PUBLICCITIZEN

309 East 11th St., Suite 2 • Austin, Texas 78701 • 512.477.1155 • www.citizen.org

Date: April 3, 2025
To: Chairman Brooks Landgraf and the Members of the House Committee on Environmental Regulation
CC: Vice-Chair Claudia Ordaz, Rep. Rafael Anchía, Rep. Keith Bell, Rep. Ben Bumgarner, Rep. Penny Morales Shaw, Rep. Tom Oliverson, Rep. Ron Reynolds, Rep. Steve Toth
Via hand delivery and by email.

From: Adrian Shelley, Public Citizen, ashelley@citizen.org, 512-477-1155
Re: HB 4112, nuclear waste storage – Public Citizen testimony on

Dear Chairman Landgraf and Members of the Committee:

Public Citizen appreciates the opportunity to testify on HB 4112, relating to the storage or disposal of high-level radioactive waste. We support the bill's effort to limit the storage and disposal of high-level radioactive wastes in Texas. We suggest some changes to more fully realize that goal.

HB 4112 builds on HB 7 (87R), the 2021 law banning the disposal of high-level radioactive waste in Texas. On signing, Governor Greg Abbott declared, "I will not let Texas become America's dumping ground for deadly radioactive waste."[1]

Texas does host a dump for other (not high-level) radioactive wastes at the Waste Control Specialists site in Andrews County. There is a proposal to store on an interim basis—that is, to temporarily store—high-level radioactive waste at the Andrews County site. The U.S. Supreme Court is expected to rule later this year on whether the Nuclear Regulatory Commission has the authority to allow interim storage in Texas.[2]

With this context, Texas is considering whether and how to encourage the development of new, so-called advanced nuclear reactors. HB 14 has proposed a new office and grant program to offer taxpayer dollars to new nuclear projects and HB 500 has proposed to fund the new Texas Nuclear Power Fund with $750 million. We have opposed these bills because we do not support Texas taxpayer dollars subsidizing new nuclear energy projects.

We support on-site storage of high-level waste until a permanent disposal solution is available.

HB 4112 would allow new nuclear power reactors and nuclear research and test reactors at universities to store high-level radioactive waste. Although we aren't optimistic about the ability of new reactors to deliver affordable energy within a reasonable time, we believe that on-site storage of high-level waste is preferable to any alternative. Transporting high-level waste is dangerous and risky. Waste should not be transported through Texas any more than is absolutely

[1] *See https://gov.texas.gov/news/post/governor-abbott-petitions-fifth-circuit-to-keep-spent-nuclear-fuel-out-of-the-permian-basin.*
[2] *See, e.g., https://www.houstonchronicle.com/politics/article/nuclear-waste-texas-scotus-20202049.php.*

necessary. Waste should also not be imported from out of state (except within the bounds of the existing interstate compact). For this reason, we believe that high-level waste should stay put until it can be moved a single time to a final storage or disposal solution.

HB 4112 should clearly prevent high-level waste transport between facilities or importation from out of state.

To achieve the goal of not moving high-level radioactive waste more than necessary, we recommend that HB 4112 include a ban on moving high-level waste between facilities in Texas. We are also concerned that the bill as written might allow waste from out of state to be stored at a reactor site. We suggest an amendment such as inserting the following after the word "university," at P.1, L.10 and P.2, L.3:

to store waste generated at that reactor,

HB 4112 should either be limited in scope or require local consent for storage at new sites.

As we understand it, HB 4112 is intended to accommodate high-level radioactive waste storage at the new Abilene Christian University research reactor. This makes sense as this is the furthest along advanced reactor in the state, which recently received NRC permitting. However, the bill is written to allow storage at any new nuclear facility in the state.

We suggest the bill be narrowly tailored to apply to only the Abilene Christian facility. The legislature can consider other specific cases when they are timely. If a more general solution is preferred, we suggest including a requirement that the local jurisdiction consent to the storage of high-level waste at any new facility in the state.

New reactor sites will need strong rules for storage and decommissioning.

Finally, we'd like to note that the cradle-to crave safety and security challenges of nuclear energy. A large-scale high-level radioactive waste accident could leave an area uninhabitable for literally a million years. A terrorist attack on nuclear material would effectively create a "dirty bomb" that spreads deadly radiation across a wide area.

Because of the seriousness of these worst-case scenarios, we suggest that all new nuclear sites include a robust Local Emergency Planning Commission and significant training and planning for managing disasters. Similarly, the rules and procedures for high-level storage should be reviewed in light of new proposals and new technologies. This is especially important at small modular reactors (SMRs) where a significantly smaller footprint presents very different challenges from large existing reactor sites. Similarly, strong decommissioning rules for new facilities should be put in place as soon as possible.