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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,

Handwritten signature of Susan Jablonski in cursive.

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

05 MAY 18 PM 3:55

STP

*SISP Review Completed*

*STP-066 Jimpleto*  
*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



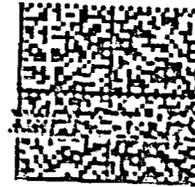
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 P.O. Box 13087  
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