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CP- 201500666

TXX- 15100

June 30, 2015

Via Email: administration@tllrwddc.org
and Federal Express

Mr. Brandon T. Hurley, Chairman
Texas Low Level Radioactive Waste Disposal Compact Commission
333 Guadalupe Street, No. 3-240
Austin, Texas 78701

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

Dear Chairman Hurley:

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, Energy Solutions, LLC facility near Clive, Utah. The permanent disposal would occur pursuant to an existing long-term disposal agreement with Energy Solutions, LLC for low-level radioactive waste from Comanche Peak. The petition seeks authorization for the disposal of a portion of the Class A waste generated at Comanche Peak for the next state fiscal year of 2016, which will encompass the period September 1, 2015 through August 31, 2016. Luminant seeks the issuance of the enclosed Order, also filed herewith, for the reasons stated in this letter. Luminant respectfully requests that this Petition be placed on the Commission's agenda for the July 30, 2015 meeting.

A contract for disposal of low-level radioactive waste has been entered into between Luminant and Waste Control Specialist, LLC ("WCS") and was approved by the Texas Commission on Environmental Quality on October 22, 2012. Luminant has been disposing its Class B and C low-level radioactive waste ("LLRW"), and a portion of its Class A LLRW, at the WCS Compact Waste Facility ("CWF") in Andrews County, Texas since 2013. However, Luminant is requesting authorization from the Compact Commission (the "Commission") to export low-dose rate, low-density Class A DAW LLRW, and low-dose rate, high-density Class A LLRW, all of which is at or below 100 *mR/hr* ("Low Dose Rate Class A LLRW") on the shipping package. The Low-Dose Rate Class A LLRW is all Class A LLRW generated at Comanche Peak except for high-dose rate Class A resins and high dose rate DAW, which Luminant will ship to the CWF site for disposal. Luminant respectfully states the following for the Commission's consideration in support of this Petition:

(i) WCS supports Luminant's Export Petition. In its letter to the Commission dated November 9, 2012, WCS expresses its strong support of Luminant's export of Low-Dose Rate Class A LLRW. WCS states in that letter that requiring Luminant to dispose of Comanche Peak's Low-Dose Rate Class A LLRW at the CWF could place a financial burden and hardship on the CWF. In short, WCS does not want the Class A waste that Luminant is seeking to export disposed of at the CWF.

(ii) **Economics.** In the WCS letter to the Commission, WCS makes it clear that WCS cannot currently provide an economical solution for Luminant's disposal needs for its low-dose rate, low-density DAW and low-dose rate, high density Class A LLRW under its current license conditions and operating restrictions.

(iii) **Minor Revenue Impacts.** The fee revenue to the State of Texas and to Andrews County, Texas that would otherwise result from the disposal of the Low Dose Rate Class A LLRW that Luminant is asking to export is minimal.

(iv) **Capacity.** Exporting the Low Dose Class A LLRW that would be required to be disposed of under the current WCS license conditions preserves volume capacity at the CWF.

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 July 30, 2015.

Sincerely,



Robert C. Knapp
Comanche Peak Nuclear Power Plant
Radiation Protection Supervisor

Enclosures: Petition to Export
 Order Authorizing Export

Cc: CCS

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

1. **Petitioner:** Luminant Generation Company, LLC (“Luminant”), owner of the Comanche Peak Nuclear Power Plant (“Comanche Peak”), with the principal offices of Luminant located at 1601 Bryan, Dallas, Texas 75201
2. **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.

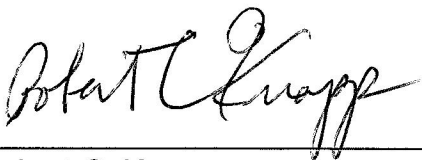
Note: Some waste will require volume reduction processing or treatment at EnergySolutions’ facilities in Tennessee prior to disposal at EnergySolutions facilities in Utah pursuant to the existing agreement.

3. **Effective Period:** From September 1, 2015 through August 31, 2016.
4. **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 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.
5. All low-level radioactive waste (“LLRW”) to be disposed of under this Petition will be low dose rate, low density Class A DAW LLRW, and low-dose rate, high density Class A LLRW, all of which is ≤ 100 mR/hr on the shipping package.

Dry Active Waste ft³

Amount	<u>20,000</u>
10 % Contingency	<u>2,000</u>
Total petition ft ³	<u>22,000</u>

Submitted this 30th day of June 2015



Robert C. Knapp
Comanche Peak Nuclear Power Plant
Radiation Protection Supervisor

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

Order Authorizing the Export of Waste

Luminant Generation Company, LLC-Comanche Peak NPP

On or about June 30th, 2015, the Texas Low-Level Radioactive Waste Disposal Compact Commission ("Commission") received from **Luminant Generation Company, LLC-Comanche Peak NPP** a Petition to Export Class A low-level radioactive waste for permanent disposal ("Petition") in the EnergySolutions 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 the Commission resolution dated December 11, 2009, authorizing consideration of such export petitions.

At the Commission's meeting posted for and held on July 30, 2015, five or more members of the Commission voted to approve the Petition filed by **Luminant Generation Company, LLC-Comanche Peak NPP**, on the terms stated in the Petition, subject only to the following terms and conditions:

1. **Luminant Generation Company, LLC-Comanche Peak NPP** will supply to the Commission:
 - a. Manifests and /or reports of the 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 waste from the site of generation is authorized as effective from September 1, 2015 through August 31, 2016.

It is hereby ordered that **Luminant Generation Company, LLC-Comanche Peak NPP** is authorized to export low-level radioactive waste as requested in the Petition, subject only to the terms and conditions as stated in this Order. The Petition is attached to this Order.

Signed this ____ day of _____, 2015

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