

October 26, 2011

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Ms. Margaret Henderson
Interim Executive Director
TLLRWDCC
3616 Far West Blvd., Ste. 117, #294
Austin, TX 78731

**Re: Petition to Export Class A Low-Level Radioactive Waste for Disposal
Vermont Yankee Nuclear Power Station**

Dear Ms. Henderson:

Enclosed please find a petition (the "Petition") to export Class A low-level radioactive waste ("LLRW") generated at Vermont Yankee Nuclear Power Station ("Vermont Yankee") for permanent disposal in the non-compact, commercial disposal facilities owned and operated by EnergySolutions, LLC near Clive, Utah. Disposal would occur pursuant to an existing long-term disposal agreement between Entergy Nuclear Operations, Inc./Vermont Yankee and EnergySolutions for disposal of Class A LLRW generated at Vermont Yankee.

Vermont Yankee's understanding is that the Compact Waste Facility ("CWF") is expected to be open for commercial operation and accepting compact LLRW for disposal in the coming months. However, Vermont Yankee is requesting authorization from the Compact Commission (the "Commission") to export Class A LLRW for calendar year 2012 for the following reasons.

First, the regulated, interim disposal rates set by the Texas Commission on Environmental Quality (the "TCEQ") are significantly higher than the disposal prices at the EnergySolutions facility near Clive, Utah. Vermont Yankee believes that TCEQ relied on the best information available to TCEQ and that TCEQ did the best job it could in setting the interim disposal rates in light of the short timeframes and competing interests involved. However, Vermont Yankee is concerned that the assumed costs and the rate of return upon which the interim disposal rates have been set have not been adequately vetted. In short, Vermont Yankee does not have an understanding of the assumed costs and the rate of return upon which the interim disposal rates must be based. Thus, Vermont Yankee is concerned that disposal at the interim disposal rates may result in Vermont Yankee paying disposal prices that are later found to be substantially higher than should be required after the opportunity for a contested rate case. As the Commission is aware, every generator has a right to a contested rate case under Texas Health & Safety Code § 401.245 and TCEQ rules at 31 Texas Administrative Code § 336.1309(b). It is hoped that Vermont Yankee will have a better

understanding of the costs underlying the interim disposal rates by the end of calendar year 2012, which is the amount of time requested in the Petition.

Second, Vermont Yankee is concerned that the Commission's commingling rule at 31 Texas Administrative Code § 675.22(c) will limit Vermont Yankee's ability to reduce its disposal costs at the CWF through processing and/or volume reduction. Tools such as processing and/or volume reduction that could otherwise provide generators with an option to reduce costs are especially important given: (i) the comparatively uneconomical costs in the interim disposal rates, and (ii) the need to conserve valuable space in the CWF for compact generators. Vermont Yankee fully understands and agrees with the Commission's intent of the commingling rule, which is to ensure that processing and volume reduction does not create pathway for disposal of non-compact LLRW in the CWF without the proper import authorization from the Commission. However, as LLRW generators and LLRW processors explained during the comment period for the commingling rule, the 5% threshold is not commercially practicable. Thus, Vermont Yankee is not confident that it could use commercially available processing and/or volume reduction techniques without running afoul of the 5% limit in the commingling rule. Vermont Yankee welcomes the opportunity to work with the Commission and the TCEQ in calendar year 2012, which is the requested term of the Petition, on regulatory rules that will establish criteria and thresholds by which incidental commingling of LLRW at a commercial processing facility is considered acceptable, pursuant to Texas Health & Safety Code § 401.207(k).

Third, Vermont Yankee's current process for preparing LLRW for shipment for processing and disposal is based on the technical requirements for disposal at the EnergySolutions facility at Clive, Utah, which is where Vermont Yankee has been legally disposing of LLRW generated at Vermont Yankee since 2008. However, Vermont Yankee has not adjusted its current process in order to meet the technical requirements for disposal at the CWF because the technical requirements for disposal at the CWF have not yet been crystallized in Waste Acceptance Criteria, in guidance documents, or otherwise. Vermont Yankee will need time to change its internal process for preparing LLRW for disposal at the CWF once the technical requirements are finalized, which could take a substantial amount of time.

Enclosed with the Petition is a suggested form of Order Authorizing the Export of LLRW that has been utilized in the past. We are available to provide additional information upon request prior to the Commission meeting on November 9, 2011.

Sincerely,



Derek Seal

Counsel for Vermont Yankee Nuclear Power Station

Enclosures: Petition and Order

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

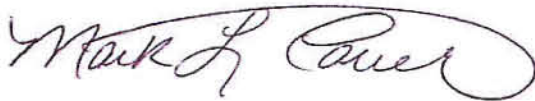
1. **Petitioner:** Vermont Yankee Nuclear Power Station, an affiliate of Entergy Nuclear Operations, Inc., with principal offices of Entergy Nuclear Operations, Inc. located at 440 Hamilton Ave., White Plains, New York 10601.
2. **Proposed Disposal Facility:** EnergySolutions, LLC's, non-compact, commercial facility near Clive, Utah, pursuant to long-term disposal agreement between Entergy Nuclear Operations, Inc. and EnergySolutions, LLC.

Note: Some or all 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 contract agreement.

3. **Effective Period:** January 1, 2012 through December 31, 2012.
4. **Specified Amount:** The table below estimates the volume and waste type that will be shipped during the period of this petition. The waste quantity provided below represents an untreated waste volume that will be shipped from Vermont Yankee Nuclear Power Station. Pursuant to the existing contract with EnergySolutions, waste treatment decisions, methods and timing occur at EnergySolutions' discretion to provide optimized cost.

Dry Active Waste ft ³	Class A Resins and Filters ft ³	Total Estimate ft ³
26,000	2,700	28,700
	10% Contingency	2,870
	Total petition ft ³	31,570

Submitted this 26th day of October 2011



Mark Carver
Entergy Services, Inc.
Manager, Fleet Radwaste

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

Order Authorizing the Export of Waste for

Vermont Yankee Nuclear Power Station/Entergy Nuclear Operations, Inc.

On or about October 26, 2011 the Texas Low-Level Radioactive Waste Disposal Compact Commission ("Commission") received from Vermont Yankee Nuclear Power Station/Entergy Nuclear Operations, Inc. ("Vermont Yankee") a Petition to Export Class A Low-Level Radioactive Waste for Permanent Disposal (the "Petition") in the EnergySolutions, LLC, facility located near Clive, Utah. The Petition was filed pursuant to Section 3.05(7) of the Texas Low-Level Radioactive Waste Disposal Compact and the Commission resolution dated December 11, 2009 authorizing consideration of such export petitions.

By a [] vote of those present, with [] absent, at the Commission's meeting posted for November 9, 2011, a majority of the members of the Commission approved the Petition filed by Vermont Yankee on the terms stated in the Petition, subject only to the following terms and conditions:

1. Vermont Yankee will supply to the Commission:
 - a. Manifests and/or reports of volume, mass, and activity sent for ultimate disposal which are satisfactory to the Commission.
 - b. Final reconciliation of waste volume concluded not later than 180 days post Order period.
2. The period of the shipment of the waste from the site of generation is authorized as effective from the January 1, 2012 and shall expire at the end of the day on December 31, 2012.

This order supersedes the export authorization issued by the Commission to Vermont Yankee which was effective November 13, 2010.

It is hereby Ordered that Vermont Yankee 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 November __, 2011.

Robert (Bob) C. Wilson, Chair
Texas Low-Level Radioactive Waste Disposal Compact Commission