

## **The Lawyers' 1<sup>st</sup> Thoughts**

- 1) The Commission needs to get independent – not just WCS – legal counsel. The law is complicated, so risks abound.
- 2) Apparent Violation of APA Requirement
- 3) Violation of Vermont Law
- 4) The Narrow Intended Scope of Section 3.05(6) is being ignored
  - a. The Governor (Richards)
  - b. The Texas Senate (Sponsor: Sims)
  - c. The Texas House (Sponsor: Alexander)
  - d. The federal Congress (Doggett & Wellstone): “no low-level radioactive waste be brought into Texas for disposal at a compact facility from any State other than the State of Maine or Vermont.”
- 5) It appears any expanded facility to manage imported waste will require an amended license
- 6) It appears the importation rule requires Compact Commission to adopt revised contingency closure plans and develop information regarding waste management needs, technologies and problems
- 7) Before adopting the importation rule, issues related to the duties of nonparty state generators must be resolved
- 8) An importation rule should not be adopted unless and until all site suitability questions are resolved