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**Kelly D. Brown**  
*Shareholder*

CRAIN  
CATON  
— & —  
JAMES

A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS  
SINCE 1912

17<sup>TH</sup> FLOOR  
FIVE HOUSTON CENTER  
1401 MCKINNEY STREET  
HOUSTON, TEXAS 77010-4035

Email: [kbrown@craincaton.com](mailto:kbrown@craincaton.com)

May 16, 2016

*Via Federal Express*  
*Via Email: [leigh.ing@tllrwdcc.org](mailto:leigh.ing@tllrwdcc.org)*  
*Via Email: [administration@tllrwdcc.org](mailto:administration@tllrwdcc.org)*

Texas Low-Level Radioactive Waste Disposal Compact Commission  
Attn: Ms. Leigh Ing  
333 Guadalupe St., #3-240  
Austin, Texas 78701

RE: STP-Petition to Export Low-Dose Rate Class A Waste for Disposal

Dear Ms. Ing:

Please see attached export petition and related documents, submitted on behalf of STP Nuclear Operating Company.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

CRAIN, CATON & JAMES, P.C.

By:

  
\_\_\_\_\_  
Kelly D. Brown

KDB/slm  
Enclosures



South Texas Project Electric Generating Station P.O. Box 289 Wadsworth, Texas 77483

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Texas Low-Level Radioactive Waste Disposal Compact Commission  
Attn: Leigh Ing  
333 Guadalupe St., #3-240  
Austin, TX 78701

Re: Petition to Export Low-Dose Rate Class A Waste for Disposal

Dear Ms. Ing:

Enclosed is STP Nuclear Operating Company's (STPNOC) Petition to Export Class A Low Level Radioactive Waste (<100 mr/hr contact per manifested container) for treatment and permanent disposal in the non-compact EnergySolutions, LLC facility near Clive, Utah. The permanent disposal of Class A LLRW would occur pursuant to an existing long-term agreement between STPNOC and EnergySolutions. The Petition seeks export authorization for September 1, 2016 through August 31, 2017. STPNOC respectfully requests that this Petition be considered and approved at the upcoming June 30, 2016 Compact Commission meeting. Note that the Petition does not include the volumes of higher dose rate Class A waste, which STPNOC plans to send to WCS for disposal.

Also enclosed is a letter from WCS to the Compact Commission endorsing STPNOC's export of "Low-Dose Rate, Low-Density DAW, and Low-Dose Rate, High-Density Class A LLRW through September 23, 2018." In this letter, WCS explains the financial and other benefits that would be derived by the State of Texas, Andrews County, and WCS, if the Petition is approved. STPNOC would like to continue utilizing EnergySolutions for processing, volume reduction, and disposal of low-dose rate Class A waste and maintain its current onsite processes to support the shipments. Shipments of low-dose rate Class A waste to the Compact Facility would require additional onsite process changes, potential increased manpower, and training of personnel to ensure adherence to ALARA and the WCS Waste Acceptance Criteria.

A suggested form of Order Authorizing the Export of LLRW is also enclosed. We would be pleased to provide the Commission with further information upon request. The enclosed Petition is being transmitted to you by electronic mail and Federal Express. Please be so kind as to confirm receipt by return email to me at [cstone@stpegs.com](mailto:cstone@stpegs.com).

Respectfully submitted,

A handwritten signature in black ink that reads "Craig Stone".

Craig Stone, NRRPT  
Radioactive Waste Specialist  
STP Nuclear Operating Company

Enclosures: Petition, Order, WCS Letter of Support

**TLLRWDC §675.21—EXPORTATION FORM**

**TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION PETITION FOR EXPORTATION OF NON-PARTY LOW-LEVEL RADIOACTIVE WASTE. THIS PETITION MUST BE COMPLETED BY APPROPRIATE REPRESENTATIVES OF THE DEPARTMENT OF DEFENSE, THE GENERATOR, OR A BROKER.**

**I. Petitioner Information:**

Entity Name: STP Nuclear Operating Company (STPNOC)

