



WASTECONTROL
SPECIALISTS LLC

May 8, 2012

Robert Wilson,
Chairman
Texas Low-Level Radioactive Waste Disposal Compact Commission
3616 Far West Blvd., Suite 17, #294
Austin, TX 78731

Subject: Import Petitions

- Bionomics, Inc.
- Tennessee Valley Authority (2)
- PerkinElmer Health Sciences, Inc.
- Pacific Gas and Electric Company HBPP
- Exelon Generation Company
- Nebraska Public Power District

Dear Chairman Wilson:

Waste Control Specialists LLC (“WCS”) would like to provide our input and comments to the Texas Low-Level Radioactive Waste Disposal Compact Commission (“Commission”) on the subject import applications. The applications are from three different types of generators: brokers, small quantity generators and utilities. Upon our review of the applications, it appears that the Commission has been presented with good cross section of real examples, depicting the types of waste and generators that may be interested in utilization of the Compact Waste Facility.

Each subject applicant has contracts in place with WCS for the disposal of these wastes. The contracts will be reviewed by TCEQ pursuant to applicable law; however, WCS believes that the contracts meet all necessary requirements for approval. Additionally, each applicant has been approved under the required WCS generator certification program and undergone training on the waste acceptance requirements of the CWF. The wastes included in the import applications have also been initially screened for compliance with the WCS license. Therefore, all of the subject applicants are positioned to ship waste to WCS soon after authorization for importation is received. We believe this is a very important factor that the Commission should consider in order to maximize the revenue to Texas as early as possible after the CWF is open for disposal operations.

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We will also note that several applications request a multi-year authorization. This is to allow the applicants to have certainty and to properly plan their waste generating activities safely, under appropriate radiation safety programs, and budgets. In some situations, the generators may plan years in advance.

We understand that the State of Texas wants to import as much LLRW as possible to maximize its revenues while staying within the statutory limits allowed for the first year of operations. However, advance planning is critical as there is a shortage of casks to transport Class B/C resins. To ensure the best chance for success, WCS plans to use our license for storage of waste to better management receipts and ensure revenue for the State is maximized while staying within the statutory limits. In this manner, WCS can receive waste shipments in case a shortfall in the expected amount of waste exists near the end of the first year of operations. Once approved for import, there would be no delay in shipping and ensure the best utilization of the statutory limits.

WCS encourages the Commission to consider a reserve volume and activity for small quantity generators. Specifically, in addition to the Perkins Elmer petition quantities, our analysis demonstrates a potential need for about 5,000 cubic feet and 5,000 curies per year.

The Commission could approve all of the import applications as requested and allow WCS to manage import allocations for disposal as WCS has better visibility regarding revenue, readiness to ship, available capacity under the legislative limits and other aspects than anyone else. The Commission could also provide terms in multi-year import agreements that allocations between years can be managed by WCS, as long as the legislative amounts are not exceeded in any individual year.

If the Commission determines it necessary to constrain approvals to the annual legislative amount, our recommendation for each individual petition is below.

WCS supports the applications for Bionomics and PerkinElmer without any changes. We also support the Tennessee Valley Authority ("TVA") application for resins and Pacific Gas and Electric Company (PG&E) application without any changes. We do suggest that the TVA application for irradiated hardware be limited to 150,000 curies as the activity is estimated and conservative, when detail characterization is complete the actual shipments may be closer to 150,000 curies than the 200,000 curies as requested by TVA. The Exelon and Nebraska applications include multiple years and we recommend only a portion of those in the first year.

We have attached to this letter a summary of the effect on the first year. Please note that the result is approximately 32,000 cubic feet and 41,000 curies to be allocated to subsequent generators (beyond the small quantity generator reserve).

WCS anticipates additional importation applications from other generators will be received. We also anticipate that the nature of those applications will be similar to these applications and that the amount of curies will be the most limiting factor to consider.

I appreciate the opportunity to provide input to the Commission. If you have any questions, please do not hesitate to call me at (972) 450-4235.

Sincerely,



Rod Baltzer
President

Cc Milton B. Lee II, Commissioner, Vice Chair, TLLRWD Compact Commission
Peter Bradford, Commissioner, TLLRWD Compact Commission
The Honorable Richard H. Dolgener, Commissioner, TLLRWD Compact Commission
Eric J. Doyal, Commissioner, TLLRWD Compact Commission
Linda Morris, Commissioner, TLLRWD Compact Commission
John M. Salsman, Commissioner, TLLRWD Compact Commission
Richard Saudek, Commissioner, TLLRWD Compact Commission

WCS Recommended Import Allocation

As of: May 8, 2012

Allowable Quantities	<u>Cubic Feet</u>	<u>Curies</u>
Maximum Allowed - First Year	50,000	220,000
Set Aside for Small Generators	5,000	5,000
Remainder for Other Generators	<u>45,000</u>	<u>215,000</u>

<u>Small Quantity Generators</u>	<u>Cubic Feet</u>	<u>Curies</u>
Set Aside for SQGs	5,000	5,000
<u>SQG Import Applications Submitted:</u>		
Bionomics	280	280
Remaining Set Aside	<u>4,720</u>	<u>4,720</u>

<u>Import Applications Submitted by Other Generators</u>	WCS Recommendation For Year One*			
	<u>Cubic Feet</u>	<u>Curies</u>	<u>Cubic Feet</u>	<u>Curies</u>
PerkinElmer Health Sciences	378	15,188	378	15,188
Tennessee Valley Authority #1	1,100	200,000	1,100	150,000
Tennessee Valley Authority #2	6,000	2,000	6,000	2,000
Pacific Gas & Electric Company	1,147	732	1,147	732
Exelon Generation Company	13,000	37,000	3,000	4,500
Nebraska Public Power (resins)	840	5,520	840	840
Nebraska Public Power (hardware)	2,222	137,880	-	-
Total Requested	<u>24,687</u>	<u>398,320</u>	<u>12,465</u>	<u>173,260</u>
Remainder for Nebraska Hardware and Other Generators	<u>20,313</u>	<u>(183,320)</u>	<u>32,535</u>	<u>41,740</u>

* Assumes Year One is from April 27, 2012 to April 26, 2013.