



## OFFICE OF THE GOVERNOR

RICK PERRY  
GOVERNOR

March 28, 2014

The Honorable David Dewhurst  
Lieutenant Governor  
State of Texas  
State Capitol, Room 2E.13  
Austin, Texas 78701

The Honorable Joe Straus  
Speaker of the House  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768

Dear Governor Dewhurst and Speaker Straus:

Enclosed is a report completed at my request by the Texas Commission on Environmental Quality (TCEQ). This report evaluates the challenges posed by spent nuclear fuel and other high-level radioactive waste (together "HLW") currently stored on-site at the six Texas nuclear reactors.

In light of recent developments regarding the interim storage and disposal of HLW by the federal government, Texas now faces the very real possibility that it will have to find a solution to the long-term issue of safe and secure handling of this waste. The citizens of Texas — and every other state currently storing radioactive waste — have been betrayed by their federal government after contributing billions of dollars to fund a federal solution for HLW disposal, because a federal solution still does not exist.

Since the U.S. Congress enacted the Nuclear Waste Policy Act in 1982, each state, including Texas, has been assured that the federal government would take possession and provide a disposal solution for any HLW generated within its borders. In 1987, the federal government identified Yucca Mountain in Nevada as being the ultimate disposal option with a completion date in 1998. After extensive litigation, delays and cost overruns, in 2009 President Obama abandoned any further development of Yucca Mountain and Congress ceased all funding in 2011 after more than \$15 billion had been spent characterizing and developing the site.

The Honorable David Dewhurst

The Honorable Joe Straus

March 28, 2014

Page 2

Early in 2013, the U.S. Department of Energy announced that it was developing a new plan to replace Yucca Mountain — estimating that an HLW disposal solution would not be available until 2048. However, in November 2013, the U.S. Court of Appeals for the District of Columbia determined that the federal government has “no credible plan” to dispose of HLW.

2048, or whatever year Washington forecasts that a solution will be provided, is too long to wait.

I believe it is time for Texas to act, particularly since New Mexico is seeking to be federally designated for HLW disposal. The New Mexico proposed site is approximately 50 miles from the Texas border, and we must ensure our citizens are protected. We have no choice but to begin looking for a safe and secure solution for HLW in Texas — a solution that would allow the citizens of Texas to recoup some of the more than \$700 million they have paid toward addressing this issue.

I hope the enclosed report will be sent to the appropriate oversight committees in your chamber. The leadership at TCEQ understands the importance of this issue, and I believe they will be a valued resource as we continue to develop a Texas solution for the long-term resolution of HLW currently residing inside our borders.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry". The signature is written in a cursive, slightly stylized font.

Rick Perry  
Governor

RP:mmp

Enclosure