Contact Person, Title: Craig Stone, Radwaste Specialist

Phone: 361-972-7186

Email: cstone@stpegs.com

Website: N/A

Business Address: FM 521, 8 miles West of Wadsworth

Wadsworth, Texas 77483

\_\_\_\_\_

Mailing Address: P.O. Box 289

Wadsworth, Texas 77483

\_\_\_\_\_

\_\_\_\_\_

Is applicant:

Generator

Broker

Department of Defense

**II. Generator Specifications:**

A. Generator type:

- Industrial
- Academic/Research
- Medical
- X Utility
- Government

**III. Export Permit Period:**

Export petitions generally will be granted to expire on August 31 (that is, the end of the Compact's fiscal and operating year). If you are seeking a term that would extend over more than one fiscal year, please explain the unusual circumstances that would justify a deviation from this principle?

September 1, 2016 to August 31, 2017

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**IV. Waste proposed for exportation:**

Waste Volume (Cubic Feet): 20,592

Waste Radioactivity (Curies): 0.61

Waste Classification:

- X Class A,
- Class B, and/or
- Class C

If Class B and/or Class C is indicated, provide explanation for cause to export.

N/A

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Name and Location of Proposed Treatment and /or Disposal Facility:

EnergySolutions, LLC Bear Creek Facility, Oak Ridge, TN / EnergySolutions, LLC's non-compact, commercial facility near Clive, UT

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Approximate Date of Proposed Exportation (if known):

Periodically, during petition term.

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Waste Description: Low Level Class A, Bulk Dry Active Waste

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Justification for Exportation: Both STPNOC and WCS agree that if the Petition is approved, the State of Texas and WCS will derive financial and other benefits. STPNOC would like to continue to utilize EnergySolutions for processing, volume reduction, and disposal of low-dose rate Class A waste and maintain its current onsite processes to support the shipments. Shipments of low-dose Class A waste to the Compact Facility would require additional onsite process changes, potential increased manpower, and training of personnel to ensure adherence to ALARA and the WCS Waste Acceptance Criteria.

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**V. Compliance**

Does Petitioner 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 and attach applicable documents.

Does Petitioner have any unresolved violation(s), complaint(s), unpaid fee(s), or past due reports associated with radioactive waste receipt, storage, handling, management, processing, or transportation 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 and attach applicable documents.

**VI. Certifications**

Petitioner hereby certifies\* the following:

The information provided herein is complete, accurate, and correct.

The low-level radioactive waste for which this Export Petition is submitted will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the proposed disposal facility.

If a Broker is submitting this petition on behalf of the Petitioner, the Broker hereby certifies\* the following:

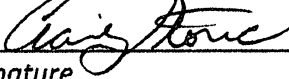
The Broker submitting this Export Petition is authorized by the Petitioner to act on behalf of the Petitioner related to this Permit for Exportation of In-Compact waste. A copy of written documentation containing such authorization is attached to this Export Petition.

\* If any box is left unchecked, the Commission will assume that requirement was not met.

**VII. Authorized Signatory:**

Craig Stone

Print or type name



Signature

Radwaste Specialist

Title

05-16-16

Date

**VIII. ATTACHMENTS:**

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

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

**Order Authorizing the Export of Waste**

**STP Nuclear Operating Company**

On or about May 16, 2016 the Texas Low-Level Radioactive Waste Disposal Compact Commission (“Commission”) received from **STP Nuclear Operating Company** (“STPNOC”) a Petition to Export low-dose rate Class A Low-Level Radioactive Waste for permanent disposal (“Petition”) in the EnergySolutions, LLC burial site near Clive, Utah. The Petition was filed pursuant to Section 3.05(7) of the Texas Low-Level Radioactive Waste Disposal Compact and Commission Rule §675.21, Exportation of Waste to a Non-Party State for Disposal, authorizing consideration of such export petitions.

