



Texas Radiation Advisory Board

Jack S. Krohmer, Ph.D.
Chair

1100 West 49th Street
Austin, Texas 78756
(512) 834-6688

Executive Committee
Tom Burnette
Glen K. King, D.V.M.
William R. Underdown
Jimmy Barker, P.E.

August 16, 1999

The Honorable George W. Bush
Governor of Texas
State Capitol
Austin, Texas 78711

Dear Governor Bush:

The Texas Radiation Advisory Board met August 13, 1999, to make recommendations on the low level radioactive waste policy of Texas. The board's recommendations are designed to move Texas forward in a positive way to solve the needs of the state as soon as possible.

The legislative session that ended May 31, 1999, did not successfully address the issue of low level radioactive waste disposal for the State of Texas. The Texas Radiation Advisory Board recommends that the following actions be taken now so that progress can occur prior to the next legislative session.

ACTION 1.

The Governor should appoint the six commissioners to the Texas-Maine-Vermont Low Level Radioactive Waste Compact.

Rationale: The Commissioners for the Texas-Maine-Vermont Compact should begin to conduct necessary and appropriate business. As can be seen from the recommended actions that follow, there are important issues that the State of Texas needs to begin considering. By not moving forward with the appointment of the Commissioners, it is possible that Maine and Vermont could claim Texas has defaulted on the compact if the Texas commissioners are not appointed. This compact was difficult to achieve and should not be forfeited. The appointment of the Compact Commissioners would definitely be in the best interest of Texas.

ACTION 2.

The Texas Department of Health, Bureau of Radiation Control, in consultation with the Texas Natural Resource Conservation Commission should develop a definition of and licensing criteria for Assured Isolation so that it meets the intent and legal requirements of the Texas-Maine-Vermont Compact to allow our Compact partners to understand the attractiveness of the approach.

Rationale: The intent of low level radioactive waste disposal is to isolate these materials from human contact. The concept of assured isolation satisfies this intent but is different from the concept of underground disposal. Therefore, it is important that Assured Isolation is not ruled unacceptable due to a definition of “disposal” that does not consider above-ground options.

ACTION 3.

The Texas Natural Resource Conservation Commission should develop a generic design for Assured Isolation or issue a Request for Proposal for Assured Isolation designs.

Rationale: Despite the strong technical basis and justification for underground disposal of low level radioactive waste, the heated debate over this issue has left the public with a feeling of uncertainty regarding the underground disposal of low level radioactive waste. This has been demonstrated by the difficulty in obtaining a license for the burial of low level radioactive waste in Texas. Assured Isolation offers an alternative to permanent underground disposal whereby the facility can be physically inspected, monitored, and maintained for many years. After a limited period of time, most of these wastes can then be permanently disposed in commercial landfills as standard industrial, non-radioactive and non-hazardous wastes.

The Honorable George W. Bush
August 16, 1999
Page 3

ACTION 4.

The Texas Natural Resource Conservation Commission should actively solicit a volunteer site for assured isolation.

Rationale: If a volunteer site is selected prior to the next legislative session, then the legislature could more easily approve this site for additional site characterization.

ACTION 5.

The Texas Natural Resource Conservation Commission should develop a financial plan and “take title” arrangement so that the generators of low level radioactive waste will not be subject to additional future fees.

Rationale: One of the concerns of Assured Isolation is that the generators will have to pay twice: once for Assured Isolation and then again when the materials are “permanently” buried. It is important that there is a high degree of confidence that the initial charge will be the only charge.

In closing, these actions, if undertaken as recommended, will place Texas in a much stronger and more secure position to deal with the low level radioactive waste issues that currently confront us and that will only become more problematic if their resolution is pushed further into the future. Inaction on resolving the disposition of low level radioactive waste in Texas will only intensify the problem.

Please contact me if you have any questions or if the Texas Radiation Advisory Board can assist you.

Sincerely,

original signed by

Jack S. Krohmer, Ph.D., Chair