

# Advocates for Responsible Disposal in Texas

*Post Office Box 26586 • Austin, Texas 78755-0586 • 512-391-0400*

June 17, 2015

Mr. Brandon Hurley  
Chairman, Texas Low-Level Radioactive Waste Disposal Compact Commission  
333 Guadalupe Street, #3-240  
Austin, Texas 78701

Dear Chairman Hurley:

On behalf of the members of Advocates for Responsible Disposal in Texas (ARDT), I am pleased to submit the enclosed comments on the import/export rule. It is our hope that these comments would be helpful in the consideration by the Texas Low-Level Radioactive Waste Disposal Compact Commission (Commission) in response to the Commission's request for comments on the Commission's Rulemaking Initiative. ARDT is very appreciative for all the hard work the Commission put in writing the draft rule. ARDT is supportive of much of the draft rule, but we do have some limited concerns and changes to be proposed, as outlined further in these comments. Many of ARDT's comments reiterate comments that ARDT offered during the workshop session held on May 29, 2015.

## **General Comments:**

ARDT's current and long-standing position is that it does not oppose importation of waste for disposal at the CWF on two conditions: (1) that safeguards are in place to ensure that capacity in the CWF is reserved for the needs of party state generators, including decommissioning waste, and (2) that importation results in lower disposal costs for party state generators, whether by lowering compact facility disposal rates or facilitating the exportation of party state waste to lower cost disposal facilities.

In the preamble, a reference is made to a recent TCEQ amendment significantly expanding the licensed volume of the facility with no assurance of construction of additional space. When addressing the available capacity, the Compact Commission should refer to it "as constructed" not necessarily "as licensed", since there is a vast difference between the two.

The rule states that the Compact Commission will continue to recognize and protect the portion of the Texas Compact facility's disposal capacity reserved for Vermont and not to be used for importation from the non-party states (§675.23(b)). This section should also include Texas, which was inadvertently omitted. After all, the Compact language states specifically that Texas, as the host state, "shall be entitled to unlimited use of the facility" (Article IV, Section 4.01, Public Law 105-236).

**Comments Regarding § 675.21 (b)**

A Petitioner is defined under "Petition Required". It should be included in 675.20 "Definitions".

**Comments Regarding § 675.21 (g)(1)**

The form on the web site is not consistent with language in this section. The specific radionuclides listing is not in the rule but is still on the form.

**Comments Regarding § 675.21(c) and § 675.22(b)**

Comments in § 675.21(c) and § 675.22(b) are inconsistent regarding the delivery of documents. Language in both should read electronic mail "or" UPS/Federal Express, not electronic mail "and" UPS/Federal Express.

**Comments Regarding § 675.21 (j)(4)**

If waste is sent to a processing facility, it will not be possible to comply with this requirement because the shipment date to the disposal facility is solely left up to the processor, not the generator. These reports should reflect shipments to either the disposal facility or processing facility, whichever was the consignee of the generator's shipment.

**Comments Regarding § 675.22 (b)(1)**

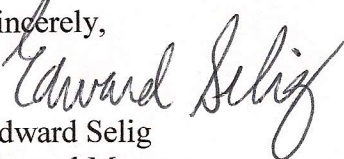
The volume of waste is no longer proposed waste, but instead it's actual waste.

**Comments Regarding § 675.23 (4)(b)**

The proposal to eliminate the requirement that the Compact Commission complete and issue a report every five years to establish the available disposal capacity of the Compact facility is not acceptable. This does not take into consideration the requirement for nuclear plants in Texas and Vermont to have access to the facility when they decommission their plants. The required study is needed to guarantee generators in Texas and Vermont unlimited access as stipulated in Article IV, Section 4.01 of the Compact Commission law.

ARDT appreciates the opportunity to comment on this proposed rule. If there are any questions, please contact me at 512.391.0400.

Sincerely,



Edward Selig  
General Manager