driving this train, not science.

A hastily cranked out 47-page TCEQ report that contains a grammatical error in the first sentence was apparently supposed to make the case for high-level waste. The report notes that shielding is required to protect from a potential lethal radioactive dose and says that an unshielded person a meter away from spent fuel rods (that had been out of a reactor for ten years) would be immediately incapacitated and die within one week.

Why would Texas even consider importing such risky radioactive waste? Most states would fight back and resist fiercely if it were suggested that they have a high-level waste repository.

We urge Compact Commissioners to discourage the importation of high-level radioactive waste for storage or disposal.

Regarding import / export rules

More detail should be required in the import applications, since they are too vague. There should be distinctions between the amount of Class B and Class C waste that applicants seek to dispose of at the Waste Control Specialists site. It's hard for the public to comment appropriately when this distinction is blurred, and harder for you as the Compact Commissioners to know if there will be enough space for disposal of Texas and Vermont waste.

Likewise, it is important to improve tracking systems so that a link can clearly be established and followed between the original application to import waste, the related files for the Compact Commission and the disposal manifests from the site.

Again, this is important not only in the world of public accountability, but is also important for ensuring that the Compact Commission can adequately determine capacity for Texas and Vermont. Improved tracking should help identify any potential radioactive leak and ensure that needed information is readily available for the Compact Commission, TCEQ, Waste Control Specialists and the public.

Public Reporting Request

We request that a report detailing the volume and curies of waste disposed of at the site be posted online and be provided to the public at each Compact Commission meeting. It should include how much waste is Class A, B or C.

TCEQ no longer routinely reports to you about water levels at the site or whether pumping efforts continue. The Compact Commission used to request and receive such information regularly in the past and should do so again. This is more important than ever, especially considering that radioactive waste continues to be buried at the Compact Waste Facility site (and the Federal facility) and that potentially explosive transuranic waste is now stored at the site.

In October, 2012, over 40% of the monitoring wells were saturated. A well can be considered dry even if there is water present, as long as the water is below the level of measurement. There were 48 wells with less than 30' depth to water. Eight of them were less than 21' in depth to water. **If citizens can make these basic calculations using TCEQ reports and provide them to you, surely TCEQ is able to do the same.**

In the past, Compact Commission meetings included in-depth discussions of the site geology and water levels. Please require that similar scientific analysis be brought to you at each Compact Commission in order to ensure public health and safety. We hope the lessons from problems at the WIPP site will motivate you to insist on higher levels of safety and to take action based on the recommendations we have provided.

Sincerely,



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