

Radioactive Waste Import: Liability and Risks for Texas

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Overview

- ☞ What is “low-level” radioactive waste?
- ☞ Status of current Waste Control Specialists Licenses
- ☞ 2003 Law & Status of Current Compact
- ☞ Who favors the import rule?
- ☞ Financial & Other Risks related to imports
 - ☞ Texas
 - ☞ Vermont
 - ☞ Low-level Compact Commission

What is “low-level” radioactive waste?

- ☞ Defined by the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments – Class A, B, C & Greater than C (hottest)
- ☞ Includes entire dismantled nuclear reactors, reactor control rods, poison curtains (absorb neutrons from water in reactor core), resins, sludges, filters, medical waste
- ☞ Can include every radionuclide
- ☞ Nuclear fuel rods and ore tailings are not included

Status of Texas Compact and WCS Licenses

- 2003 -- HB 1567 -- Legislature approves new law allowing a private facility to run Texas Compact for Low-Level from Texas, Maine and Vermont as well as Federal Disposal Site for Federal DOE low-level radioactive waste
- 2008- TCEQ issues license for Byproduct Waste (uranium mining and left-over Fernald Waste)
- 2009- TCEQ Issues License for Texas Compact Site and Federal Site -- but with many preconstruction conditions
- 2009- Sierra Club appeals low-level radioactive waste (LLRW) license to State District Court
- 2010 -TCEQ issues report showing many pre-construction license conditions are still not met
- 2010-Compact Commission proposes import/export rule that would open up Compact site to waste from 36 or more other states on case-by-case basis, and potentially from international sources

What are the volume and curie license limits?

- ☞ Compact Waste Disposal Facility – commercial waste from Compact states – Texas and Vermont
2.31 million cubic feet
3.89 million curies

The estimated disposal need for Texas and Vermont through 2045 is 6 million cubic feet, already more than 3 times the license limit.

Also at the WCS site:

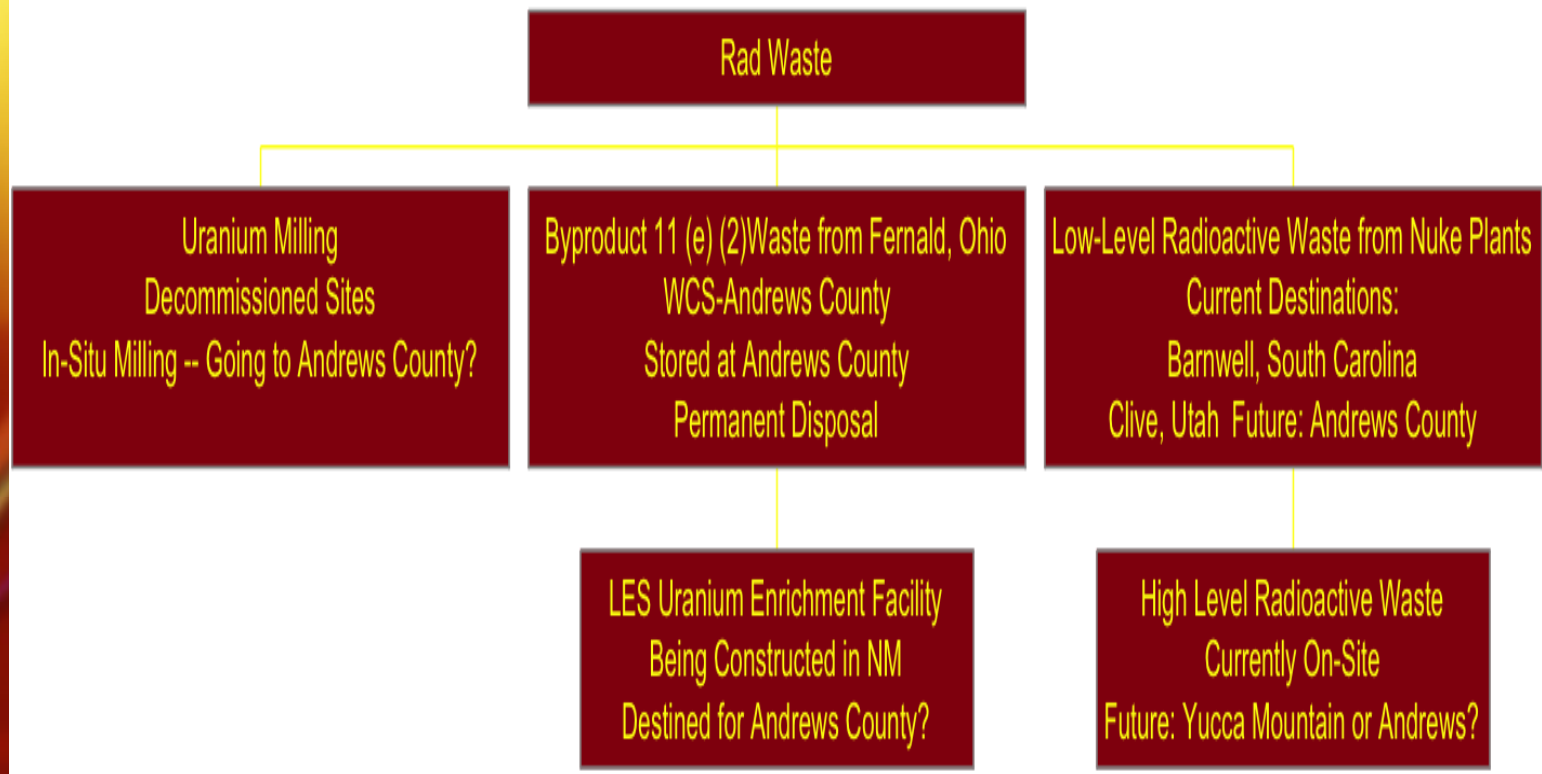
- ☞ Federal facility – waste comes from DOE sites, not DOD or commercial nuclear plants
- ☞ Byproduct facility – more volume, but less radioactivity – from mill tailings and old Cold War Fernald waste

