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June 6, 2013

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

RE: ZionSolutions Application, 1-0038-00
Sacramento Municipal Utility District (SMUD) Application, 1-0035-00
PG&E Application, 1-0028-01

Dear Chairman Wilson and Compact Commissioners,

SEED Coalition remains concerned about any and all applications to import radioactive waste for disposal in Texas, and do not feel that any applications should be approved at this time. Among our many concerns, which have been laid out in great detail in previous comments, is the risk of radioactive contamination of water.

It is good to hear that the import/export rules will be addressed and revised soon, and we look forward to providing input at the appropriate time.

The SMUD and ZionSolutions applications both include irradiated hardware. The SMUD application fails to delineate how much of the waste would be from irradiated hardware, versus how much would come from plant process water filters and water treatment resins, which is information that the Compact Commission should obtain in order to assure that volume and curie counts are accurate. More detailed information will help the Commission meet its goal of seeing the site utilized fully.

It can only be assumed that the irradiated hardware includes control rod blades, which are very hot in terms of radioactivity. The application does not clarify which hardware is included in the application, although it should, and which radionuclides would be present. Forms should be adjusted to ensure that the Compact Commission gets the information needed. As predicted, WCS has begun trying to use the decay of radioactive materials as a reason to allow disposal beyond their licensed limits for volumes and curies, so close scrutiny will be necessary to assure that the Compact Commission is doing its job properly.

The PG&E application also includes irradiated hardware, reactor internals and resins from the Humboldt Bay Power Plant. What are reactor internals? How hot are they and what radionuclides are present?

Public Reporting Request

We request that a report be provided to the public at each Compact Commission meeting and that it be posted online as well, that details the volume and curies of waste disposed of at the site to date. Does the Compact Commission have the information regarding how much of the disposed waste is Class B or Class C? If not, please obtain it from TCEQ and include it in reports that the public can access.

For both of these applications, we have ongoing concerns.

The water contamination risk is serious enough that it was a factor in TCEQ Radioactive Materials Division members unanimously recommending denial of WCS' license. Three TCEQ employees quit due to concerns about licensing the facility.

An August 14, 2007 interoffice memorandum included the following:
"Analysis of the data submitted by Waste Control Specialists LLC, in its license application for near-surface disposal of radioactive waste, has resulted in the following conclusions:

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.

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."

Recent water monitoring reports from the WCS site in Andrews County are not reassuring. The October 2012 OAG Water Level Report states that the water level rise in several wells came from a potable water source and evidence of a leak in the buried water supply line was found. A pressure drop was detected in the water supply line east of the Compact Waste Facility Staging Building Foundation. While the line was reportedly repaired, water levels increase in CWF-10A and OAG-34 as a result of the leak. This is not reassuring at a site that is supposed to be dry today and remain dry for thousands to millions of years.

Furthermore, two wells that have been of great concern remain saturated, OAG-21 and OAG-22. WCS reports that they expected these saturated conditions in the vicinity of the playa because it was a "localized, closed surface depression. The water beneath the former small playa appears to be an isolated and localized lens of infiltrated surface water in the OAG unit. This lens of infiltrated surface water is being removed by pumping OAG-21."

So apparently this playa can recharge. Is it doing so? This inadequate report fails to describe the progress, or lack of progress, in the pumping efforts, which were at one point anticipated to continue for 18 months. This is very key piece of information that is

missing, especially considering that radioactive waste is currently being buried at the Compact Waste Facility site.

At the By-product landfill, the report states that “saturated conditions in the OAG in the vicinity of the landfill are essentially the same as presented in earlier monthly OAG reports. However, water levels in FWF-1A and FWF-27A were below the OAG/Dockum contact when measured in October. Water levels in both wells were affected by sampling in the previous month.” This information should be clarified and an explanation should be provided as to what this actually means.

Of 302 wells gauged in October 2012, there were 214 considered to be dry (unsaturated) and 87 had measurable water levels above the top of red beds (saturated). **This means that over 40% of the wells were saturated.** It should be noted that a well can be considered dry if the water in it is below the level of measurement.

Table 1 OAG Water Levels October 2012 provides data for the wells. SEED Coalition highlighted a data column for wells that were less than 30’ in their Depth to Water. **There were 48 wells with less than 30’ depth to water. Eight of these wells were under 21’ in depth to water.**

Please halt approval of all applications until the Compact Waste Facility site can be clearly determined to be dry.

Please consult with legal and technical advisors to determine whether license requirements are being met, and ask TCEQ to provide you with a technical presentation of the water monitoring data.

There have been in-depth discussions of the site geology and water levels in the past, and it is time again for detailed scientific information to be brought to light in order to ensure public health and safety and prevent radioactive contamination of water.

Sincerely,



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