



CD10-0258

September 20, 2010

Mr. Nishka Devaser, Project Manager
Environmental and Performance Assessment Directorate
Division of Waste Management and Environmental Protection
Office of Federal and State Materials and Environmental Management Programs
Mail Stop TWFN 8F5
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: U.S. Nuclear Regulatory Commission Draft Amended Order Modifying
Exemption from 10 CFR 70, Docket No. 40-8989

Dear Mr. Devaser:

EnergySolutions, Inc. has completed its review of the above referenced draft Order. As currently written, Condition 4 of the draft Order would impose significant constraints on disposal operations. We understand that less restrictive constraints are not supported by the current safety analyses prepared by NRC staff. EnergySolutions is not able at this time to provide data regarding the anticipated waste stream that would support revised analyses. As a result, we hereby withdraw our September 29, 2006 request for a change to our authorization to dispose of SNM at the Clive Disposal Facility. It is our intention to refile this request at a later date when the waste stream can be more fully characterized.

Thank you for your attention on this matter. Please call me at 240-565-6148 (email temagette@energysolutions.com) or Mark Ledoux at 801-649-2152 (email mledoux@energysolutions.com) with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Magette".

Thomas E. Magette, P.E.
Senior Vice President
Nuclear Regulatory Strategy

Cc: Mr. Rusty Lundberg, Director, Utah Division of Radiation Control