

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, PH.D.
SECRETARY

DOCKET NO. 11005711

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE SECRETARY

2832

June 3, 2008

The Honorable Dale Klein
Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
One White Flint North
Rockville, Maryland 20852

DOCKETED
USNRC
June 11, 2008 (4:07pm)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Chairman Klein:

I am writing on behalf of the Louisiana Department of Environmental Quality (LDEQ) to request 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 a state that will be directly affected by the importation and transportation of this foreign LLRW through its borders, Louisiana's opposition to EnergySolutions' permit application should be thoroughly considered by the NRC in its decision process. EnergySolutions' application is too broad and nonspecific and therefore should be denied.

Considering the nature of the material that would be imported into the state, it is to the benefit of the people of Louisiana that all aspects of EnergySolutions' application be complete and specific. One of our major concerns with the importation of this material is not knowing what would happen to the waste if it is not accepted by the Utah facility for disposal. According to EnergySolutions' application, all LLRW which does not meet the proper classification established by the Utah disposal site would be returned to the generator; however, the application does not specify how, when, or where.

The application also does not indicate what would happen if the generator refused to accept the waste. Would the waste sit in our ports until a proper disposal site is found? We are concerned that if this material is not accepted by Utah, it would become a burden for the state of Louisiana. To our knowledge, Italy does not have disposal facilities for their radiation waste, so there is a possibility they might not accept the waste back.

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Another concern is the review and sorting process for this material prior to importation into Louisiana. According to the application, the review process will occur before the material is shipped to the Tennessee processing facility; however, it does not specify if this review process will occur in Italy or at the Port of New Orleans. If the material is reviewed in Italy, there is a possibility that other categories of waste, besides Class A waste, which is the only type accepted by the Utah disposal facility, could be imported into Louisiana.

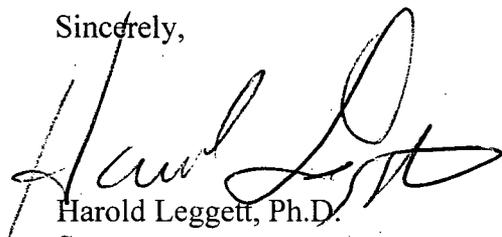
Based on the application there is a possibility that different classes of waste, besides class A, would be imported into the country. This is of concern to LDEQ because we have strict regulations for the transportation of Class B waste; however, we would be unable to regulate it as the Italian waste would all be classified as Class A. If the waste were to be classified in New Orleans, the problem arises as to who incurs the cost of the review and segregation process and if the material is not acceptable, would Louisiana bear the burden of storage and disposal if Italy does not take back the waste.

Finally, LDEQ is concerned as to how this material will be shipped through the state. According to EnergySolutions' application the material will be "transferred by truck, barge or rail to the EnergySolutions' Tennessee facilities." Considering the nature of the material and the uncertainty as to whether the material will be only Class A waste, it is imperative that LDEQ know how and where the waste will be travelling in case of an emergency.

Louisiana understands the need for states to work together to manage and dispose of the country's nuclear waste. We are concerned that the citizens of Louisiana could bear the risks of damage to their health, welfare, economy and environment for the benefit of Italy. We urge the NRC to strongly consider Louisiana's opposition and deny EnergySolutions' request for the permit in question.

Thank you for your time in this urgent matter. Please feel free to contact me should you have any further questions.

Sincerely,



Harold Leggett, Ph.D.
Secretary

c: Bobby Jindal, Governor