

November 13, 2012

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**Via e-mail: [administration@tllrwdcc.org](mailto:administration@tllrwdcc.org)**

Hon. Robert C. Wilson, Chairman  
Texas Low Level Radioactive Waste Disposal Compact Commission  
333 Guadalupe St. #3-240  
Austin, TX 78701

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

Dear Chairman Wilson:

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. The timeframe requested is from January 1, 2013 through December 31, 2013. Vermont Yankee is requesting consideration of the Petition at the Commission's November 30, 2012 meeting.

Vermont Yankee is pleased that the Compact Waste Facility ("CWF") is successfully receiving LLRW for disposal from Vermont Yankee. However, Vermont Yankee 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  $\leq 100$  mR/hr ("Low-Dose Rate Class A LLRW"). The Low-Dose Rate Class A LLRW is all Class A LLRW generated by Vermont Yankee except for the high-dose rate Class A resins and high dose rate DAW, which Vermont Yankee is shipping to the CWF for disposal. Vermont Yankee offers the following for the Commission's consideration in support of the Petition:

- (i) **Alleviates a Financial Burden on the CWF Licensee.** In the attached letter from Waste Control Specialists, LLC ("WCS") to the Commission dated October 4, 2012, WCS expresses its support of Vermont Yankee's export of Low-Dose Rate Class A LLRW through August 1, 2018. WCS states in the letter that requiring Vermont Yankee to dispose of Vermont Yankee's Low-Dose Rate Class A LLRW at the CWF could place a financial burden on WCS.

- (ii) **Negligible Revenue Impacts.** Vermont Yankee does not believe that revenue impacts to the State of Texas and to Andrews County based on the Low Dose Rate Class A LLRW that Vermont Yankee is requesting to export would be consequential.
- (iii) **Capacity.** Exporting the Low Dose Rate Class A LLRW that would be required to be containerized under WCS' current license conditions preserves volume capacity of the CWF.
- (iv) **Disposal Options.** Vermont Yankee would appreciate the ability to retain the operational flexibility to dispose of Low Dose Rate Class A LLRW at the EnergySolutions facilities, which has been an option that has historically allowed Vermont Yankee to avoid storing Low Dose Rate Class A LLRW on-site.

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,



Derek Seal  
Counsel for Vermont Yankee Nuclear Power Station

Enclosures: Petition  
Draft Order  
October 4, 2012 Letter from WCS

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

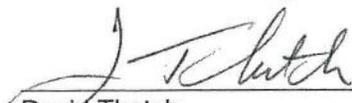
1. **Petitioner:** Vermont Yankee Nuclear Power Station, an affiliate of Entergy Nuclear Operations, Inc., with principal offices of Entergy Nuclear Operations, Inc. located at 440 Hamilton Ave., White Plains, New York 10601.
2. **Proposed Disposal Facility:** EnergySolutions, LLC's, non-compact, commercial 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, 2013 through December 31, 2013.
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.

Low-Dose Rate, Low Density Class A Dry Active Waste ft <sup>3</sup> (≤ 100 mR/hr)	Low-Dose Rate, High-Density Class A LLRW ft <sup>3</sup> (≤ 100 mR/hr)	Total Estimate ft <sup>3</sup>
12,330	4,110	16,440
	10% Contingency	1,644
	Total petition ft <sup>3</sup>	18,084

Submitted this 12 day of November, 2012.

  
 \_\_\_\_\_  
 David Tkatch  
 Radiation Protection Manager  
 Entergy, Vermont Yankee

**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 November 13, 2012 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 ("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 30, 2012, 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 January 1, 2013 and shall expire at the end of the day on December 31, 2013.

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 \_\_\_\_\_, 2012.

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



October 4, 2012

Robert Wilson  
Chairman  
Texas Low-Level Radioactive Waste Disposal Compact Commission  
3616 Far West Blvd., Suite 17, #294  
Austin, TX 78731

Subject: Endorsement of Vermont Yankee to Export Low-Dose Rate, Low-Density DAW and Low-Dose Rate, High-Density Class A LLRW through August 1, 2018

Dear Chairman Wilson,

The Compact Waste Facility (CWF), operated by Waste Control Specialists LLC (WCS), is the most robustly designed facility for low-level radioactive waste (LLRW) disposal in the United States. The multiple liner systems, containerization of all LLRW in concrete canisters and filling of void spaces with grout provide an extremely robust solution to high-dose rate and challenging LLRW. These same qualities that are desired and sought out for high-dose rate, Class B and C LLRW also create challenges for low-dose rate (i.e.,  $\leq 100$  mR/hr) Class A LLRW that may not require such robust solutions. The biggest challenge is the economic disposal of low-dose rate, low-density Class A DAW and low-dose rate, high-density Class A LLRW.

In our contract discussions with Vermont Yankee, it became apparent that WCS was not able to provide an economical solution for their low-dose rate, low-density DAW and low-dose rate, high-density Class A LLRW under our current license conditions and operating restrictions. WCS has a plan on how to become more economical, but it will take some period of time and regulatory approvals for the CWF, which we do not currently have. In order to provide a solution for the higher-dose rate LLRW and allow the continuation of operations as usual at Vermont Yankee, WCS has agreed that Vermont Yankee should export their low-dose rate LLRW until WCS can provide a competitive price. Thus, WCS strongly encourages the Compact Commission to allow Vermont Yankee to export low-dose rate, low-density DAW and low-dose rate, high-density Class A LLRW until August 1, 2018. This timeframe will give Vermont Yankee certainty for long-term budgeting and long-term planning, and will allow

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Letter to Chairman Wilson  
October 4, 2012

Vermont Yankee to continue to dispose of Class A low-dose rate LLRW using their normal operating processes.

The benefits to WCS and the CWF include more time to become economical for Class A low-dose rate LLRW and that additional volumes will be available for importation. If WCS were required to take the Class A low-dose rate LLRW at current market rates, it could create a financial burden on the CWF. WCS expects that with additional time, an economical solution can be provided to allow Vermont Yankee to dispose of all of their LLRW at the CWF.

With the export of low-dose rate, low-density DAW and low-dose rate, high-density Class A LLRW, there will be more volumes available for importation. The imported LLRW is disposed of at prices above the maximum rate for Compact LLRW and this may allow for additional importation and a better revenue mix for the CWF. Higher revenues at the CWF benefit not only WCS, but the State of Texas and Andrews County as well.

We urge the Compact Commission to approve the export petitions for Vermont Yankee for low-dose rate, low-density DAW and low-dose rate, high-density Class A LLRW until August 1, 2018. We appreciate the opportunity to provide input to the Commission. If you have any questions, please do not hesitate to call me at (972) 450-4235.

Sincerely,



Rod Baltzer  
President

Cc Milton B. Lee II, Commissioner, Vice Chair, TLLRWD Compact Commission  
Peter Bradford, Commissioner, TLLRWD Compact Commission  
The Honorable Richard H. Dolgener, Commissioner, TLLRWD Compact Commission  
Eric J. Doyal, Commissioner, TLLRWD Compact Commission  
Linda Morris, Commissioner, TLLRWD Compact Commission  
John M. Salsman, Commissioner, TLLRWD Compact Commission  
Richard Saudek, Commissioner, TLLRWD Compact Commission