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68 S. Main St, Suite 400 Salt Lake City, Utah 84101 (801) 355-5055

December 30, 2010

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

Sent via email to hearingdocket@nrc.gov

To Whom It May Concern:

I am writing to oppose EnergySolutions' combined import and export license IW029 and XW018, to import and incinerate 1,000 tons of foreign nuclear waste in Tennessee and ship the resulting ash back to Germany. The import application was made available for public comment in a Federal Register Notice dated November 29, 2010.

I request that the period for public comment be extended an additional 30 to 60 days, or until the following issues have been addressed:

- After incineration, what will be the radionuclide concentration of the resulting ash for all radionuclides of concern? If classified for purposes of disposal, what would the waste classification of the resulting ash be, according to the US low-level waste classification system? And how would this waste be classified under all relevant European and German regulations and laws?
- Have German authorities warranted that all non-conforming nuclear waste and resulting ash will be re-accepted in Germany?
- Have all questions raised by the Nuclear Regulatory Commission (NRC) in a letter dated December 20, 2010 been answered and made available for public review?
- Has the US Department of State opined on whether this import and export application conforms with the Joint Convention on the Safety of Spent Fuel Management and on Radioactive Waste Management?

**DOCKETED
USNRC**

January 3, 2011 (9:20 a.m.)

**OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**

Docket Nos. 110-05896 and 110-05897

Engaging Citizens in the Effort to Protect Public Health from Nuclear and Toxic Waste

Template = SECY-037

DS 03

- Are proper legal, regulatory, and industrial safeguards in place to ensure that no waste--neither ash, nor non-conforming material, nor residual waste-- resulting from the import will be designated as domestic waste?
- Has the Southeast Compact, of which Tennessee is a member, assented to the import?

Although the EnergySolutions site in Clive, Utah, is not identified as a destination for the resulting ash, as was the case with a former application to import and incinerate nuclear waste from Italy, many of the same fundamental objections apply.

Any import of foreign nuclear waste creates additional risks to the health and environment of US citizens. Any country capable of generating nuclear waste should have the technical capability to manage and dispose of this nuclear waste. Apart from the financial gain of EnergySolutions, there appears to be no reasonable benefit incurred to the US and its citizens from the import, transportation, incineration, and re-export of this foreign nuclear waste. Indeed, this proposal only creates additional and seemingly unnecessary risks for US citizens. Surely there are facilities in Germany or in Europe capable of volume reducing this nuclear material.

Until the above questions are addressed, the public cannot fully comment on the proposed import of foreign nuclear waste and these applications cannot, in our judgment, be approved. In the absence of the requested information, the proposed application should be denied.

We note that ten individuals requested an additional 45 days in which to comment on the import/export applications. Although the NRC has approved the requested extension for these ten individuals only, we request that the public comment period be extended for all members of the public who wish to comment.

As you know, a bill that would prohibit the import of foreign nuclear waste passed the US Congress last year with broad bipartisan support. Although this bill failed to pass in the Senate, there is widespread public concern regarding the importation of foreign nuclear waste for handling in this country. We believe an extension of the public comment period would not only allow more information about the import to be made public, but would also allow more time for important public dialogue about the importation of foreign nuclear waste to occur.

Please feel free to contact me directly if you have any further questions or comments.

Sincerely,

Christopher Thomas
Executive Director
HEAL Utah
801-364-5110

Docket, Hearing

From: Christopher Thomas [christopher@healutah.org]
Sent: Thursday, December 30, 2010 3:11 PM
To: rkuyler@morganlewis.com
Cc: Docket, Hearing; Tobin, Jennifer
Subject: Written comments opposing EnergySolutions' import/export request for foreign nuclear waste (IW029/XW018)
Attachments: HealCommentsGermanWaste.pdf; ATT00002..htm

Dear Mr. Kuyler:

I am sending you our written comments opposing EnergySolutions' import/export request for foreign nuclear waste (IW029/XW018).

Sincerely,

Christopher Thomas
Executive Director
801-364-5110
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(148.184.100.43) with Microsoft SMTP Server id 8.2.247.2; Thu, 30 Dec 2010
15:10:43 -0500

X-Ironport-ID: mail2

X-SBRS: 4.1

X-MID: 31758344

X-fn: HealCommentsGermanWaste.pdf

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result:

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d="pdf?scan'208,217";a="31758344"

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with ESMTP; 30 Dec 2010 15:10:42 -0500

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recipients>; Thu, 30 Dec 2010 12:10:42 -0800 (PST)

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Thu, 30 Dec 2010 12:10:41 -0800 (PST)

Return-Path: <christopher@healutah.org>

Received: from [10.0.1.135] (166-70-206-170.ip.xmission.com [166.70.206.170])
by mx.google.com with ESMTPS id z4sm14588294ibg.1.2010.12.30.12.10.34
(version=TLSv1/SSLv3 cipher=RC4-MD5); Thu, 30 Dec 2010 12:10:38
-0800 (PST)

From: Christopher Thomas <christopher@healutah.org>

Content-Type: multipart/alternative; boundary="Apple-Mail-6--247463550"

Subject: Written comments opposing EnergySolutions' import/export request for foreign nuclear
waste (IW029/XW018)

Date: Thu, 30 Dec 2010 13:10:32 -0700

Message-ID: <1577063F-806D-4B27-8971-4F869BC2D5B1@healutah.org>

CC: <hearingdocket@nrc.gov>, <Jennifer.Tobin@nrc.gov>

To: <rkuyler@morganlewis.com>

MIME-Version: 1.0 (Apple Message framework v1082)

X-Mailer: Apple Mail (2.1082)