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November 14, 2012

CP-201201394

TXX-12176

Via Email: administration@tllrwddc.org
and regular mail

Mr. Robert C. Wilson, 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 Wilson:

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 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 a portion of the Class A waste generated at Comanche Peak for calendar year 2013. 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 November 30, 2012 meeting.

A contract for disposal of low-level radioactive waste has been entered into between Luminant and Waste Control Specialists, LLC ("WCS") was approved by the Texas Commission on Environmental Quality on October 22, 2012. Luminant is prepared to begin disposal of its Class B and C low-level radioactive waste ("LLRW"), and a portion of its Class A LLRW, at the WCS Compact Waste Facility in Andrews County, Texas during 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 120 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) **Minimal 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 containerized 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 November 30, 2012.

Sincerely,



Robert C. Knapp

Enclosures: Petition to Export
Order Authorizing Export