



STATE OF TEXAS
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS 78711
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ANN W. RICHARDS
GOVERNOR

J. Richardson
2501 Wickersham Lane, #734
Austin, TX 78741

Dear Mr. Richardson:

Thank you for your letter regarding the disposal of low-level radioactive waste in Texas and the state's decision to enter into a compact with Maine and Vermont. I appreciate the opportunity to explain the state's actions related to this complex matter.

Low-level radioactive waste includes contaminated materials (but not the fuel rods or other high-level wastes) from nuclear power plants. It also includes material from research laboratories and hospitals. Medicine and health care have been revolutionized by the use of radioactive materials for diagnosing cancer and other illnesses, alleviating pain, treating diseases, and developing new drugs. For example, radium, cesium, iridium, and iodine are used for early detection and treatment of breast cancer, cervical cancer, ovarian cancer, and uterine cancer. Millions of Americans benefit everyday from the use of these materials, but the use creates the need for disposing of some low-level radioactive waste in properly designed facilities.

Federal law gives states two options for disposing of their low-level radioactive waste: providing disposal facilities for it themselves, or contracting with another state that has suitable disposal facilities. No other state was willing to accept this waste from Texas after 1994, and Texas has made the decision to construct its own disposal facility.

The Texas Legislature in 1991 required the Texas Low-Level Radioactive Waste Disposal Authority to evaluate possible sites in Hudspeth County to determine whether an environmentally acceptable site exists for this facility. Extensive studies conducted by the Authority indicate that a site near Sierra Blanca is an environmentally suitable location. You may be interested to know that surface water in the area drains away

from the Rio Grande River into a closed basin, and the groundwater table lies below 700 feet.


All of the site characterization studies completed by the Authority have now been delivered to the Texas Natural Resource Conservation Commission, which is responsible for licensing the facility. The Commission will conduct an extensive hearing and review process before making a final decision to issue or to deny a license for the project. Whatever the Commission's decision is, it can be appealed through the courts. I can think of no fairer way to determine whether a disposal facility of this kind can be constructed and operated without risk to public health or the environment.

During the 1993 session, the Legislature passed legislation forming a compact between Texas, Maine, and Vermont for low-level radioactive waste disposal. The compact will assess fees to Maine and Vermont for shipping low-level waste to the Texas disposal facility and will limit the total amount of out-of-state waste to twenty percent of the waste generated in Texas. Sierra Blanca and Hudspeth County will receive \$5 million in compact funds and several million dollars from the specific waste generators. These impact assistance funds will allow the area to make transportation, health, safety, and other improvements.

The Legislature and I agreed to a compact agreement for the simple reason that it provides the best way for Texas to avoid the risk of becoming the nation's dumping ground. I would have preferred not to allow any out-of-state waste to be placed in the Texas disposal facility. But federal courts have made clear that entering into a compact is the only legally defensible means by which a state can refuse to accept unwanted waste from all other states. Had Texas not entered into a compact with Maine and Vermont, we could be forced to accept waste from every other state. Fortunately, these two states generate relatively little waste.

Finding a solution to our low-level radioactive waste disposal problem has been extremely difficult. I share many of your reservations and concerns about radioactive waste disposal. Given the constraints placed on Texas by federal law, I believe the state's approach is responsible. Refusing to build a new, state-of-the-art disposal facility will not solve our nuclear waste problem; rather, it will leave much of this waste in unlicensed, poorly regulated sites scattered throughout the state. My office is following the technical studies and licensing process for the disposal facility very closely. If the facility ultimately is licensed and constructed, the state will aggressively monitor its operation.

Sincerely,



ANN W. RICHARDS
Governor

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