

Studsvik

Via Electronic and Certified Mail

Texas Low-Level Radioactive Waste
Compact Commission
3616 Far West Blvd., Suite 117, #294
Austin, TX 78731

Charles Maguire
Radioactive Materials Division
Texas Commission on Environmental Quality
12100 Park 35 Circle, Bldg. F
Austin, TX 78753

Re: Studsvik Import Application

Ladies and Gentlemen:

In accordance with 31 TAC §675.23 Studsvik hereby submits its application for importation of nonparty low-level radioactive waste.

Enclosed in support of the application are the following documents:

- Application for Importation of Nonparty Low-Level Radioactive Waste; and
- Agreement for Importation of Nonparty Low-Level Radioactive Waste into Texas Low-level Radioactive Waste Disposal Compact for Disposal.

In addition to the enclosed documents Studsvik advises the Compact Commission that its facility is located in Tennessee, a member of the Southeast Interstate Low-Level Radioactive Waste Management Compact ("Southeast Compact"). No authorization is required to export waste out of the Southeast Compact.

Studsvik also wishes to advise the Compact Commission that its waste is currently not approved for disposal at the Compact site. WCS has submitted a license amendment to TCEQ to permit disposal of Studsvik's waste. In the event that the license amendment is not approved at the time the Compact Commission considers Studsvik's import application, Studsvik requests that the Compact Commission approve the application subject to approval of the license amendment. Should TCEQ deny the license amendment, Studsvik will immediately withdraw this application.

Studsvik submitted this request to have an opportunity to dispose of Studsvik waste prior to the end of the current fiscal year. Studsvik currently has 25 high integrity containers (each with an external volume of 120 cubic feet) in storage at WCS and could have as many as 10 additional containers shipped to WCS before the end of the current fiscal year.

Please contact the undersigned should you have any questions or should you require any additional information. Studsvik looks forward to approval of its application.

Sincerely,



Lloyd A. Solomon
Member, Board of Managers

cc: Robert Wilson, Chair, Texas Compact Commission (via email)
Rod Baltzer, WCS (via email)

**TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
COMPACT COMMISSION**

APPLICATION FOR IMPORTATION OF NONPARTY LOW-LEVEL RADIOACTIVE WASTE

(NOTE: PURSUANT TO TEXAS HEALTH AND SAFETY CODE, §401.207(j), THIS APPLICATION MUST BE COMPLETED BY APPROPRIATE REPRESENTATIVES OF THE DEPARTMENT OF DEFENSE OR THE GENERATOR OF THE WASTE UNLESS THE GENERATOR IS A SMALL GENERATOR AS DEFINED IN 31 TAC §675.23(o), IN WHICH CASE THE APPLICATION MAY BE SUBMITTED BY AN APPROPRIATELY LICENSED BROKER)

1. Applicant Information:

Entity Name	<u>Studsvik Processing Facility Erwin, LLC</u>
Contact Person	<u>Lloyd A. Solomon</u>
Phone	<u>(404) 497-4903</u>
Email	<u>Lloyd.solomon@studsvik.com</u>
Website address	<u>www.studsvik.com</u>
Business Address	<u>151 T.C. Runnion Road</u> <u>Erwin, TN 37650</u>
Mailing Address	<u>151 T.C. Runnion Road</u> <u>Erwin, TN 37650</u>

Is Applicant:

<input checked="" type="checkbox"/> Generator	<input checked="" type="checkbox"/> Licensed Waste Processor
<input type="checkbox"/> A Broker who is a:	<input type="checkbox"/> Licensed Waste Collector
<input type="checkbox"/> Department of Defense	

Notes:

(1) An appropriately licensed Broker may act on behalf of a Small Generator only if each such generator is identified and written authorization from each such generator is provided as an attachment hereto.

(2) While Department of Defense Regulation 4715.6-R designates the Department of the Army as Executive Agent for disposal of low-level radioactive waste, the Commission will require that any agreement that it enters into in this regard be

signed by both the Department of the Army as Executive Agent and the branch of the military that has generated the waste.

- Generator Type:** Industrial
 Academic/Research
 Medical
 Utility
 Government

Is Applicant the entity responsible for the waste shipment? yes no

If no, please include the name and contact information for the entity responsible for the waste shipment.

Is Waste from a "Small Generator"? yes no

2. Term/Duration from Date of Approval: December 31, 2013

3. Waste proposed for importation.

Waste Volume (Cubic Feet) 4,211 ft³

Waste Radioactivity in Curies 26,000 Ci

Place of origination (State) of waste: Tennessee

Waste description:

Solid metal oxides, spinels, carbonates and aluminates (collectively referred to as "Reformed Residue")

Waste classification (Class A, Class B, or Class C): Class B & Class C

Waste form: stable unstable

Does waste contain any of the following radionuclides, check box(es) and complete blank(s):

C-14 30,000 millicuries (mCi)

- Tc-99 781,000 _____ microcuries (uCi)
- I-129 131,000,000 _____ nanocuries (nCi)
- Depleted Uranium o _____ microcuries (uCi)
- Concentration 2.0 to 16.5 Ci/ft³ (provide units)

Source of generation

Fluid bed steam reforming of spent ion exchange resins and filters
and dry active wastes overfilled with Reformed Residue

4. Is the proposed waste a sealed source?

- No. Yes. Please explain: _____

5. Does Broker and/or Generator(s) have any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) with the Texas Low-Level Radioactive Waste Disposal Compact Commission?

