

Hearing Docket

From: Phil Gianutsos [PGIANUTSOS@energysolutions.com]
Sent: Monday, June 09, 2008 5:10 PM
To: Hearing Docket
Subject: comments on EnergySolutions application for import, docket 11005711
Attachments: import comment letter.pdf

Attached is a letter with comments concerning EnergySolutions application for a Specific License to import radioactive materials from Italy, Docket 11005711.

Philip Gianutsos, CHP
Radiation Safety Officer
EnergySolutions
Commercial Processing Division
865 220-1478 (office)
865 776-4694 (mobile)

DOCKETED
USNRC

June 11, 2008 (4:07pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Template = Secy -043

Secy-02

Received: from mail2.nrc.gov (148.184.176.43) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.0.751.0; Mon, 9 Jun 2008
17:09:44 -0400

X-Ironport-ID: mail2

X-SBRS: 3.6

X-MID: 16406469

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result: AksCAEI5TUhC7wqZiGdsb2JhbACCPHAEBAQ8gnUw

X-IronPort-AV: E=Sophos;i="4.27,614,1204520400";

d="pdf?scan'208,217";a="16406469"

Received: from esslexchfe1.energysolutions.com (HELO
esslexch1.energysolutions.com) ([66.239.10.153]) by mail2.nrc.gov with
ESMTP; 09 Jun 2008 17:09:43 -0400

Received: from bctnem2.energysolutions.com ([172.16.96.4]) by
esslexch1.energysolutions.com with Microsoft SMTPSVC(6.0.3790.3959);
Jun 2008 15:09:40 -0600

Mon, 9

X-MimeOLE: Produced By Microsoft Exchange V6.5

Content-Class: urn:content-classes:message

MIME-Version: 1.0

Content-Type: multipart/mixed;

boundary="-----_=_NextPart_001_01C8CA75.213AD6FF"

Subject: comments on EnergySolutions application for import, docket 11005711

Date: Mon, 9 Jun 2008 17:09:39 -0400

Message-ID:

<2B3D68F6F4F5F74A8956A44251A79EF8030D635C@bctnem2.energysolutions.com>

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

Thread-Topic: comments on EnergySolutions application for import, docket 11005711

Thread-Index: AcjKdSE7zHQ4f4AjQiWIqgD4u/sNSg==

From: Phil Gianutsos <PGIANUTSOS@energysolutions.com>

To: <hearingdocket@nrc.gov>

Return-Path: PGIANUTSOS@energysolutions.com

X-OriginalArrivalTime: 09 Jun 2008 21:09:40.0960 (UTC) FILETIME=[21F2BE00:01C8CA75]

June 9, 2008

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

EnergySolutions
Docket No. 11005711

Subject: *EnergySolutions*' license application to import Italian waste.

As the Radiation Safety Officer for *EnergySolutions* Bear Creek facility in Oak Ridge, Tennessee, I feel compelled to comment in support of the referenced import license application. There has been considerable opposition to the import, but the arguments are generally without sound technical bases. Some of these objections are addressed below:

1. Radiation exposure to the public from radioactive waste imports is a danger to the public.

Response: Radioactive materials shipments are made everyday, and include radiopharmaceuticals, industrial radiography cameras, and moisture density gauges. All shipments are made following US Department of Transportation (USDOT) regulations. The proposed shipments from Italy will constitute a very small fraction of these routine radioactive materials shipments. Also note that USDOT and international shipping regulations (IAEA TS-R-1) are consistent in terms of packaging specifications and permissible radiation and contamination limits. Transportation of the Italian materials will not result in substantially increased radiation exposure of members of the public.

2. Limited space is available for disposal of domestic low-level radioactive waste and it should be reserved for US generators.

Response: Disposal capacity at *EnergySolutions*' Clive, Utah, facility is sufficient to service the entire U.S. reactor fleet and other domestic generators. Mr. Steve Creamer (*EnergySolutions* CEO) has recently provided to the US House Subcommittee on Energy and Air Quality a detailed explanation of this capacity non-issue and additionally committed to restrict disposal of imported LLRW to < 5% of capacity. It should also be noted that the same groups expressing the need to reserve this "national resource" have also lined up in opposition to expanding Clive's available disposal volume, making their capacity argument disingenuous. In addition, the site is both owned and operated by *EnergySolutions*; given that it is neither Government owned nor regionally sited by Northwest Low-Level Waste Compact, the "national resource" argument fundamentally flawed.

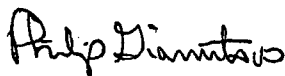
Discussion of capacity for Department of Energy (DoE) wastes has also failed to note the availability of significant disposal capacity at Government locations including the Nevada Test Site (NTS), the Environmental Management Waste Management Facility (EMWMF) site on the Oak Ridge Reservation, and the Environmental Restoration Disposal Facility (ERDF) site at the Hanford. The proposed import and disposal at the Clive facility will not impact environmental restoration activities at DoE sites.

3. The Northwest Interstate Compact Commission has not authorized disposal of international wastes at EnergySolutions' Clive, Utah, disposal site.

Response: The Northwest Interstate Compact Commission has sited its regional disposal facility at Richland, WA. It has also required all Northwest Interstate Compact generators of radioactive waste to dispose of such wastes exclusively at the Richland location. Given the siting and operation of a regional facility, it is not clear that the Northwest Interstate Compact Commission has any regulatory oversight of the EnergySolutions owned and operated Clive site. A request for declaratory judgment from the U.S. District Court in Utah has been filed to resolve this issue.

All of EnergySolutions' facilities have an outstanding safety and compliance record. As an employee at the Bear Creek facility, I am particularly proud of the National Safety Council's Perfect Record Award and the recently achieved Tennessee OSHA Voluntary Protection Programs STAR status. The Italian waste proposed for processing here is identical to materials we have safely and effectively processed for over 20 years and we are undoubtedly the best trained, equipped, and effective facility in the world for such processing. Similarly, the Clive disposal facility has an excellent operating record and sufficient disposal capacity to safely dispose of the proposed Italian waste streams without impacting domestic generators. Opposition to the work has frequently been based upon misperceptions including unsubstantiated claims of undue risks to the public and a shortage of domestic disposal capacity. Protection of the public and maintenance of domestic disposal capacity are laudable objectives, but these objectives do not justify the use of distortion and bad science. I strongly urge the Commission to evaluate the license request on the solely on the basis of facts and peer-reviewed scientific bases.

Sincerely,



Philip Gianutsos, CHP
Health Physicist