



Luminant

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Luminant Power
Comanche Peak Nuclear Power Plant
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CP-201101518
TXX-11133
October 26, 2011
VIA Email and Regular Mail

Ms. Margaret Henderson
Interim Executive Director
TLLRWDC
3616 Far West Blvd., Suite 117, #294
Austin, Texas 78731

Re: Petition of Luminant Generation Company LLC to Export Class A Radioactive Waste for Treatment and Permanent Disposal

Dear Ms. Henderson:

Enclosed herewith is the Petition of Luminant Generation Company LLC ("Luminant") to Export Class A Low-Level Radioactive Waste for treatment and permanent disposal in the non-compact, EnergySolutions, LLC facility located near Clive, Utah. This permanent disposal would occur pursuant to an existing long-term disposal agreement with EnergySolutions, LLC for low-level radioactive waste from Comanche Peak. The petition only seeks authorization for the disposal of Class A waste for calendar year 2012. Luminant seeks the issuance of the enclosed Order, also filed herewith, for the reasons stated in this letter.

The Waste Acceptance Criteria (WAC) for the Compact Waste Disposal Facility (CWDF) is supposed to be issued as Attachment E to the license issued to Waste Control Specialists (WCS) by the Texas Commission on Environmental Quality (TCEQ). Luminant is aware that the TCEQ staff is presently still working on the WAC and there are future meetings with affected generators and TCEQ staff scheduled for next month. The WAC is to establish all of the requirements for waste generated in Texas and Vermont to be accepted for disposal at the CWDF including, without limitation, requirements for waste characterization, packaging, advance notification of shipment, tracking, transportation, and the release of shipment containers and carriers. Currently Luminant's procedures at Comanche Peak are designed to meet the WAC for the EnergySolutions facility in Utah where Class A waste from Comanche Peak has been disposed of for several years. Luminant anticipates that the WAC for the WCS facility will be substantially different from the procedures that it uses to comply with the WAC for the EnergySolutions facility and, therefore, a reasonable amount of time will be required for Luminant to meet the requirements of the newly issued WAC for the CWDF.

Interim rates for disposal at the CWDF have recently been issued by the TCEQ. Generally speaking, these interim rates are significantly higher than the rates for disposal of Class A waste at the EnergySolutions facility and are also well above the amount budgeted for disposal by Luminant. These interim rates were established pursuant to statute and without any form of contested case hearing or meaningful input from waste generators in Vermont and Texas. Generators thus have not had the opportunity to challenge the prudence and reasonableness of these interim rates, including what we understand to be a 17.5% Return On Equity that is an integral part of those rates. Texas and Vermont generators will only have an opportunity for a contested case hearing on rates at the CWDF after the TCEQ executive director issues a recommendation for maximum disposal rates, which is anticipated to be issued by late this year. Once that recommendation is made, any generator may request a contested case hearing, which the TCEQ will refer to the State Office of Administrative Hearings (SOAH) for the conduct of a contested case hearing. By statute, the SOAH Administrative Law Judge must issue a proposal for decision within one year of taking jurisdiction of the case.



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Luminant believes that this period will likely roughly coincide with the time period of calendar year 2012 for which this export authorization is sought.

Texas statutes now provide that up to thirty percent of the available capacity in the CWDF be reserved for waste generated in states other than Vermont and Texas. Luminant believes that it will be highly advisable for it and other generators to have the option to use commercial processing facilities to reduce the volume of waste prior to disposal in the CWDF in order to preserve the limited capacity in the CWDF that is available to Vermont and Texas generators and to reduce overall disposal costs for Compact generators. Texas statutes require that TCEQ promulgate new rules that will address the use of commercial processing facilities prior to disposal at the CWDF, in particular the issue that is created by the so-called "comingling" of waste from Compact and non-Compact sources. These rules are anticipated to be developed over the next year. Currently, the rules in place generally prevent Compact generators from processing prior to disposal at the CWDF. Again, the development of these rules should roughly coincide with the time period for which Luminant seeks export authorization.

Luminant welcomes the opportunity to explain the need for the export authorization it seeks in greater detail at the Commission's meeting in Austin on November 9, 2011.

I am enclosing with the Petition a suggested form of Order Authorizing the Export of Waste that has been utilized by the Commission in the past. As always, we are available to provide additional information upon request.

Respectfully submitted,

Robert C. Knapp

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Radiation Protection Supervisor

Enclosures: Petition to Export
Order Authorizing the Export of Waste



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Petition to Export Class A Low-Level Radioactive Waste for Treatment and Permanent Disposal

- Petitioner:** Luminant Generation Company LLC (“Luminant”), owner of the Comanche Peak Nuclear Power Plant (“Comanche Peak”), with the principal offices of Luminant located at 500 N. Akard St., Dallas, Texas 75201
- Proposed Disposal Facility:** EnergySolutions, LLC’s, non-compact, commercial facility near Clive, Utah, pursuant to a long-term disposal agreement with EnergySolutions, LLC for low-level radioactive waste from Comanche Peak.

Note: Some waste will require volume reduction processing or treatment at EnergySolutions’ facilities in Tennessee prior to disposal at EnergySolutions facilities in Utah pursuant to the existing agreement.

- Effective Period:** From January 1, 2012 through December 31, 2012.
- Specified Amount:** The table below is an estimate of anticipated volume and waste type that will be shipped during the period of this Petition. The waste quantity provided below represents an untreated and treated waste volume that will be shipped from Comanche Peak. Pursuant to the existing agreement with EnergySolutions, waste treatment decisions, methods and timing occur at EnergySolutions’ discretion to provide optimized cost.

Dry Active Waste ft³	High Dose Class A Waste, Resins and Filters ft³	Total Estimate ft³
15,000	1,400	16,400
	10% Contingency	1,640
	Total petition ft³	18,040

Submitted this 26th day of October 2011

Robert C. Knapp

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