

Tennessee Environmental Council ♦ Tennessee Conservation Voters
 Citizens to ENDIT (End Nuclear Dumping In Tennessee) ♦ Friends of the Earth
 Southern Alliance for Clean Energy ♦ Nuclear Watch South
 Tennessee Chapter Sierra Club ♦ Delta Chapter Sierra Club
 South Carolina Chapter Sierra Club
 Radiation Committee Sierra Club ♦ Nuclear Task Force Sierra Club
 Bellefonte Efficiency and Sustainability Team
 American Environmental Health Studies Project, Inc.
 Nuclear Information and Resource Service

DOCKETED
 USNRC

July 22, 2008 (12:40am)

OFFICE OF SECRETARY
 RULEMAKINGS AND
 ADJUDICATIONS STAFF

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION (NRC)
BEFORE THE COMMISSIONERS)

In the Matter of:)	License Nos. IW023 and XWO13
)	Docket No. 11005711 (import)
ENERGYSOLUTIONS)	and No. 11005710 (export)
(Radioactive waste import/export)	
licenses for Italian waste))	July 21, 2008

RESPONSE TO EnergySolutions' RESPONSE to REQUEST FOR HEARING

Our organizations have members who live, work and recreate in vicinity of the EnergySolutions radioactive waste processing facilities in Tennessee and/or along the transport routes from the Port of New Orleans and along routes from EnergySolutions sites that radioactive waste and/or processed radioactive materials will travel. We also have members who live near and/or on route to some of the solid waste landfills that would receive radioactive waste released from regulatory controls at the EnergySolutions sites.

Our organizations and members have clear and vital health, economic and environmental interests that would be affected by approval of the EnergySolutions import/export licenses.

Bringing in nuclear waste from Italy will inevitably increase the amount of radioactivity released into the environment and available to expose those in proximity and downwind and downstream. The NRC relies on the LNT Linear no threshold theory that any additional amount of radiation increases risks to the recipient. The amount of risk from radiation exposure was raised in the last National Academy of Sciences BEIR VII report from 2005. (page 500 prepub copy)

Increasing the amount of waste coming in puts us at increased risk and the risks are unnecessary. Denying the licenses protects us from that risk. The risk it to health and property. Contaminated property values and values along radioactive transport routes can decrease.

In requesting a hearing we seek to gain and share information on how import/export licenses would affect our organizations' and individual members' health and financial interests.

To clarify these interests we are providing declarations of 2 individuals who are also members of our groups who reside near the Memphis and Oak Ridge/Kingston EnergySolutions facilities who have requested the hearing. We are also refer to documentation and reference from the Ports of

New Orleans and Charleston¹ which had been entered into the record raising concerns about whether the ports can or are willing to accept the radioactive waste from Italy based on insurance concerns. The State of Utah has provided documentation indicating that there is no final disposal facility that may accept the waste after it is processed in Tennessee because both Utah and the Northwest Compact have refused to accept the waste into their region and have the authority to do so. Thus, 10 CFR 110.43 (d) is not satisfied.

In addition to the declarations, we have one hearing requester (Tom Clements, Friends of the Earth) who lives approximately one mile off I-26, the obvious route -26, the obvious route from Charleston to Tennessee. Nuclear Watch South has at least one member in Asheville near I-40 members who live in Columbia, SC, again near I-26.

A hearing at which our concerned potentially affected parties and EnergySolutions participate will help clarify how our interests would be affected and seek to answer as-yet- unanswered questions or point our areas where answers are simply not known. This will help NRC make its decision on public health and safety, common defense and security and the consequences of lack of final disposal capacity. A hearing would help identify how the license would affect those issues and the interests of those requesting the hearing including public health and safety, quality of life, economic and financial impacts, property values, security, and safety.

We maintain that the NRC is not charged with protecting the financial viability of any waste disposal and processing company, especially the one with a near- monopoly on "low-level" radioactive waste services in the country. EnergySolutions states that "There is a global marketplace for nuclear services, including waste processing and disposal services, and the viability of U.S. commercial disposal companies is significantly enhanced by participation in this global market. Significant delay in the issuance of this routine import license could establish a climate of regulatory uncertainty that would be detrimental to the viability of the commercial LLRW disposal industry in this country." This has nothing to do with the import at hand as nobody is pushing in this instance to close the disposal site.

