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USNRCAttn: Rulemaking and Adjudications
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

April 29, 2008 (4:30 pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF*Confirming*
via fax: 301-415-1101

Subject: EnergySolutions, Docket No. 1105711

Ladies & Gentlemen:

The Energy, Technology and Environmental Business Association (ETEBA) is comprised of approximately 180 large and small businesses, providing services to the U.S. Department of Energy (DOE) and its Management and Operating contractors, as well as many other federal agencies across the nation. Many of our companies work in the nuclear waste transportation, treatment, packaging and disposal industry. We are writing to you to provide comments on the notices issued by the U.S. Nuclear Regulatory Commission (NRC) regarding the import/export license applications recently submitted by EnergySolutions.

ETEBA supports nuclear recycling and processing endeavors that result in the re-use of nuclear waste products. These activities often generate net savings to the government on future capital or renovation projects where such material can be re-used. ETEBA also support efforts that make significant reductions in waste volumes disposed through burial. Landfill space used by the nuclear remediation industry is very limited and processing waste to reduce the amount requiring burial conserves this resource.

These are the core issues at question in the EnergySolutions application. Their import license would allow EnergySolutions to import Low Level Radioactive Waste (LLRW) and recyclable metals from Italy, which would be processed at their Bear Creek Facility in Oak Ridge, Tenn. Approximately 1/3 of this material would be recycled for re-use as metal shielding in the nuclear industry. The remaining 2/3 would be processed, reducing the total volume of waste to be disposed to a relatively small amount, approximately eight percent (8%) of the original volume imported. This will be shipped to EnergySolutions' Clive Facility in Utah for disposal as Class A waste.

We have reviewed the responses of EnergySolutions to the questions asked by the NRC, we have personally met with EnergySolutions, and we have discussed this issue with other organizations. Our review found that:

- Only a small fraction (approximately 8%) of the material imported will be disposed in the U.S.
- The processed Italian material shipped to Clive will represent approximately one percent (1%) of the total volume of waste received at the landfill annually.
- The Bear Creek Facility, which employs about 240 people, is already receiving up to 1,200 tons of LLRW and recyclable metals per year from Canada and a lesser amount of metals from the United Kingdom, Germany, and Belgium. These importations have been conducted in accordance with current NRC import/export provisions.
- No radioactive materials will be disposed of in Tennessee. Any U.S. disposal will take place at the LLRW landfill in Clive, Utah. In the unlikely event final waste forms exceed Class A limits and cannot be disposed domestically, they will be returned to the generator in Italy under the associated export license.
- EnergySolutions will have qualified personnel on-site in Italy at the generator site working with the customer on characterization, packaging, and inspection to ensure that all wastes imported to the U.S. meet the requirements of the import license and operating licenses for the Bear Creek and Clive facilities.
- EnergySolutions is a recognized leader in recycling, processing, and disposal of LLRW, a field that is highly regulated and audited.
- The Bear Creek facility has been processing foreign material for at least 12 years. It reportedly provides an economic base of approximately \$100 million to the State of Tennessee.

- Approximately 51,000 radioactive materials shipments in the U.S. have been made without incident, covering more than eight million miles per year.
- EnergySolutions' safety record is exemplary, and in fact was recently approved for consideration in the Tennessee Volunteer Protection Program with program audits scheduled later this year.
- EnergySolutions has recycled over 120 million pounds of radiologically contaminated metals for beneficial re-use since 1993. Recycling programs have avoided disposal of more than 2.4 million cubic feet of waste.
- EnergySolutions' primary metal melt product is a ten-ton shield block used as shielding in high energy physics research facilities such as the Spallation Neutron Source, Fermi Laboratory, Brookhaven National Laboratory, Los Alamos National Laboratory, Thomas Jefferson National Accelerator, and at the Massachusetts Institute of Technology. The use of contaminated steel in this application provides a construction cost savings, but also avoids the introduction of clean steel, which ultimately becomes activated during research operations.

In conclusion, ETEBA supports nuclear recycling and processing endeavors such as this one to reuse nuclear waste products and make significant reductions in waste volumes for disposal. If you should have any questions, please feel free to call me at 865-947-5505.

Sincerely,



Grace Miller
Administrator

cc: The Honorable Phil Bredesen, State of Tennessee
The Honorable Jon Huntsman, Jr., State of Utah
The Honorable Lamar Alexander, Tennessee
The Honorable Bob Corker, Tennessee
The Honorable Lincoln Davis, Fourth District, Tennessee
The Honorable Bart Gordon, Sixth District, Tennessee
The Honorable Zach Wamp, Third District, Tennessee
Mr. Gerald Boyd, Manager, DOE Oak Ridge
Mr. Theodore Sherry, Manager, NNSA Y-12 Site
Mr. Steve McCracken, Asst. Mgr. for Environmental Management, DOE Oak Ridge
Mr. Paul Sloan, Deputy Commissioner, TDEC
Mr. John Owsley, Manager, Oak Ridge Office, TDEC
The Honorable Randy McNally, District 5
The Honorable Dennis Ferguson, District 32
The Honorable Jim Hackworth, District 33
Mr. James O'Conner, Manager, City of Oak Ridge
Ms. Susan Gawarecki, Oak Ridge Local Oversight Committee