- No Yes. Please explain: _____

6. Does Broker and/or Generator(s) have any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) pending with any other regulatory agency with jurisdiction to regulate radioactive material including, without limitation, the Texas Commission on Environmental Quality (TCEQ)?

- No Yes. Please explain: _____

7. **Certifications.** Applicant hereby certifies the following.
- a. The information provided herein is complete, accurate and correct.
 - b. The low-level radioactive waste for which this Application is submitted will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the Compact Facility.
 - c. The person submitting this Application is authorized by Applicant to commit Applicant to each and every obligation and condition set forth herein and in the Agreement for Importation of Nonparty Compact Waste. A copy of a written document containing such authorization must be attached to this Application.
 - d. Applicant has delivered to the Compact Facility operator and TCEQ a copy of this Application and the Agreement for Importation of Nonparty Compact Waste (along with any supplements or amendment thereto).

8. **Authorized Signatory:**

Lloyd A. Solomon
Print or type name

Lloyd A. Solomon
Signature

Member, Board of Managers
Title

May 31, 2012
Date

ATTACHMENTS:

(Attachments should include all applicable licenses, authorizations, and other materials needed or useful to fully explain the application.)

**TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
COMPACT COMMISSION**

**Agreement for Importation of Nonparty Low-Level Radioactive Waste
Into Texas Low-Level Radioactive Waste Disposal Compact for Disposal**

This Agreement for Importation of Nonparty Low-Level Radioactive Waste (“Agreement”) is dated June _____, 2012 by and between Studsvik Processing Facility Erwin, LLC, an Illinois limited liability company (“Generator”) and the Texas Low-Level Radioactive Waste Disposal Compact Commission (“Commission”) (collectively the “Parties”).

I. RECITALS

WHEREAS Texas is the host state for the Texas Low-Level Radioactive Waste Disposal Compact (“Compact”), which requires the state to develop a facility for the disposal of low-level radioactive waste generated within the Compact's party states; and

WHEREAS in compliance with the Compact and with state law, the Texas Commission on Environmental Quality (“TCEQ”) issued a license to Waste Control Specialists LLC (“Compact Facility Operator”) to construct and operate a Compact Waste Disposal Facility (“Compact Facility”) in Andrews County, Texas for the disposal of low-level radioactive waste for the Compact; and

WHEREAS the Texas Legislature has authorized the Compact Facility Operator to accept for disposal at the Compact Facility low-level radioactive waste from waste generators located outside of the Compact party states in accordance with the Compact Facility license and to the extent the acceptance of such imported waste does not diminish the disposal volume or curie capacity available to Compact party states; and

WHEREAS Chapter 403, Section 3.05(6) of the Texas Health and Safety Code authorizes the Commission to enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the Compact for management or disposal, provided that the agreement receives a majority vote of the Commission; and

WHEREAS the Texas Legislature has established additional terms and conditions in Chapter 401 of the Texas Health & Safety Code that if satisfied ensure that the importation of low-level radioactive waste will be in the State's public interest; and

WHEREAS Generator has filed an Application for Importation of Nonparty Low-Level Radioactive Waste (“Application”) with the Commission; and

WHEREAS the Commission has processed and considered Generator's Application in accordance with applicable requirements, and a majority of the members of the Commission approved the Application and voted to enter into this Agreement; and

WHEREAS in voting to approve Generator's Application and to enter into this Agreement, the Commission considered all relevant statutory and regulatory considerations, including, but not limited to: (a) the volume, type, physical form, and total activity

(radionuclide-specific activity, if needed) of the waste proposed for importation as identified in the Application; (b) the policy and purpose of the Compact; (c) the economic impact on the Host County, Host State, other party states, the in-compact generators and the Compact Facility operator of entering into this Agreement; (d) whether the Compact Facility operator had obtained authorization from the TCEQ to dispose of the waste described in this Agreement; (e) the effect that approval of this Agreement will have on the Compact Facility's total annual volume and radionuclide-specific activity; (f) existence of unresolved violations pending against Generator with any other regulatory agency with jurisdiction to regulate radioactive material, and any comments by the regulatory agency with which Generator has unresolved violations; (g) any unresolved violation, complaint, unpaid fee, or past due report that Generator has with the Commission; (h) relevant comments received relating to this Agreement; (i) authorization of the Generator to export (if applicable); (j) the projected effect on the rates to be charged for disposal of party waste; (k) whether, by approving this Agreement, the Compact Facility will remain below the applicable annual and total volume and curie capacity disposal limits set forth in Texas Health and Safety Code Section 401.207(b), (e), (e-1) (if applicable), and (f); (l) to the extent applicable, compliance with the rules related to commingling adopted by TCEQ in coordination with the Commission pursuant to Texas Health and Safety Code, Section 401.207(k); and (m) other factors that the Commission has deemed relevant to carry out the policy and purpose of the Compact.

