



June 10, 2012

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

References: (1) Letter to Robert Wilson dated May 8, 2012, Subject: Import Petitions
Subject: Import applications for review at the June 29, 2012 Compact Commission meeting

Dear Chairman Wilson,

In addition to the comments documented in the letter referenced above, Waste Control Specialists LLC (WCS) would like to provide input and comments for the following import applications and agreements that were received prior to June 1, 2012 and after the May 8, 2012 letter was issued that are included in the list of applications for review on June 29, 2012:

- Studsvik Processing Facility Erwin, LLC
- Thomas Gray & Associates/Environmental Management & Controls
- Zion Solutions
- Ecology Services, Inc.

WCS recommends that the Commission approve all of the import applications as requested and allow WCS to manage receipts and the volume and activity legislative caps for disposal as WCS has better visibility regarding revenue, readiness to ship, available capacity under the legislative limits and other aspects than anyone else. We understand that the State of Texas wants to import as much LLRW as possible to maximize revenues while staying within the statutory limits. The Commission could provide "additional terms" under its rules providing first year allocations with the provision that adjustments within the overall approval can be implemented between the Generator and WCS during the first year. We believe approval of all importation applications as requested is the best way to achieve this.

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Comments for the importation application and agreement for Pacific Gas and Electric Company (PG&E) HBPP were included in the May 8, 2012 letter. Since that time, the Southwestern LLRW Commission Compact has issued an approval to PG&E to export waste to WCS for disposal. A copy of that approval is attached for your reference.

Specific to the Studsvik application, they have listed themselves as both a generator and licensed waste processor. WCS believes that under the applicable definitions, Studsvik is a licensed waste processor and not a generator, which specifically excludes a person who arranges for collection, transport, management, treatment, storage or disposal of waste. WCS recommends that the Commission approve the Studsvik application as a licensed waste processor.

To varying degrees, waste profiles for each type of wastes listed in the importation applications are in the review process, according to required license requirements, under the Waste Acceptance Process. All of the wastes included in the import applications have been initially screened for compliance with the WCS license and anticipated to comply with the WCS license when ready to ship. Final acceptance cannot be fully implemented until arrival and final inspection by TCEQ. All actions, including profile approval, notifications, and scheduling will be implemented to assure acceptance at the time of receipt. Therefore, the subject applicants are well positioned to ship waste to WCS soon after authorization for importation is received.

If the Commission determines it necessary to constrain approvals to the legislative annual caps, our recommendation for each individual petition is as follows. WCS continues to encourage 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.

WCS supports the applications of Ecology Services, Inc. Thomas Gray, and Studsvik Processing Facility without any changes in volume or activity. As with other applicants for multiple years, WCS supports ZionSolutions for a portion of that requested.

WCS continues to 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.

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We have attached to this letter a summary of the effect on the first year. 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

Attachments:

- (1) Importation Recommendation Summary Update June 1, 2012
- (2) Letter to Robert Wilson dated May 8, 2012, Subject: Import Petitions
- (3) Petition for Exportation of Low-Level Radioactive Waste (LLRW) to Waste Control Specialists, LLC (WCS) Facility, Andrews, Texas-Pacific Gas and Electric, Humboldt Bay Power Plant

WCS Recommended Import Allocation

As of: June 1, 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	500	500
Ecology Services	45	100
Thomas Gray	75	30
Remaining Set Aside	<u>4,380</u>	<u>4,370</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	1,800	1,800
Nebraska Public Power (resins)	840	5,520	840	840
Nebraska Public Power (hardware)	2,222	137,880		
Studsvik	4,211	26,000	4,211	26,000
ZionSolutions	5,052	64,000	2,500	18,000
Total Requested	<u>33,950</u>	<u>488,320</u>	<u>17,976</u>	<u>214,560</u>
Remainder for Other Generators	<u>11,050</u>	<u>(273,320)</u>	<u>27,024</u>	<u>440</u>

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