Proposed Texas Nuclear Reactors - Where would their radioactive waste go?

Company	Number of Reactors	Location
NRG/CPS	2	Bay City
Exelon	2	Victoria
Luminant	2	Glen Rose
Amarillo Power	2	Amarillo
Total	8	

Types of Sites & Management in Texas

Radioactive Waste Management Sites in Texas



Who favors the proposed Import Rule?

- ☞ Dept. of Defense
- ☞ Tennessee Valley Authority likes it - wants to have a specific import capacity number added
- ☞ Southeast Compact
- ☞ Studsvik radioactive waste processor
- ☞ Waste Control Specialists - but finds it burdensome!

Who is liable for problems with radioactive waste?

- ☞ For Compact waste – Texas assumes title and liability once it crosses into the state, according to TCEQ, though liability is shared while WCS is in charge of operations.
- ☞ WCS during normal operations during course of the 15-year federal and compact license. They must post financial assurance and corrective action monies to take care of problems. These financial requirements are based today only on Vermont and Texas waste.
- ☞ After operations and license are “closed-out” – Texas **retains liability** for any commercial or state-generated waste, regardless of origin, and the waste will remain radioactive for thousands of years.

What about Vermont?

- ❖ Vermont, a Compact State, has a legal right to ship LLRW to Texas – up to 20% of the volume of Texas-generated waste
- ❖ Has obligations to partially finance Compact Commission operations
- ❖ Decision by Vermont Senate to decommission Vermont Yankee was based on the assumption that Vermont would have adequate space at the Compact site
- ❖ Vermont's waste disposal needs may increase due to leaking pipes
- ❖ Could be partially liable for any decisions made by Compact Commission

The Compact Commission

- ☞ The Texas Low-Level Radioactive Waste Disposal Compact Commission is an independent commission, a legal entity, but not a state agency – www.tllrwdcc.org
- ☞ Commissioners are appointed by the Governors of Texas and Vermont.
- ☞ The Commission consists of six Texas and two Vermont appointees.
- ☞ If sued, individual Texas Commissioners can be represented by the Attorney General, but the Commission itself or Commission decisions cannot.
- ☞ Proposed rule requires the Compact Commission to meet and respond to proposed Waste Import Agreements within a certain time frame.
- ☞ The catch? They have no technical staff, no experts, no budget and no legal defense fund. The Compact Commission would have to find funding in order to process import agreements or defend against legal challenges, and the Texas legislature is not in session.
- ☞ WCS, the nuclear industry, citizens and environmental organizations can legally challenge a decision and sue the Compact Commission.

WCS: Will it Become the Nation's Radioactive Waste Dump?

