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Chair, Texas Radiation Advisory Board
Environmental Regulation Committee
HB 1567 Testimony

Summary of the testimony on March 25, 2003, 6:30 p.m. at approximately 2:48-57 on tape <http://www.house.state.tx.us/fx/av/committee78/30325p14.ram>

Neutral on the bill

TRAB has vigorously supported the creation of a low level radioactive waste (LLRW) site over the years and the latest resolution is available on the Internet.

There are some issues being brought up—some support the storage of LLRW at nuclear power plants. We feel that is not the solution. Those sites are ideally located to support the production and delivery of electricity to the customers, but they are not ideally located to dispose of LLRW.

There are those who will remain opposed to the disposal of LLRW in Texas no matter what design construct or location. For those who oppose the construction of a LLRW facility, I would ask, “What is your solution?”. You have seen the maps of how LLRW is distributed across the entire state of Texas and I think we all agree that those hundreds of locations that are not secure locations and in this day and age when we talk about the security of radioactive materials, that certainly becomes an issue.

Most people who are opposed to a LLRW site say that we should stop all production of waste and associated use of those activities that produce radioactive waste and stop all nuclear power production, in essence, remove radioactivity from the environment. There are some well-meaning individuals whose hearts are in the right place, but when questioning them about their facts they will say that they don't want their children exposed to radioactivity. Well, we have talked about my children before in subcommittee, Mr. Chairman, and I have a 7 month old daughter who is radioactive and so are my other children and so am I and so is everyone in this room. Removing radioactivity from the environment is not an option and it is a rather ludicrous approach. Where we are and where we sit today, the granite in this building is radioactive.

The design criteria for this facility that we hopefully, ultimately, build is going to protect folks from the radioactivity that is stored there. The exposure limits that will be in place in that facility will be a fraction, a very small fraction, of the total exposure that a person will receive if they are sitting at home flipping through the channels all day everyday. It is just not a large fraction of someone's total exposure.

I am pleased to see that Representative Burnam has considered assured isolation, something that the TRAB has encouraged through our deliberations and has found beneficial. I am only concerned that it is considered to the exclusion of any other concept. I think a combination of assured isolation and in-ground disposal would be a

better consideration when you are looking at the whole realm of things. In other words, I would not limit it to only assured isolation. I understand your concerns in terms of retrievability and assuring the design and the migration of these materials through the geological structures, but I think in terms of making things—and you have to consider cost at some point in the equation---in making things cost effective for the state. Of course you want to assure that you protect the health and safety of the public and the environment, but weighing all those things in the balance, you are really going to have to consider a mix of design options.

The real “Boogie Man” is when people talk about radioactive waste, and they talk about the difference between state and federal waste, is the specter of plutonium. Plutonium is considered in the current LLRW regulations, for everyone’s information. Plutonium could be generated within the state and it could be accepted at the compact waste facility provided it met the waste acceptance criteria contained in 10 CFR Part 61. So that everyone is on the same page, I think that is important to know. And if you get down to it, there are no differences that are not contemplated between federal waste and compact waste.

Our feeling is, from the TRAB, is that it is very important for the state to have a LLRW facility. And we think, in terms of the volume restrictions, that is something that is up to the discretion of the legislature. From a technical standpoint, you cannot justify one way or another as long as your facility is properly designed. When you come to talk about federal waste and non-federal waste, it is really up to how you want to structure it. From a technical standpoint, it is very difficult to say that one is different from the other and all that is currently contemplated in the regulations.

Question and response:

From Representative Chisum: Is there any chance of us getting enriched uranium in the LLRW products from DOE? I know you might get some plutonium because they machine it.

Ford: Typically the plutonium that you will see—machined plutonium---will come from Rocky Flats facility in Colorado and that is going to WIPP (in New Mexico) and that is “TRU” waste. To be Class A waste, the plutonium would have to be less than 10 nanocuries per gram which is a very, very small amount.

Rep. Chisum: And what about enriched uranium?

Ford: It would be under the same category—or perhaps exempt from this. Enriched uranium is typically found in spent fuel stream or you won’t find it all. Or it might be mixed with something else that you will classify the waste on.

Rep. Chisum: It might be classified as not LLRW?

Ford: Correct. It could be TRU waste—if it is coming from a defense facility or nuclear production facility. You would have a hard time separating it from the other types of radioisotopes that you are dealing with.

Rep. Chisum: The TRAB, for the members who do not know it, they virtually review the rules before they are adopted and comment on the rules.

Ford: Yes, we have a very good relationship with TCEQ and BRC in terms of the rule changes that they have.

Rep. Chisum: Thank you for your service.

Representative Burnam: Concerning the WIPP site, I understand it is going to close for a week or so. Do you know the standards that the national government is using to close down transport to that site?

Ford: I think it is with the security condition, the threat level in the US has been raised to the point that they felt like it was not appropriate for them to be transporting waste at this time. This is my understanding, but I don't know that is a homeland defense issue at this point in time.