

REQUEST FOR PUBLIC COMMENT

The Texas Low Level Radioactive Waste Disposal Compact Commission at its March 12, 2020, meeting voted to create a Contingency Committee to prepare a report to the full Commission to meet certain statutory mandates set forth below.

Accordingly, the Contingency Committee requests and is accepting public comments in writing until 5 p.m., June 1, 2020, limited to the subject matters necessary for the Contingency Committee to prepare its report to the full Commission. As some of the subject matter may overlap with certain statutory requirements imposed on the host state some or all materials may be shared by the Contingency Committee with State of Texas officials, who may use the materials for similar contingency planning.

Written comments and supporting materials, if any, should be submitted in writing to: comments@tllrwdcc.org. Please note in the subject line “Contingency Plan Comments”.

After the Committee reviews submissions, it may request additional materials or other follow up information.

If you believe submitted information is covered by an exception to the Texas Public Information Act or other law which would except it from production in response to a request for information from the public, please clearly mark such documents submitted as “Confidential” and include a cover sheet stating the statutory exception to the Texas Public Information Act or other law you believe makes it not subject to public disclosure. The Commission cannot guarantee that information marked as “Confidential” will be excepted or exempt from required disclosure under the Public Information Act or other law asserted, and commenters are advised to review the provisions of that Act or law asserted as they may apply to information provided to the Commission.

Please limit the subject matter of comments to the Contingency Committee to information relevant to the following statutory language and task of preparing contingency plans.

Texas Health & Safety Code § 403.006 and analogous provisions in federal and Vermont statutes provide that the Commission must:

Sec. 3.04(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility

should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a nonhost party state to store low-level radioactive waste generated outside of the state.

In addition, the Compact law in Section 4 places certain obligations on the State of Texas that include:

Sec. 4.01. The host state shall develop and have full administrative control over the development, management, and operation of a facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life....

Sec. 4.04 (3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, ***and implement any adopted contingency plan.*** (emphasis added)

(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

(6) Notify the commission immediately upon the occurrence of any event that could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and commission vote, at noncompact facilities.

END OF DOCUMENT.