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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 10, 2022

Mr. David M. Turk
Deputy Secretary, U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Re: Removal of All DOE Transuranic Waste from Waste Control Specialists, Andrews County, Texas; Agreed Order Docket No. 2015-1139-IHW-E (DOE Agreed Order)

Dear Deputy Secretary Turk:

On November 26, 2019, I wrote your predecessor to detail the history of how the State of Texas and the Texas Commission on Environmental Quality (TCEQ) assisted the U.S. Department of Energy (DOE) and the State of New Mexico with temporary storage of transuranic waste from the Los Alamos National Laboratory (LANL TRU waste). While the DOE promptly responded to my letter, the DOE did not submit an approvable plan to the TCEQ to remove the remaining LANL TRU waste from the Waste Control Specialists site in Andrews County, Texas.

On April 1, 2022, the DOE shared a draft plan with my staff. The DOE's draft plan is not a plan to expedite the removal of the remaining LANL TRU waste in 2022. In fact, it does not address removing the waste from Texas at all. The DOE's draft plan only addresses the design and installation of a radiological control enclosure at the site to support the unloading and storage of the LANL TRU waste after it is removed from the Federal Waste Facility. The DOE draft plan does not include activities or timelines related to the offsite disposition of the LANL TRU waste.

The TCEQ has extended the deadline in Waste Control Specialists' radioactive materials license several times to provide the DOE with ample time to finalize a plan and to remove the LANL TRU waste in accordance with the DOE Agreed Order. After the last extension, that deadline is May 31, 2022. The DOE must remove the LANL TRU waste from the Waste Control Specialists site in Andrews County, Texas and transport it out of Texas no later than May 31, 2022, or else the TCEQ will initiate additional enforcement actions against the DOE.

Thank you for your prompt attention to this matter. Should you have any questions or comments, please do not hesitate to call me at (512) 239-3900 or Ms. Ashley Forbes, Director of the Radioactive Materials Division, at (512) 239-0493.

Sincerely,

A handwritten signature in black ink, appearing to read "Toby Baker".

Toby Baker
Executive Director

cc: Mr. David S. Carlson, President and COO, Waste Control Specialists LLC
Mr. William I. White, Senior Advisor, Office of Environmental Management, DOE
Mr. John W. Lubinski, Director, Office of Nuclear Material Safety and Safeguards, NRC