We ask that a hearing be held and the licenses be denied.

Nuclear Information and Resource Service
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¹ *In a message from June 3, 2008 to Tom Clements in which he asked if they had submitted comments to the NRC on the Italian waste import issue:*

"The South Carolina State Ports Authority has not submitted comments on this matter as we have nuclear exclusions on all of our insurance policies and therefore do not handle such shipments at our public marine terminals in Charleston."

Byron D. Miller

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Declaration of Steven Sondheim

Re: Request for Hearing On Radioactive waste import/export licenses for Italian waste By EnergySolutions before the US Nuclear Regulatory Commission

**License Application Nos. IW023 and XW013
Docket No. 11005711 (import) and No. 11005710 (export)**

July 21, 2008

I, Mr. Steven Sondheim, hereby declare as follows:

- 1) My name is Steven Sondheim and I am a member of Tennessee Sierra Club and Tennessee Environmental Council, both of which I authorize to request on my behalf a hearing on EnergySolutions import/export licenses IW023 and XW013.
- 2) I live at 271 N Rose Rd, Memphis, Tennessee 38117, approximately 10 miles as the crow flies from the EnergySolutions radioactive waste processing facility at 1790 Dock Street Memphis TN. I regularly run, golf, picnic, fish, and bird watch much closer to the site, especially in Martin Luther King Park which is less than 2 miles from the EnergySolutions location on Presidents Island as the crow flies. My family and I frequent downtown Memphis at Tom Lee Park, the Mississippi River Walk, the South Main Art and Farmer's Market and local downtown restaurants all of which are within 5 miles of the facility.
- 3) I am very concerned that my family and I and the environment where we live and recreate will be harmed by the US Nuclear Regulatory Commission approval of the aforementioned EnergySolutions applications for nuclear waste from Italy. Because I and my family live, eat and play in the area, we are worried by this large increase in the amount of waste (in volume and radioactivity) that would be received and processed, transported in and through the area, and the portions that will be released for unregulated disposal in the North and/or South Shelby landfills.
- 4) I have serious concerns about the additional amount of radioactivity released into the air, water and the ground, directly from both transport and processing (and related activities). I need to be reassured that the increased amount to which my family and I would be exposed will not harm us or future generations. I need to know how the environment where I recreate and live will be impacted, affecting our health and ability to enjoy and continue our recreational lifestyles.
- 5) There is no safe level of exposure to ionizing radiation¹ and there are uncertainties about exposures to both radioactive and hazardous wastes. I am very concerned by the additional radioactive and chemical pollution that would result from approval to import

¹ *National Academy of Sciences, Biological Effects of Ionizing Radiation BEIR VII, June 2005.*

this large volume and amount of radioactivity into my community. Radioactivity is a known cause of cancer and other negative health effects. My wife has asthma, my daughter has allergies, and I am on medicine for an immune disorder. I am concerned that our health will be harmed, especially by radioactivity that can be inhaled and that concentrates in the lungs.

6) If NRC approves the EnergySolutions proposed licenses, large amounts of radioactivity will be brought into Tennessee from Italy. In fact, EnergySolutions claims it needs this license approval to be competitive in the global marketplace, indicating the intent to bring much more in from other countries, once this is approved.

7) If the US Nuclear Regulatory Commission denies these license applications, it will prevent additional radiation releases, exposures and environmental contamination. It will prevent unnecessary, additional radiation and chemical risk to my family and me.

8) I request NRC to deny the applications. That would alleviate my concerns.

9) I request a hearing to learn exactly what will be brought into the Memphis facility, what will be emitted from the Memphis facility and what will be transported and processed here.

10) In conclusion, I am concerned about routine releases and accidental releases of radioactivity from the transport, receipt and processing of the radioactive waste that would come from Italy for to Memphis, Tennessee. This additional amount could expose me to greater risk than operations without the additional of 20,000 tons from Italy with it's potentially and not-clearly-defined amounts of radioactivity.

