



## County of Andrews

CHARLIE FALCON  
COUNTY JUDGE

Honorable Kristine Svinicki  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC, 20555-0001  
June 30, 2020

SUNSI Review Complete  
Template = ADM-013  
E-RIDS=ADM-03  
ADD: Marlayna Doell

COMMENT (123)  
PUBLICATION DATE:  
3/6/2020  
CITATION 85 FR 13076

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Dear Chairman Svinicki;

The Andrews County Commissioners Court strongly opposes the Nuclear Regulatory Commission's (NRC) recent proposal<sup>1</sup> to change its mind on its regulations of how radioactive waste can be disposed of in our County, in Texas, and in the United States. The proposal, if implemented, would be less protective of worker and public health and safety than the current regulations governing such disposal issued by the Texas Commission on Environmental Quality (TCEQ).

This proposal would allow disposal in landfill facilities across Texas and the United States that have not been subject to adequate licensing or inspection. These facilities will be easily able to undercut the pricing of disposal at the properly licensed facility in our County and elsewhere. As the NRC proposal did not identify any health and safety issues that its proposal addresses, and, as we understand it, there is ample existing capacity for disposal of such materials in Texas and nationwide, implementation of this proposal only serves to immediately and directly threaten the economic viability of the licensed disposal facility in our County and the livelihood of those employed there.

As we understand this proposal in its simplest form, the NRC believes that since its regulations can allow transfers between those who are licensed to use radioactive material, NRC should allow them to transfer these materials to those who will not be licensed to dispose of these materials. They will be allowed to dispose of the transferred material by way of an NRC, "interpretive rulemaking," which is simply a way of saying that NRC will not propose a rule change but simply alter its internal guidance to allow disposal in landfills at up to 25 times the level of radioactivity that is currently allowed in Texas.

Docket ID NRC-2020-0065

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<sup>1</sup> Published in the Federal Register on March 6, 2020, FRN 13076

We have seen TCEQ establish requirements that are fully compatible with NRC rules and that are fully protective of the health and safety of the public and the workforce. We are observing the rigor and professionalism of the NRC as it considers the safe storage of other materials in our County.

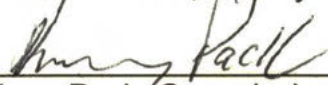
This County has great confidence in the TCEQ to ensure the health and safety of the County's residents. We have great confidence and comfort in WCS to operate safely and to protect this County as a regulated entity in a manner compatible with NRC regulations. The proposal, we believe, is an anomaly in what we in Andrews have viewed as an otherwise proud history of NRC providing safe direction and structure to the disposal of Low-Level Radioactive Waste (LLRW) in our County and in this Country.

We urge the NRC to immediately withdraw this proposal.

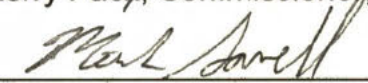
Sincerely,



Charlie Falcon, County Judge



Kerry Pack, Commissioner, Pct. 1



Mark Savell, Commissioner, Pct. 2



Jeneane Anderegg, Commissioner, Pct. 3

Not Present

Jim Waldrop, Commissioner, Pct. 4

cc: Honorable Jeff Baran, Commissioner, U.S. NRC  
Honorable David Wright, Commissioner, U.S. NRC  
Honorable Annie Caputo, Commissioner, U.S. NRC  
Honorable John Cornyn, United States Senate  
Honorable Ted Cruz, United States Senate  
Honorable Mike Conaway, United States House of Representatives  
Honorable Jon Niermann, Chairman, TCEQ  
Honorable Emily Lindley, Commissioner, TCEQ  
Honorable Bobby Janecka, Commissioner, TCEQ  
Mr. Bennett Sandlin, Executive Director, Texas Municipal League  
Ms. Susan Redford, Executive Director, Texas Association of Counties