



Luminant

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CP-201600457
TXX-16070
May 5, 2016
Via Email: administration@tllrwddc.org
and regular mail

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 2017, which will encompass the period September 1, 2016 through August 31, 2017. 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 June 30, 2016 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 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) **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 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 June 30, 2016.

Sincerely,

Robert C. Knapp

Robert C. Knapp

Enclosures: TLLRWDC 675.21 Exportation Form
Order Authorizing Export

Cc: CCS
Rod Baltzer

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

Order Authorizing the Export of Waste

Luminant Generation Company, LLC-Comanche Peak NPP

On or about May 5th, 2016, 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 rule 675.21, Exportation of Waste to a Non-Party State for Disposal authorizing consideration of such export petitions.

At the Commission's meeting posted for and held on June 30, 2016, 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 exports during the order period not later than October 31, 2017.
2. The Period of the shipment of waste from the site of generation is authorized as effective from September 1, 2016 through August 31, 2017.

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 _____, 2016

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

TLLRWDC §675.21—EXPORTATION FORM

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION PETITION FOR EXPORTATION OF NON-PARTY LOW-LEVEL RADIOACTIVE WASTE. THIS PETITION MUST BE COMPLETED BY APPROPRIATE REPRESENTATIVES OF THE DEPARTMENT OF DEFENSE, THE GENERATOR, OR A BROKER.

I. Petitioner Information:

Entity Name: Luminant Generation Company LLC

Contact Person, Title: Robert C. Knapp, Radiation Protection Supervisor

Phone: 254-897-5999

Email: Robert.knapp@luminant.com

Website: NA

Business Address: Comanche Peak Nuclear Power Plant

6322 North Farm Road 56

Glen Rose, TX 76043

Mailing Address: Comanche Peak Nuclear Power Plant

P.O. Box 1002

Glen Rose, TX 76043

Is applicant:

- Generator
- Broker
- Department of Defense

II. Generator Specifications:

A. Generator type:

- Industrial
- Academic/Research
- Medical
- Utility
- Government

III. Export Permit Period:

Export petitions generally will be granted to expire on August 31 (that is, the end of the Compact's fiscal and operating year). If you are seeking a term that would extend over more than one fiscal year, please explain the unusual circumstances that would justify a deviation from this principle?

September 1, 2016 through August 31, 2017

IV. Waste proposed for exportation:

Waste Volume (Cubic Feet): 18,000

Waste Radioactivity (Curies): 2

Waste Classification:

- Class A,
- Class B, and/or
- Class C

If Class B and/or Class C is indicated, provide explanation for cause to export.

NA

Name and Location of Proposed Treatment and /or Disposal Facility:

Energy Solutions, LLC, Bear Creek Facility, Oak Ridge, TN / Energy Solutions, LLC's, non-compact, commercial facility near Clive, UT.

Approximate Date of Proposed Exportation (if known):

Periodically during petition term.

Waste Description: Class A low dose rate Dry Active Waste.

Justification for Exportation: Pursuant to a long-term disposal agreement with Energy Solutions, LLC for low-level radioactive

waste from Comanche Peak Nuclear Power Plant.

V. Compliance

Does Petitioner have any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) with the Texas Low-Level Radioactive Waste Disposal Compact Commission?

- No.
- Yes. Please explain and attach applicable documents.

Does Petitioner have any unresolved violation(s), complaint(s), unpaid fee(s), or past due reports associated with radioactive waste receipt, storage, handling, management, processing, or transportation pending with any other regulatory agency with jurisdiction to regulate radioactive material including, without limitation, the Texas Commission on Environmental Quality (TCEQ)?

- No.
- Yes. Please explain and attach applicable documents.

VI. Certifications

Petitioner hereby certifies* the following:

- The information provided herein is complete, accurate, and correct.
- The low-level radioactive waste for which this Export Petition is submitted will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the proposed disposal facility.

If a Broker is submitting this petition on behalf of the Petitioner, the Broker hereby certifies* the following:

- The Broker submitting this Export Petition is authorized by the Petitioner to act on behalf of the Petitioner related to this Permit for Exportation of In-Compact waste. A copy of written documentation containing such authorization is attached to this Export Petition.

* If any box is left unchecked, the Commission will assume that requirement was not met.

VII. Authorized Signatory:

Robert C. Knapp

Print or type name

Signature

Radiation Protection Supervisor

Title

5/5/2016

Date

VIII. ATTACHMENTS:

(Attachments should include all applicable licenses, authorizations, and other materials needed or useful to fully explain the Export Petition.)