UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

(LTR-11-0078)

February 28, 2011

SECRETARY

Mr. Christopher Lish
PO Box 113
Olema, CA 94950

Dear Mr. Lish:

This is to acknowledge receipt of your electronic correspondence to me on February 20, 2011 concerning an Energy Solutions' license application to import radioactive waste from Germany.

A response is under preparation which will be forwarded to you shortly.

Sincerely,

Annette L. Vietti-Cook

December 28, 2010

Hearing Docket hearingdocket@nrc.gov
US Nuclear Regulatory Commission
Washington DC 20555

Cc: stephen.dembek@nrc.gov ; Jennifer.Tobin@nrc.gov

RE: Hearing Docket Numbers 110-05896 and 11-05897
EnergySolutions applications IW029 and XW018;
Request from multiple organizations for Hearings in Tennessee

To Whom It May Concern:

As provided by 10 C.F.R. 110.81, the below-listed organizations submit comments in opposition to EnergySolutions' application for import/export of radioactive waste from the German corporation Eckert and Ziegler Nuclitec (EZN) through Virginia to Tennessee for incineration. The application was noticed in the Federal Register on November 30, 2010.

We are outraged by the fundamental inadequacy of this import/export application to provide basic information about the characteristics of the radioactive waste proposed for import to the U.S. and the failure of the applicant to provide enough information to show that the waste can be incinerated safely. The technical staff of the NRC has identified some of these fundamental inadequacies in a letter (ML #103490687) to EnergySolutions dated December 20, 2010 requesting additional information.

Because of the gross deficiencies of the application as originally submitted we believe the thirty day public comment period should start once Energy Solutions has responded adequately to these critical questions. We herein request such an extension.

The undersigned organizations also support the request for a hearing submitted separately by Tennessee Environmental Council (TEC), Oak Ridge Environmental Peace Organization (OREPA), and Citizens to End Nuclear Dumping in Tennessee (ENDIT).

We believe the following issues must be addressed before the NRC can even begin to consider whether an import/export license can be issued to EnergySolutions:

-- WHAT THE WASTE IS: the amount, form, character, class and type of radioactivity and radioactive waste and material that would be imported and incinerated/processed in Tennessee: the volume, mass, curies (becquerels) of all radionuclides, chemical and physical form;

-- WHERE THE WASTE IS COMING FROM (countries and industries): the need for specific information on the sources and origins of the radioactive wastes. Since the German company, EZN, is in the business of collecting radioactive waste from all over the world, EnergySolutions should specifically identify the sources, industries, geographic origins and characterization of all wastes;

-- HOW MUCH RADIOACTIVITY WILL STAY HERE (in our air, water, soil, landfills, etc): the amount of radioactivity that will remain in the state/country as solid waste going to solid waste landfills or to restricted or unrestricted "recycling" or to cement kilns. This is of concern because the Tennessee Department of Environment and Conservation license for EnergySolutions allows

some radioactive waste/material to be released for unrestricted reuse or disposal–that is, to go to unregulated destinations including commercial and municipal landfills in the state. This is asked in the referenced questions from the NRC to Energy Solutions: "The application states that residual radioactive material from processing the material, such as floor sweepings, booties, slag, etc. which is attributable to Duratek (Energy Solutions) under its Tennessee license will be disposed of in accordance with the license." Additionally, what is the disposal path of the incinerators' radioactive air filters which must be removed after becoming clogged?

--HOW LONG THE RADIOACTIVITY WILL REMAIN IN THE UNITED STATES: what are the time limits for domestic transit to and from Oak Ridge, storage both prior to and after incineration, and total duration of the waste material in any form being in the U.S. In no case should the material be in the U.S. longer than 90 days.

