

By: Gallego

H.C.R. No. 85

CONCURRENT RESOLUTION

1 WHEREAS, Reports that Texas could become the destination
2 point of first and last resort for much of the nation's radioactive
3 waste illustrate the importance of creating a joint interim
4 committee to study issues relating to the importation of
5 radioactive waste into Texas; and

6 WHEREAS, The *San Antonio Express-News* reported in July 2004
7 that the governor of Nebraska had contacted the Texas governor's
8 office regarding the possibility of Texas assuming Nebraska's
9 responsibilities as host state for disposal of low-level
10 radioactive waste from five states in the Central Interstate
11 Compact authorized by the U.S. Congress; and

12 WHEREAS, A similar story appearing in the *Lubbock*
13 *Avalanche-Journal* in January 2005 describes applications by Waste
14 Control Specialists LLC of Andrews County to allow the company to
15 store and dispose of highly radioactive uranium by-product material
16 owned by the U.S. Department of Energy and currently stored in
17 Fernald, Ohio; and

18 WHEREAS, Waste Control Specialists LLC, the only applicant
19 for a Texas license to dispose of low-level radioactive waste under
20 the provisions of H.B. 1567, Acts of the 78th Legislature, Regular
21 Session, 2003, reportedly also intends to solicit radioactive
22 material from other sources, including a European consortium's
23 proposed uranium enrichment facility in nearby New Mexico; and

24 WHEREAS, Under the terms of the Texas Low-Level Radioactive

1 Waste Disposal Compact, as amended, and H.B. 1567, Texas restricts
2 the source of out-of-state radioactive waste to waste generated in
3 Vermont and to prescribed amounts of waste owned by the U.S.
4 Department of Energy; and

5 WHEREAS, While the compact's purpose is to limit the
6 importation of radioactive waste into Texas, the text of the
7 compact, which is found in Section 403.006, Health and Safety Code,
8 allows the Texas compact commission representing Texas and Vermont
9 to enter into an agreement by majority vote with any person, state,
10 regional body, or group of states to import low-level radioactive
11 waste into the compact facility, and such an agreement could
12 supersede state law, according to staff of the Texas Commission on
13 Environmental Quality; and

14 WHEREAS, A comparative analysis has not been conducted to
15 contrast any increase in state and local revenues from the
16 importation of radioactive waste with the liability that Texas
17 could face if the storage and disposal license holder ceases
18 operation or fails to contain imported radioactive materials; and

19 WHEREAS, Aside from looking at the possible importation of
20 radioactive waste into Texas without legislative authority and
21 without regard for liability, another issue for study is state
22 agency jurisdiction over new types of waste that might be admitted
23 into the Texas compact and federal facilities; and

24 WHEREAS, The highly concentrated uranium by-product material
25 in Fernald, Ohio, is recognized by the U.S. Nuclear Regulatory
26 Commission as a radioactive material; if it is stored and disposed
27 of in Texas, it will fall under the jurisdiction of the Texas

1 Department of State Health Services' division for regulatory
2 services, radiation control; and

3 WHEREAS, Depleted uranium from a uranium enrichment
4 facility, such as the one proposed in New Mexico, is considered by
5 the U.S. Nuclear Regulatory Commission to be low-level radioactive
6 waste; if it is disposed of in Texas, it will fall under the
7 jurisdiction of the Texas Commission on Environmental Quality; and

8 WHEREAS, Any study of radioactive waste importation must also
9 consider the effect of transporting additional waste within the
10 state; the potential for exposure to radioactivity will be extended
11 to all Texans living along transportation networks to Andrews
12 County if the proposed facilities are allowed to receive expanded
13 volumes of radioactive waste; and

14 WHEREAS, An opportunity to address these and other issues
15 would help to ensure that Texas policy safeguards public health and
16 the environment, especially since Texas is likely to be approached
17 by numerous persons, states, regional bodies, and groups of states
18 that want to send radioactive waste to Texas; now, therefore, be it

19 RESOLVED, That the 79th Legislature of the State of Texas
20 hereby request the lieutenant governor and the speaker of the house
21 of representatives to create a joint interim committee to study
22 issues relating to the importation of radioactive waste into Texas;
23 and, be it further

24 RESOLVED, That the committee's proceedings and operations be
25 governed by such general rules and policies for joint interim
26 committees as the 79th Legislature may adopt and that such rules and
27 policies supersede the provisions of this resolution to the extent

1 of any conflict; and, be it further

2 RESOLVED, That the committee submit a full report, including
3 findings and recommendations, to the 80th Texas Legislature when it
4 convenes in January 2007.