



Luminant

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CP-202200332
TXX-22073

Via Email administration@tllrwdcc.org

Mr. Brandon T. Hurley, Chairman

Mr. Jeff Mundy, Commissioner

Mr. Stephen Raines, Executive Director

Texas Low Level Radioactive Waste Disposal Compact Commission

919 Congress Avenue, Suite 830

Austin, TX 78701

SUBJECT: Petition of Comanche Peak Power Company LLC to Export Class A Low-Level Radioactive Waste (LLRW) for Treatment and Permanent Disposal for the period beginning September 1, 2022 and ending August 31, 2023

Dear Chairman Hurley:

Attached please find the Exportation Form of Comanche Peak to Export Class A LLRW for treatment and permanent disposal in the non-compact, Energy Solutions, LLC facility near Clive, Utah and the Energy Solutions Bear Creek Facility near Oak Ridge, Tennessee. The permanent disposal would occur under an existing long-term disposal agreement with Energy Solutions, LLC. We also seek issuance of an Order Authorizing The Export Of Waste for the reasons stated in the Exportation Form, as amplified in this letter. We respectfully request that this matter be placed on the Commission's Agenda for the September 29, 2022 meeting in Montpelier, Vermont. The quantity of cubic feet and curies sought in the Exportation Form is 5000 cubic feet and 1 curie of activity.

As we have explicitly stated in previous petitions, this is a conditional request for authority to export. It is our expectation and hope that we would not utilize this export authority. We would export Class A LLRW only in the event that the Operator of the Compact Waste Facility (CWF) is either unable or unwilling to accept Class A LLRW. In that event, and upon giving written notice (via email) to the Chairman, Chair of the Contingency Committee, and Executive Director of the Compact Commission, we would be authorized to export waste without delay under the terms of the Commission's order. Further, we propose that such export authority would cease upon the Commission's determination that the CWF is ready, willing, and able to resume receipt of our Class A LLRW.

Our reasoned justification for this request is as follows:

- An approved export petition would act as a "relief valve," allowing us to effectively reduce our risk and providing us needed regulatory certainty.
- We acknowledge that at its September 16, 2021 meeting, the Compact Commission discussed subsequently approving the export of waste upon the written notification of the contingent event. We note that under this application, we are proposing to export only small amounts of Class A waste (e.g., Dry Active Waste) that is generally associated with refueling or

maintenance outages. We also note that administrative requirements to which the Compact Commission is subject could delay shipment of waste. Full authorization at this time, as proposed, would allow us to react quickly in the unlikely event the CWF becomes unavailable.

- Nothing would preclude the Compact Commission from acting on subsequent *case-by-case* export petitions if the CWF is unavailable for an extended period.

In closing, we again reiterate our support for the Commission's draft rule language that would clearly define "contingency event" and "exigent event" and provide regulatory relief in the export petition process. We further respectfully request that the Commission consider the additional streamlining and efficiency measures for export petitions that are laid out in the comment letter submitted by *Advocates for Responsible Disposal in Texas* on February 28, 2022, and again on July 26, 2022.

Thank you for your consideration. Please do not hesitate to contact me at 254-897-5782 if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Carden', with a large, sweeping flourish extending to the right.

William Carden
Radioactive Waste Coordinator

cc: CCS