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**From:** LEAN007@aol.com  
**Sent:** Thursday, June 05, 2008 5:28 PM  
**To:** Rulemaking Comments  
**Subject:** Fwd: EnergySolutions License Application Nos. IW023 and XW013  
**Attachments:** EnergySolutions License Application Nos: IW023 and XW013

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OFFICE OF SECRETARY  
RULEMAKINGS AND  
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**From:** LEAN007@aol.com  
**Sent:** Thursday, June 05, 2008 5:12 PM  
**To:** Secy  
**Subject:** EnergySolutions License Application Nos. IW023 and XW013

Date: June 5, 2008

US Nuclear Regulatory Commission  
secy@nrc.gov

From: Marylee Orr, Executive Director

Re: EnergySolutions License Application Nos. IW023 (Import) and  
XW013 (Export)

Louisiana Environmental Action Network was founded in 1986 to assist the citizens of Louisiana with their efforts to preserve our natural resources and protect public health. We are a home grown organization having a membership of several thousand individuals and organizations. LEAN's mission is to foster communication and cooperation among individuals and organizations to address the environmental problems of Louisiana. Its goal is to create, maintain, and preserve a cleaner and healthier Louisiana.

EnergySolutions (formerly Envirocare) of Salt Lake City, Utah has applied to the Nuclear Regulatory Commission for licenses to import 20,000 tons of low and intermediate level radioactive contaminated waste from Italy through the ports of New Orleans, Louisiana and Charleston, South Carolina. The Italian waste will come into the ports via ship and be transported to EnergySolutions processing sites at Oak Ridge and Memphis, Tennessee by truck, rail and barge. The transportation corridors from Italy to New Orleans and from New Orleans to Tennessee will travel through 18 of the 64 Parishes (counties) (28% of the Parishes) in the state of Louisiana (Orleans, Plaquemines, St. Bernard, Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Iberville, East Baton Rouge, West Baton Rouge, West Feliciana, Point Coupee, Concordia, Tensas, Madison, East Carroll, and Tangipahoa).

LEAN is extremely concerned about the potential for offloading and transportation accidents which could impact communities and community members in a large portion of Louisiana and in the other states through which the Italian Nuclear Waste will be transported. A transportation accident occurred on June 3rd in New Orleans. Containers of radioactive isotopes used for nuclear stress tests tumbled from a medical transport vehicle during a three-vehicle accident in New Orleans. The radioactive material in the containers fortunately did not leak. However, the containers did spill from the transport vehicle (article attached). This event demonstrates the potential for transportation accidents that could have severe detrimental impacts on community members and the environment.

A ship, barge, truck or train transporting radioactive waste can become a dirty bomb if attacked with anti-tank weapons. Such an attack will distribute radioactive waste from an explosion and fire over a large area. If such an event occurred in a metropolitan area along the transportation route such as New Orleans, the resulting cleanup cost, lost wages and lost business could add up to

billions of dollars. The Nuclear Regulatory Commission has not required EnergySolutions to provide information on terrorism or insurance necessary to cover terrorist attacks.

The citizens of Louisiana and the United States are being asked to accept nuclear waste that Italy does not want to deal with. The application by EnergySolutions to import Low and Intermediate-Level Radioactive Waste from Italy appears to be only a foot in the door. Once the Licenses are approved, the Licenses could be amended basically out of the public view to accept waste from other European countries.

The application for a license to import Italian Nuclear Waste lacks information on how the waste acceptance guidelines will be required to be met in Italy before shipment of the waste to the United States. The Nuclear Regulatory Commission staff questioned EnergySolutions on this and a large number of other topics. EnergySolutions responded that an Italian committee would be formed, which would include one EnergySolutions representative. The decision if waste is unacceptable should be made in Italy prior to shipment of the unacceptable waste to New Orleans or Charleston, followed by transport to Tennessee then back to New Orleans or Charleston on its way back to Italy. The Italian committee is not mentioned in the License application and thus is not an official part of the License application.

During the Nuclear Regulatory Commission review process of the EnergySolutions applications, a large number of questions were asked of EnergySolutions by the NRC in order to clarify and define various aspects of the applications. These responses are not officially in the application and will not be requirements set forth in the License conditions. Such a process that does not require the information to be defined in the License is inappropriate.

LEAN on behalf of the citizens of Louisiana is opposed to issuance of the Radioactive Licenses to EnergySolutions for the import and export of Italian Nuclear Waste. The risk of accidents involving the radioactive waste during shipping, offloading and transpiration activities is too great a risk to the citizens of the state of Louisiana.

### **Radioactive containers fall from truck Uptown; no spill reported**

by The Times-Picayune

Tuesday June 03, 2008, 8:33 AM

Containers of radioactive isotopes used for nuclear stress tests and x-rays tumbled from a medical transport vehicle this morning during a three-vehicle accident near South Claiborne Avenue and Toledano Street, according to a spokesman for the New Orleans Fire Department.

Despite initial concerns, the radioactive material did not spill and all the containers were placed in a separate vehicle, said firefighter Edwin Holmes Jr.

The fire department initially received a call of a "fuel spill" about 7:40 a.m., but once on the scene, learned it involved radioactive materials. The department's hazardous materials unit, a district chief and Engine 38 responded to the call, Holmes said.

By 8:36 a.m. the situation was under control, he said.

The medical transport vehicle, driven by 38-year-old Michael Gleen of Marrero, was traveling north on Toledano when it collided with a Jeep that was headed west on South Claiborne, said New Orleans Police Department spokesman Garry Flot. He identified the driver of the Jeep as 26-year-old Michael Martin of New Orleans.

A third driver, Thomas Maynie, 31, of River Ridge, who attempted to avoid the collision, ran up on a curb but his vehicle was struck by flying debris, Flot said.

Gleen and Martin both suffered minor injuries and were transported to a hospital, Flot said. He said Mayne was not injured.

Martin was cited for careless operation and disregarding a traffic signal, Flot said.

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