



GOVERNOR GREG ABBOTT

April 26, 2019

The Honorable Rick Perry  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

The Honorable Kristine Svinicki  
Chairman  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16B33  
Washington, DC 20555-0001

Dear Secretary Perry and Chairman Svinicki:

Actions taken by the U.S. Department of Energy (DOE) and the U.S. Nuclear Regulatory Commission (NRC) could allow for disposal of more highly radioactive waste in Texas without approval by our State. The federal government should allow States with disposal sites for low-level radioactive waste (LLRW) to accept or reject such changes, rather than forcing them to take on the increased hazards of Greater-Than-Class C (GTCC) or equivalent waste. At this time, I oppose any increase in the amount or concentration of radioactivity authorized for disposal at the facility in Andrews County, Texas.

DOE has shown a clear interest in disposal of GTCC waste in Texas, both by identifying a generic commercial facility as one of two preferred alternatives for GTCC waste,<sup>1</sup> and by specifically evaluating the suitability of the Andrews County site for that purpose.<sup>2</sup> The NRC continues development of a regulatory basis for allowing GTCC disposal in the Andrews County facility, even taking steps last October to expedite that effort.<sup>3</sup> These actions could culminate in

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<sup>1</sup> DOE, January 2016, *Final Environmental Impact Statement for the Disposal of Greater-Than-Class C (GTCC) Low-Level Radioactive Waste and GTCC-Like Waste* (DOE/EIS-0375).

<sup>2</sup> DOE, October 2018, *Environmental Assessment for the Disposal of Greater-Than-Class-C (GTCC) Low-Level Radioactive Waste and GTCC-Like Waste at Waste Control Specialists, Andrews County, Texas* (DOE/EA-2082).

<sup>3</sup> NRC, Oct. 23, 2018, *Staff Requirements Memorandum – Briefing on strategic programmatic overview of the decommissioning and low-level waste and spent fuel storage and transportation business lines* (M181011).

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a reclassification of LLRW, with some or all of the GTCC waste inventory arbitrarily becoming Class C LLRW without Texas having any say in the matter.

Texas is ready to work cooperatively with our federal partners to safely manage the use and disposal of radioactive materials. In the spirit of that relationship, please consider measures to allow for state approval of any changes you would propose to the regulatory framework for LLRW or wastes of greater radioactivity.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Abbott". The signature is written in a cursive, flowing style.

Greg Abbott  
Governor

GA:bjk