

Citizens Task Force
P. O. Box 504
Mentone, Alabama 35984

2011 JAN -4 AM 9:00

December 27, 2010

Chief, Rules, Announcements and Directive Branch
Mail Stop: TWB-05-BO1M
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RECEIVED

DOCKETED
USNRC

January 5, 2011 (11:30 a.m.)

Attention: Commission Members

OFFICE OF SECRETARY-
RULEMAKING AND
ADJUDICATIONS STAFF

**RE: EnergySolutions applications IW029 and XW018;
Hearing Docket Numbers 110-05896 and 11-05897**

Docket Nos. 110-05896 and 110-05897

Please accept the following comments in regard to the above application.

1. Because of the Christmas holiday, little information of this plan has become public knowledge in my area. The Public Comment Period ends just before another major holiday and it is doubtful many citizens are aware of the opportunity to make comments. Therefore, I request the Public Comment Period be extended an additional 60 days.

2. The plan to bring in 1000 tons of nuclear radioactive waste from Germany to be incinerated and stored/landfilled over the next five years is unacceptable. America has its own waste pollution disposal problems. Yucca Mountain has not been approved for disposal of radioactive wastes. Why should this country assume the burden of waste disposal for Germany? As Tennessee's Congressman Bart Gordon has said,

"If a country like Germany has the capacity to produce large quantities of nuclear waste, it should also have the capacity to treat it and store it....I am concerned once that waste is imported, nothing but an individual corporation's word prevents it from being shipped to U.S. disposal sites."

3. Violations of NRC and state environmental regulatory laws are commonplace and Civil and Criminal Penalties do little to thwart illegal activity. A case in point is what happened over a twelve year period (1980-1991) regarding uranium contaminated waste from Martin Marietta Energy Systems, Inc., a federal nuclear weapons plant in Oak Ridge, TN, that was sent to Alabama for disposal.

The largest Toxic Waste Landfill in the United States is operated by Chemical Waste Management, Inc. (CWM) in Emelle, Alabama. A few years ago, Alabama Attorney General, James Evans, filed a lawsuit against CWM because of dumping radioactive waste from Oak Ridge illegally. CWM's Operating Permit did not allow the disposal of radioactive waste in Emelle.

Template = SECY-037

DS 03

Despite NRC Regulation:

- a. Martin Marietta falsely told the Alabama Department of Environmental Management that its shipments contained no radioactive material.
- b. The company violated an ADEM regulation requiring a detailed description and approval of wastes to be disposed of.
- c. The company shipped radioactive waste to Emelle, which is not permitted to accept it.
- d. ADEM officials said shipping documents did not indicate the dirt contained uranium before it was disposed of in the CWM Emelle landfill.
- e. The NRC does not permit radioactive waste to be disposed in facilities that do not have the authority to accept it.
- f. Employees of CWM had no knowledge of working around radioactive materials during the twelve years the waste was disposed of in the Emelle, AL facility.

This is evidence that the NRC is incapable of control of dangerous materials that have the capability to inflict harm on human life and ecological systems.

4. It is my understanding that Energy Solutions of Oak Ridge plans to incinerate the German nuclear waste. In order to address this issue and to make acceptable and informed comments, the public needs more time to get information about the company's background and experience, also information regarding the incinerator design.

For example:

- * What are the particulate matter limits and what agency will be responsible to monitor the facility and incinerator?
- * What are the worst case scenario plans?
- * Under what circumstances would the NRC modify the Permit to increase the tonnage and types of waste to be burned?
- * Under what circumstance would the NRC shut down the operation or cancel the Permit?
- * Does the NRC have scientific studies regarding how radioactive emissions from an incinerator impacts air quality and the environment nearby and beyond?
- * How do incinerated emissions of radioactive material affect human life and health?
- * Where is the incinerated nuclear waste to be disposed of?

I look forward to a response to this letter.

Sincerely,



Kaye Kiker, Organizer
khkiker@farmersteel.com