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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 6, 2005

Mr. Michael L. Woodward
Hance, Scarborough, Wright, Woodward & Weisbart
111 Congress Avenue, Suite 500
Austin, Texas 78701

Dear Mr. Woodward:

We received your letter dated April 29, 2005, in support of the U.S. Nuclear Regulatory Commission's (NRC) proposed approval of Yankee Atomic Electric Company's (Yankee Atomic) request for alternate disposal of decommissioning waste of the Yankee Nuclear Power Station in Rowe, Massachusetts. Based on telephone conversations of May 4, 2005, it is our understanding that the decommissioning waste from Yankee Atomic will not be sent to Waste Control Specialists' (WCS) hazardous waste landfill.

As we have previously stated, state law provides that no person shall dispose of radioactive material unless that person has a license from the Texas Commission on Environmental Quality (TCEQ) or an exemption from the Texas Department of State Health Services (TDSHS). Without a TCEQ license or a TDSHS exemption, WCS cannot dispose of radioactive material in compliance with Texas requirements. The TCEQ continues to have concerns about the disposal of radioactive material in Texas as stated in our April 26, 2005, comment letter to the NRC. These concerns include the NRC's authority to exempt a person from disposal requirements in Texas and the status of decommissioning waste under the Texas Low-Level Radioactive Waste Disposal Compact.

While the specific issue relating to this shipment from Yankee Atomic appears to be moot, we understand that you would like the opportunity to discuss issues pertinent to the regulatory framework for this type of material. We are available to meet to discuss these issues. Please contact me at your convenience at (512)239-6371 to set up a meeting.

Sincerely,

A handwritten signature in cursive script that reads "Susan Jablonski".

Susan Jablonski
Technical Advisor
Agreement State Director
Texas Commission on Environmental Quality

05 MAY 18 PM 3:55

STP

SISP Review Completed

STP-066 Implete
RIDS: SP08

CC: John Hickman, U.S. Nuclear Regulatory Commission
Paul Lohaus, U.S. Nuclear Regulatory Commission
Jack D. Rollins, Yankee Atomic Electric Power Company
Ruth E. McBurney, Texas Department of State Health Services
Bill Dornsife, Waste Control Specialists LLC



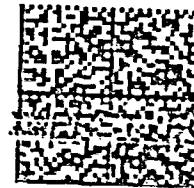
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

MC 122

RETURN SERVICE REQUESTED

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MR PAUL LOHAUS
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