I declare under penalty of perjury that the foregoing statements of fact are true and correct to the best of my knowledge and that the opinions expressed herein are based on my best judgment.



Steven Sondheim

Sierra Club member

Tennessee Environmental Council member

July 21, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION (NRC)
Docket No. 11005711 (import) and No. 11005710 (export)

Declaration of Ann Pickel Harris

**Re: Request for Hearing
on License Application Nos. IW023 and XW013**

**Radioactive waste import/export licenses for Italian waste
By
Energy Solutions before the
US Nuclear Regulatory Commission
July 21, 2008**

I am Ann Pickel Harris I, Mr. Steven Sondheim, hereby declare as follows:

- 1) My name is Ann Pickel Harris and I am a member of Tennessee Sierra Club and serve at the pleasure of the National Sierra Club on the Nuclear Task Force and Radiation Committee. I am also a member of the Nuclear Information and Resource Service, all of which are requesting a hearing on Energy Solutions import/export licenses, IW023 and XW013.
- 2) I live at 341 Swing Loop, Rockwood, Tennessee 37854, approximately 16 miles directly from the Energy Solutions radioactive waste facility in Kingston, TN and approximately 26 miles from the EnergySolutions facilities on Bear Creek Road in Oak Ridge, TN. My residence is downwind and downstream. I have property that is within 3 and a half miles of Interstate Highway 40 (I-40), 4 miles to US Highway 27 and 1 and a half miles of Tennessee State Highway 58 all of which are transportation routes for nuclear waste to and from the Energy Solutions' facilities. My son, Chris W. Harris and family including wife Shelby, son Christopher W. Harris, II, and Grace E. Harris of 261 Swing Loop Road Rockwood, TN 37854 and my mother, Clara E. Pickel of 221 Pickel Road, Ten Mile TN 37880, all of which live on some of my property that is even closer to the transport routes. They are members of Nuclear Information and Resource Service.
- 3) We have direct interests in the approval or disapproval of the EnergySolutions licenses. Our health and my property would be at increased risk from routine and accidental radiation exposure if the NRC approves the dramatic increase in radioactive material/waste brought into Tennessee from Italy. Both transport and treatment/processing would impact me and my family, our residences and my property.

4) Contamination would greatly reduce the property value which would cause me to suffer a high level of monetary distress. And would render all, or part, of my family's ancestral home uninhabitable for a period of time that would have to be determined at the time of the exposure. In addition, the properties located at the Rockwood, Tennessee address would be determined to be uninhabitable when an accident would happen.

5) We have serious and reasonable concerns that there will be additional radioactivity released into the air, water and directly from both transport and processing (and related activities) if NRC approves the licenses. I believe the increased amount to which I and my family would be exposed would harm us and the environment where we live, affecting our health and livelihoods.

6) Radioactivity is a known cause of cancer, birth defects, reduced immunity and other negative health effects. I am concerned that increasing our exposures to radioactivity will cause and/or exacerbate health problems. The increased potential for contamination from tritium is well known and NRC has admitted that there is no safe level of tritium exposure.

7) We are asking for a hearing to better clarify which activities and how much radioactivity will be brought to and handled at the Kingston facility. None of the listed licenses in the application are for the Kingston site. Therefore, this makes the applications incomplete and the NRC must rule for a hearing.

8) Holding a hearing will help NRC make this decision with wider understanding of the impacts. By holding a hearing, affected individuals and the organizations that represent them can bring concerns about their interests to the table and have the opportunity to obtain answers to the many unanswered questions in the applications.

9) If NRC approves the EnergySolutions proposed licenses, large amounts of radioactivity will be brought into Tennessee from Italy, above that already received by EnergySolutions. In fact, EnergySolutions claims it needs this license approval to be competitive in the global marketplace, indicating the intent to bring much more in from other countries, once this is approved. The NRC is not obligated to help Energy Solutions enhance its participation in the global marketplace. The Energy Solutions statement that NRC should approve its applications so it can be more globally competitive is a clear indicator that EnergySolutions intends to bring in more and more waste from international sources. NRC must make its decision based on public health and safety not the monetary condition and needs of the applicant.

