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To: <i>Mr. Robinson</i>	From: <i>Karen Korneel</i>
Co: <i>Opinions</i>	Co: <i>NRD</i>
Dept:	Phone #: <i>5-4001</i>
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Committee:
Land & Resource
Management
Chair

ATTORNEY GENERAL'S OFFICE
NR - Karen Korneel - DIS Natural Resources

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March 3, 1999

RQ-0033-JC

The Honorable John Cornyn
Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

Dear Attorney General Cornyn:

As you may know, legislation has been offered in the Texas Legislature to prescribe how the obligations of Texas as the host state under the Low-Level Radioactive Waste Disposal compact are to be fulfilled now that a license for the Hudspeth County site has been denied.

It has recently been suggested that an "assured isolation facility" (sometimes referred to as an "assured storage facility") for low-level radioactive waste should be developed instead of a disposal facility of the type that was proposed for Hudspeth county. Neither the Compact nor any other law I know of defines an assured isolation facility.

I would appreciate your opinion on whether the development of an assured isolation facility for Compact waste would satisfy Texas' obligations as host state under the Compact and, if not, whether a change in federal law would be required for Texas to pursue this course.

On a related matter, it is my understanding (in part from watching events unfold over the years at DOE's Pantex facility in Amarillo) that Texas has no legal power to regulate the handling or disposal of DOE radioactive waste within the state, and that this would remain the case for a private facility operated under contract to DOE to handle such waste. I would appreciate your opinion on whether Texas has the power to adopt a law for the purpose of precluding a private company from contracting for the disposal of DOE low-level radioactive waste at a private site within Texas.

Since the Legislature currently has bills under active consideration to address these issues, I would be very grateful to hear from you as soon as possible.

Thank you.

Sincerely,

Gary L. Walker

Gary L. Walker
State Representative

GW/Amc