UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

TO THE SECRETARY OF THE COMMISSION

IN THE MATTER OF	§	
	§	
GENERIC RULEMAKING	§	
ON CONFIDENCE IN	§	Docket No. _____
RADIOACTIVE WASTES	§	
DISPOSAL	§	

NOTICE AND PETITION BY THE ATTORNEY GENERAL OF TEXAS TO PARTICIPATE AS A FULL PARTICIPANT

Mark White, Attorney General of the State of Texas, hereby files this notice and petition for leave to participate as a full participant in generic proceedings to reassess NRC's degree of confidence that radioactive wastes produced by nuclear facilities will be safely disposed of. This notice is filed pursuant to NRC's Notice of Proposed Rulemaking, 44 Fed. Reg. 61372, October 25, 1979. The citizens of the State of Texas have a vital interest in the Nuclear Regulatory Commission's decisions concerning the development and use of nuclear energy and the disposal of radioactive wastes. The Attorney General of Texas has represented the citizens of the State of Texas in proceedings before the Nuclear Regulatory Commission involving the licensing of nuclear power plants in Texas, the Generic Environmental Impact Statements on Mixed Oxides and in other proceedings. Likewise, the Attorney General of Texas has participated in numerous

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proceedings of the Federal Government involving radioactive waste disposal.

With several candidate sites for disposal of nuclear waste in Texas, it is important that representatives of the State of Texas participate in any proceedings dealing with disposal of radioactive wastes. With the assistance of state agencies and other sources, the Attorney General of the State of Texas intends to participate on a number of issues, including:

1. Whether salt formations meet the criteria for acceptable geological formations for the permanent disposal of radioactive wastes.
2. Whether salt formations meet the criteria for acceptable geological formations for the storage of radioactive wastes in a retrievable manner.
3. Whether salt formations in the State of Texas satisfy the criteria for permanent disposal or retrievable storage of radioactive wastes.
4. The role of a State in determining whether geological formations within the State can be used for radioactive wastes disposal or storage.
5. Whether high-level nuclear and radioactive wastes should be disposed of permanently or stored in retrievable fashion.
6. The degree to which all the alternative disposal mechanisms must be assessed prior to a

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federal commitment to one of the alternatives.

7. Criteria needed to determine whether geological formations are acceptable disposal or storage sites.

The Attorney General reserves the right to indicate in a timely fashion his desire to participate on other issues, as the scope of this proceeding is more precisely defined. For example, should transportation of radioactive waste become an issue in the proceeding, the Attorney General of Texas intends to participate fully on that issue.

Respectfully submitted,

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