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DOCKET NO. 11005711

Hearing Docket

From: Terrell, Megan [TerrellM@ag.state.la.us]
Sent: Tuesday, June 10, 2008 10:59 AM
To: Hearing Docket
Subject: Comments on EnergySolutions' Application
Attachments: La AG Letter to Secretary Vietti-Cook.pdf

Please find attached the State of Louisiana's, through the Office of the Attorney General, comment letter on EnergySolutions' recent application for a license to import low-level radioactive waste from Italy. A hard-copy of this letter was mailed, overnight delivery, yesterday, June 9, 2008; however, out of an abundance of caution, I am hereby submitting an electronic copy as well.

Thank you for your attention to this matter.

Megan K. Terrell
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Civil Division, Environment
Louisiana Department of Justice
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USNRC

June 11, 2008 (4:07pm)

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RULEMAKINGS AND
ADJUDICATIONS STAFF

Template = Secy-043

Secy-02



JAMES D. "BUDDY" CALDWELL
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June 9, 2008

Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Mail Stop O-16G4
Washington, DC 20555-0001

Attn: Rulemakings and Adjudications Staff

Dear Secretary Vietti-Cook:

The Louisiana Department of Environmental Quality ("LDEQ") has requested that the permit application submitted by EnergySolutions, Inc., to import 20,000 tons of Italian Low Level Radioactive Waste ("LLRW") into the United States through the Port of New Orleans, be denied by the Nuclear Regulatory Commission ("NRC"). As the chief legal officer for the State of Louisiana, I have a constitutional and statutory duty to preserve and protect the health, safety, welfare, and legal interests of the citizens of this State. As such, I am writing to you today to join in LDEQ's request that you deny EnergySolutions' permit application.

As LDEQ noted in their comments of June 3, 2008, there is reason for concern that Louisiana will be directly, and potentially adversely, affected by the importation and transportation of foreign LLRW through its borders. The information contained in EnergySolutions' current application is incomplete and leaves many of Louisiana's concerns unaddressed. For instance, has the Utah facility agreed to accept the waste, and if not, what will happen to the LLRW not accepted by the Utah disposal site? Louisiana has reason to be concerned that the waste will sit in our ports until a proper disposal site is found. The Port of New Orleans is the largest inland port in the U.S. and serves as a major hub for the importation and exportation of agricultural products, iron and steel, manufactured products and petrochemicals. Any scenario which proposes that LLRW sit in our port for any period of time presents a threat of a release, and the closing of the Port of New Orleans would be catastrophic to the U.S. economy.

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Ms. Viette-Cook
June 9, 2008

Louisiana is also concerned about the transport of this material through the state. According to EnergySolutions' application, the material will be "transferred by truck, barge or rail to the EnergySolutions' Tennessee facilities." As noted by LDEQ in their comments, it is imperative that the State of Louisiana be more informed of the LLRW transportation process so that we can be prepared to immediately respond in case of an emergency.

Louisiana supports the collaborative effort of states to safely manage and dispose of the country's nuclear waste. However, I am concerned that the granting of the license to import Italy's waste through the Port of New Orleans would pose an unreasonable risk to the environment, health, and safety of the citizens of Louisiana. Because EnergySolutions' application is too broad and nonspecific to ensure a thorough evaluation by the NRC, I must err on the side of caution and request that NRC deny the request for this permit.

I appreciate your consideration of this request. Please feel free to contact me should you have any further questions.

Sincerely,



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

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(148.184.200.145) with Microsoft SMTP Server id 8.0.751.0; Tue, 10 Jun 2008
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Thread-Index: AcjLCngj/hdUzdZyS7W/6hhMWXv/ow==
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