10) Energy Solutions documents are not clear about the exact type and amount of radioactive materials and routine and accidental emissions from transport, burning, metal melting and other processing and handling that will take place. These additional releases and exposures above what is currently being brought in, are a major part of my concern.

11) If the US Nuclear Regulatory Commission denies these license applications, it will prevent additional radiation releases, exposures and environmental contamination. It will prevent unnecessary, additional radiation and chemical risk to me and my family. It will alleviate a significant amount of my financial and monetary concerns about loss of property value life in addition to where I would be forced to provide places for my family to live.

12) NRC should deny the applications and as long as they under consideration, NRC must hold a hearing on them. Denial of the license application would alleviate my stated concerns.

I declare under penalty of perjury that the foregoing statements of fact are true and correct to the best of my knowledge and that the opinions expressed herein are based on my best judgment.

A handwritten signature in cursive script, reading "Ann Pickel Harris". The signature is written in black ink and is positioned above a horizontal line.

Ann Pickel Harris

Sierra Club member

Nuclear Information and Resource Service member

July 21, 2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSIONERS

In the Matter of:)
ENERGYSOLUTIONS) License Nos. IW023 and XWO13
(Radioactive waste import/export) Docket No. 11005711 (import)
licenses for Italian waste)) and No. 11005710 (export)
) July 21, 2008

CERTIFICATE OF SERVICE

I hereby certify that a copy of 14 ORGANIZATIONS' RESPONSE to EnergySolutions' RESPONSE TO our REQUEST FOR A HEARING was served on the persons listed below:

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Served via EIE

Gloria Griffith, WATAUGA Group Sierra Club

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Served via EIE

/Signed (electronically) by/

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Hearing Docket

From: Diane D'Arrigo [dianed@nirs.org]
Sent: Tuesday, July 22, 2008 12:40 AM
To: Emile Julian; Brooke Smith; Hearing Docket; OCAAMAIL Resource; OGCMailCenter Resource; dchancellor@utah.gov; Emile Julian; Rebecca Giitter; gla4797@earthlink.net; Evangeline Ngbea
Cc: Linda Lewis; OCAAMAIL Resource; OGCMailCenter Resource; Christine Pierpoint; Brooke Smith; Tom Ryan; Nancy Greathead; trogers@energysolutions.com; mledoux@energysolutions.com
Subject: 14 group response to ES response to hearing request docket no 110-05711 and 110-05710
Attachments: Declaration_of_Ann_Harris_ES_7-21-09 with sig.pdf; sondheim declaration p 1.JPG; sondheim declaration p 2.JPG; Gp Response to ES Response Italy waste.pdf

The attached response to EnergySolutions with 2 declarations requests NRC to hold a hearing and to reject of the applications.

Due to technical difficulties it is being emailed directly to all parties.

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X-SBRS: 6.2
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d="pdf?jpg'145?scan'145,208,217,145";a="28256624"
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mail1.nrc.gov with ESMTP; 22 Jul 2008 00:33:26 -0400
MailScanner-NULl-Check: 1217305788.15722@hAKHkAGVeLJbi+lxrx2/2w
Received: from mail.nirs.org (70-91-66-1-washington.dc.hfc.comcastbusiness.net
[70.91.66.1] (may be forged)) by outbound2.exchangedefender.com
(8.13.1/8.13.1) with ESMTP id m6M4TQBU007812; Mon, 21 Jul 2008 23:29:33 -0500
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Date: Tue, 22 Jul 2008 00:39:44 -0400
Message-ID: <F843DDD6574AE54384B9A1F257E6B497023CCEB2@nirssrv1.NIRS.local>
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X-MS-TNEF-Correlator:
Thread-Topic: 14 group response to ES response to hearing request docket no 110-05711 and
110-05710
Thread-Index: AcjrtPUQuSV5oZaDQLOlzctEPQvG+Q==
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X-ExchangeDefender-Info: Please contact the ISP for more information
X-ExchangeDefender-VirusScan: Found to be clean
X-ExchangeDefender-From: dianed@nirs.org
Subject: 14 group response to ES response to hearing request docket no 110-05711 and
110-05710
X-Spam-Status: No
Return-Path: dianed@nirs.org