II. Representations and Acknowledgements

WHEREAS The Generator represents and acknowledges the following:

- A. The generator has disclosed in its Application for Importation the existence of unresolved violations pending against the applicant with any other regulatory agency with jurisdiction to regulate radioactive material.
- B. The generator has disclosed in its Application for Importation the existence of any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) that the applicant has with the Commission.
- C. The generator has disclosed in its Application for Importation the existence of any unresolved violation(s), complaint(s), unpaid fee(s), or past due reports that the applicant has with any other regulatory body, including, without limitation, the TCEQ.
- D. The generator acknowledges that a misrepresentation with respect to an item listed in A, B, or C may result in the cancellation of the agreement.
- E. The generator acknowledges the obligation to report immediately to the Commission any allegation of the violation of any law, rule or regulation related to the storage, shipment or treatment of any form of radioactive material.
- F. The generator acknowledges the right of the Commission to audit or cause to be audited compliance with this Agreement. Such audits shall occur with at least 5 business days notice to the Generator. Audits shall be conducted in a manner that does not disrupt ongoing operations of the Generator and Commission representatives conducting the audit shall at all times conform to applicable site rules when on Generator's site.
- G. Generator agrees to comply to the extent applicable with the rules related to commingling adopted by the TCEQ in coordination with the Commission pursuant to Texas Health and Safety Code, Section 401.207(k).

- H. The generator affirms that no waste of international origin shall ever be included in the materials to be imported to the Compact facility.
- I. The generator certifies that the waste acceptance criteria promulgated by TCEQ will be met for the proposed waste importation.

III. AGREEMENT

NOW, THEREFORE, in the exercise of its authority under Chapter 403 of the Texas Health and Safety Code, the Commission hereby authorizes the importation of Generator's nonparty low-level radioactive waste, in the form and amounts described below ("Generator's Nonparty Compact Waste"), subject to the following terms and conditions.

- A. This Agreement shall remain in effect from its effective date through December 31, 2013 unless amended by agreement of the Parties, or revoked by the Commission prior to importation.
- B. Generator agrees to comply with Chapter 403, Section 8.03 of the Texas Health and Safety Code and shall be liable for its own acts, omissions, conduct, and relationships in accordance with applicable law.
- C. The Commission may, on its own motion or in response to a petition by the Generator for amendment of this Agreement for which prior written notice has been given to Generator and the Compact Facility Operator, revoke this Agreement, or add or delete requirements or limitations to this Agreement, provided that the Commission provides a reasonable time to allow the Generator and the Compact Facility Operator to make the changes necessary to comply with any additional requirements imposed by the Commission:
- D. This Agreement is not assignable or transferable to any other person.
- E. This Agreement is subject to receipt by the Compact Facility Operator of written certification from the TCEQ, prior to the acceptance of Generator's Nonparty Compact Waste, that the waste to be imported is authorized for disposal under the Compact Facility licensee.
- F. The applicant agrees to comply to the extent applicable with the rules related to commingling adopted by TCEQ in coordination with the Commission pursuant to Section 401.207(k), Texas Health and Safety Code
- G. The waste is described below:

Waste Volume (Cubic Feet)	<u>4,211 ft³</u>
Waste Radioactivity in Curies	<u>26,000 Ci</u>
Place of origination (State) of waste:	<u>Tennessee</u>
Waste description:	<u>Solid metal oxides, spinels, carbonates and aluminates</u>

Waste classification (Class A, Class B, Class B and Class C or Class C):

Class B&C

Waste form

Stable

Unstable

Does waste contain any of the following radionuclides, check box(es) and complete blank(s);

<input checked="" type="checkbox"/>	C-14	<u>30,000</u>	millicuries (mCi)
<input checked="" type="checkbox"/>	Tc-99	<u>781,000</u>	microcuries (uCi)
<input checked="" type="checkbox"/>	I-129	<u>131,000,000</u>	nanocuries (nCi)
<input type="checkbox"/>	Depleted Uranium		microcuries (uCi)
<input checked="" type="checkbox"/>	Concentration 2.0 to 16.5		Ci/ft ³ (provide units)
<input type="checkbox"/>	Source of generation Fluid Bed Steam Reforming of spent Ion exchange resins and filters and dry active waste overfilled with such material		

Studs vik Processing Facility Erwin LLC

BY:

Name

Member, Board of Managers
Title

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

BY: _____

Name

Title