-- WHETHER ANY RADIOACTIVITY GETS INTO RECYCLING: the amount of radioactive or slightly radioactive material, if any, that could enter into commercial or restricted recycling through the EnergySolutions state license;

-- WHERE THE RADIOACTIVITY WILL GO: a determination of the final destinations of the radioactive waste at various levels resulting from various kinds of processing of the imported waste;

-- COMPLIANCE WITH LICENSES AND HOW MUCH RADIOACTIVITY WILL GET OUT: the need for additional technical information on how the waste will meet acceptance criteria at US EnergySolutions facilities and technical information on the routine and accidental air and water radioactive emissions from those facilities;

-- HOW MUCH RADIOACTIVITY WILL GO BACK TO EUROPE AND HOW: the need for more specific determination of the amount and levels of radioactivity of material and waste that could be returned to Germany, since the radioactivity will be concentrated and the transport distance will be doubled, just for the sake of burning it in the US;

--ULTIMATE DESTINATION IN GERMANY FOR RADIOACTIVE ASH AND OTHER RETURNS: is there a possibility the radioactive materials will be orphaned in the U.S. because of Germany's unwillingness to take it back, what are the specific disposal plans and guarantees?;

-- TRANSPORT INFORMATION AND RISKS: specific information on the transport routes to, from and through Tennessee and Virginia including documentation of transport insurance liability for the wastes and materials, and specific information on transport containers and protocols;

-- CLARIFICATION AND CLEAR IDENTIFICATION OF THE PORTS through which the radioactive waste and material would be shipped and routes to, from and through TN and the US; identification of state regulations that apply to offloading, handling and temporary storage in any port facility as well as clarification as to whether the port authorities have the ability to off-load and handle nuclear waste and respond in case of emergency;

-- PUBLIC HEALTH, SAFETY, SECURITY: impacts on the public health and safety and common defense and security of the states and our nation, specifically with regard to the radioactive materials in this application but also with regard to **setting a precedent for additional large imports** for processing and transport in, through and out of the US;

--WORKPLACE RELATED RISKS AND EXPOSURE: What level of exposure will workers incur? How many employees will receive the maximum allowable dose per year, and over what period of time? Who will be responsible for the healthcare costs of those who become ill?

-- CUMULATIVE EFFECTS: What will be the cumulative emissions and potential health effects of the incineration of this additional foreign waste (and potentially much more of it) combined with the existing radioactive emissions in the Oak Ridge area? Presently people in Oak Ridge are exposed to routine and accidental releases from the Oak Ridge-DOE TSCA incinerator for DOE mixed radioactive and hazardous wastes across the weapons complex, the Kingston DSSI boiler for mixed radioactive and hazardous wastes, the two EnergySolutions incinerators on Bear Creek Road, the new Impact pyroprocessor near Oak Ridge; Oak Ridge DOE site operations, as well as other industrial emissions;

--EXAMINATION OF THE PREMISE that the business of world-wide radioactive waste management is good for the people of the USA. In the letter which accompanied their application, under justification of the License, Energy Solutions states that this effort will "assist in maintaining the US competitive advantage in waste management and decommissioning." We do not agree with this premise, which is completely unsupported.

Many individuals, residents, organizations and the public at large will be impacted because the transport to and from Oak Ridge; the routine and accidental radioactive liquid and gaseous releases (legal or illegal) and the deregulated waste generated from burning the foreign waste cannot be confined to the immediate vicinity of the EnergySolutions incinerators. Certainly those in the area, downwind, downstream on transport routes to and from the incinerators could be affected, as well as taxpayers and residents who could end up paying the economic and health price. The hearings are needed to identify and address these local, regional and very public concerns.

The public also needs a clear explanation of the limited criteria that NRC considers in determining whether or not to approve such applications. NRC appears to be the gate-keeper but only considers certain aspects of nuclear waste imports and exports. Clarification is needed on many specifics of these EnergySolutions applications and on overall plans by the processing industry for continued import proposals. Hearings would help identify where the larger decisions are made on how much waste overall could be imported to the US (mainly TN) for incineration and other processing in the months and years to come.

Hearings would go a long way to facilitating better understanding of the burgeoning nuclear waste processing industry in TN and the US.

Sincerely,

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