At the Commission’s meeting posted for and held on June 30, 2016, five or more members of the Commission voted to approve the Petition filed by **STPNOC**, on the terms stated in the Petition, subject only to the following terms and conditions:

1. **STPNOC** will supply to the Commission:
  - a. Manifests and/or reports of volume, mass, and activity sent for ultimate disposal that are satisfactory to the Commission.
  - b. Final reconciliation of waste exports during the order period not later than October 31, 2017.
2. The period of the shipment of the waste from the site of generation is authorized as effective from September 1, 2016 through August 31, 2017.

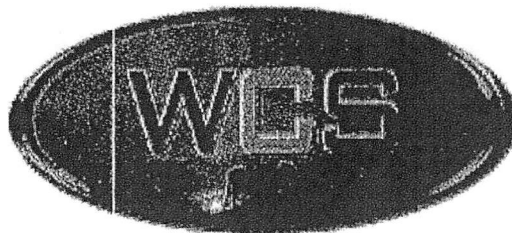
It is hereby ordered that **STPNOC** is authorized to export low-level radioactive waste as requested in the Petition, subject to the terms and conditions as stated in this Order. The Petition is attached to this Order.

Signed this \_\_\_ day of \_\_\_\_\_, 2016.

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Brandon T. Hurley, Chairman  
Texas Low-Level Radioactive Waste Disposal Compact Commission





THE TEXAS SOLUTION

November 8, 2012

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

Subject: Endorsement of South Texas Project to Export Low-Dose Rate, Low-Density DAW  
and Low-Dose Rate, High-Density Class A LLRW through September 23, 2018

Dear Chairman Wilson,

The Compact Waste Facility (CWF), operated by Waste Control Specialists LLC (WCS), is the most robustly designed facility for low-level radioactive waste (LLRW) disposal in the United States. The multiple liner systems, containerization of all LLRW in concrete canisters and filling of void spaces with grout provide an extremely robust solution to high-dose rate and challenging LLRW. These same qualities that are desired and sought out for high-dose rate, Class B and C LLRW also create challenges for low-dose rate (i.e.,  $\leq 100$  mR/hr) Class A LLRW that may not require such robust solutions. The biggest challenge is the economic disposal of low-dose rate, low-density Class A DAW and low-dose rate, high-density Class A LLRW.

In our contract discussions with South Texas Project (STP), it became apparent that WCS was not able to provide an economical solution for their low-dose rate, low-density DAW and low-dose rate, high-density Class A LLRW under our current license conditions and operating restrictions. WCS has a plan on how to become more economical, but it will take some period of time and regulatory approvals for the CWF, which we do not currently have. In order to provide a solution for the higher-dose rate LLRW and allow the continuation of operations as usual at STP, WCS has agreed that STP should export their low-dose rate LLRW until WCS can provide a competitive price.

The benefit to STP is a price that allows them to continue to dispose of Class A low-dose rate LLRW using their normal operating processes. The export of low-dose rate Class A LLRW will allow them to continue to keep their radiation levels as low as reasonable achievable.

Corporate  
5430 LBJ Freeway, Ste. 1700  
Three Lincoln Centre  
Dallas, TX 75240  
Ph. 972-715-9800  
Fx. 972-448-1419

Facility  
P.O. Box 1129  
Andrews, TX 79714  
Ph. 888-789-2783  
Fx. 505-394-3427

Letter to Chairman Wilson  
November 8, 2012

The benefits to WCS and the CWF include more time to become economical for Class A low-dose rate LLRW and that additional volumes will be available for importation. If WCS were required to take the Class A low-dose rate LLRW at current market rates, it could create a financial burden on the CWF. WCS expects that with additional time, an economical solution can be provided to allow STP to dispose of all of their LLRW at the CWF.

With the export of low-dose rate, low-density DAW and low-dose rate, high-density Class A LLRW, there will be more volumes available for importation. The imported LLRW is disposed of at prices above the maximum rate for Compact LLRW and this may allow for additional importation and a better revenue mix for the CWF. Higher revenues at the CWF benefit not only WCS, but the State of Texas and Andrews County as well.

We urge the Compact Commission to approve the export petitions for STP for low-dose rate, low-density DAW and low-dose rate, high-density Class A LLRW. We 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