



## Congress of the United States

July 15, 2021

Honorable Rosa DeLauro  
Chairwoman,  
House Committee on Appropriations  
H-307 The Capitol  
Washington, D.C. 20515

Honorable Kay Granger  
Ranking Republican,  
House Committee on Appropriations  
1036 Longworth HOB  
Washington, D.C. 20515

Dear Chairwoman DeLauro and Ranking Member Granger:

We write today to express our opposition to the license applications to the Nuclear Regulatory Commission (NRC) for the consolidated interim storage of high-level nuclear waste in Texas and New Mexico and in favor of bill and report language that has been requested that would deny this application without having consent.

The proposed facilities being considered would be sited in the heart of the Permian Basin. If licensed, we can expect several thousand canisters of the nation's most deadly material to be transported thousands of miles by rail and barge through major metropolitan areas and American ports. Our cities and ports are diverse economic engines that would be crippled by any incident, let alone a release of highly radioactive material.

As currently proposed, interim storage will amount to indefinite storage due to the lack of a permanent repository. The licensing of an interim facility absent a permanent repository is a violation of the Nuclear Waste Policy Act. Coupled with a multitude of technical issues, including the failure to provide deep geologic isolation, lack of canister inspection requirements and repackaging facilities, the proposed storage sites do not qualify nor are they adequately designed for siting.

The Nuclear Regulatory Commission is moving forward with the licensing of two national-level spent nuclear fuel (SNF) storage facilities that would, when planned capacities are combined, store all the nation's spent nuclear fuel and high-level nuclear waste for upwards of 100-years or more, it does so, not only *without the consent* of the host states, *but in the face of strident opposition from both host states* (New Mexico and Texas).

While the governors of both prospective host states have repeatedly gone on record with their disapprovals of the licensing activities, the NRC continues the licensing activities in the face of clear guidance from the International Atomic Energy Agency (IAEA) to avoid siting nuclear facilities in the middle of exploitable mineral reserves. It also is proceeding with licensing activities for site designs that are not suited to ensure the safe storage of SNF for up to 100 years. These proposed facilities are without canister inspection and remediation facilities, research and development facilities, repackaging facilities to address potential leaks from aging or cracked

canisters, and fleet and cask maintenance facilities — all elements of a properly designed national level SNF storage facility.

As you know, Congress began working on a permanent solution to storing nuclear waste with the passage of the Nuclear Waste Policy Act in 1982. Today, 38 years later, there is still no permanent storage solution. The proposed sites in Texas and New Mexico do not provide the deep geologic isolation required for permanent storage in order to minimize the risks of accidents, terrorism, or sabotage, which could disrupt the country's energy supply with catastrophic effects on the American economy.

The Governors of Texas and New Mexico have expressed their opposition to forcing states with low-level radioactive waste to accept more highly radioactive waste and its accompanying hazards without the consent of the state. We reiterate this concern and our opposition to increasing the amount or concentration of radioactive waste permitted to be disposed of in Texas and New Mexico without state approval.

Because of the many risks associated with these projects, the lack of a permanent storage facility, and the importance of the Permian Basin to the economy and energy security of the country, we respectfully urge you to adopt language in the FY 2022 Energy and Water Appropriations legislation that would require consent before any decision on siting of an interim storage facility in Texas or in New Mexico.

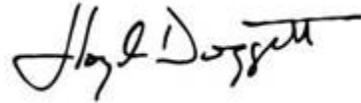
Thank you for your consideration of this request.

Sincerely, Members of the Texas and New Mexico Congressional Delegations.



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August Pfluger  
Member of Congress



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Lloyd Doggett  
Member of Congress



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Louie Gohmert  
Member of Congress



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Troy Nehls  
Member of Congress



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*Yvette Herrell*

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Yvette Herrell  
Member of Congress

*Henry Cuellar*

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Henry Cuellar  
Member of Congress

