

**CALL FOR THE STATE OF TENNESSEE  
TO PROTECT CITIZENS  
BY EXERCISING ITS APPROPRIATE AUTHORITY  
TO KEEP OUR AIR CLEAN AND SAFE**

**FEBRUARY 28, 2011**

**THE OAK RIDGE ENVIRONMENTAL PEACE ALLIANCE TODAY CALLS ON THE STATE OF TENNESSEE'S DEPARTMENT OF ENVIRONMENT AND CONSERVATION AND THE OFFICERS OF THE RADIATION HEALTH TO TAKE STEPS TO PROTECT THE AIR IN EAST TENNESSEE BY EXERCISING REGULATORY AUTHORITY TO PREVENT ENERGYSOLUTIONS FROM IMPORTING MORE THAN 1,000,000 POUNDS OF RADIOACTIVE WASTE FROM UNNAMED EUROPEAN SOURCES TO BE INCINERATED IN OAK RIDGE, TENNESSEE.**

On January 19, 2011, the state of Utah issued a Notice of Violation and proposed fine to EnergySolutions for its action in importing waste into the state of Utah in violation of statute limitations. The state's NOV cites EnergySolutions for violations related to waste generated by five different companies, two in Tennessee. The violations occurred over a three week period, from February 26-March 16, 2010.

The violations involving Oak Ridge companies were classified as Severity Level III violations. The first, involving Bechtel Jacobs, asserts that EnergySolutions accepted 16 containers of waste in 8 different shipments that exceeded allowable limits for Class A waste; the containers were shipped as Class A waste. The second violation, involving the Materials and Energy Corporation, asserts that EnergySolutions accepted three drums of material containing Special Nuclear Material (weapons grade Highly Enriched Uranium) that exceeded limits by 28%.

These violations are not isolated events. They appear to be "business as usual" for EnergySolutions, involving numerous source companies and spread out over three weeks. They document a conduct of operations at EnergySolutions that presents a clear threat to public health and safety. We are not questioning whether EnergySolutions can be trusted to import waste into Tennessee. *We are saying these Notice of Violations indicate clearly the company can not be trusted. For that reason, we are calling on the state of Tennessee to exercise aggressive oversight, to intervene with the Southeast compact and the Nuclear Regulatory Commission and, if necessary, in courts, to protect the people of East Tennessee.*

EnergySolutions has demonstrated that it can not be trusted to do the simplest and most basic thing—to know what waste it is dealing with. To date, EnergySolutions has declined to provide detailed information about the waste they intend to import from Germany—either because they can not or will not. This is unacceptable. It places the people of the state of Tennessee at risk.

Whether these violations are malfeasance, sloppiness, or general incompetence is not the issue. The issue is if they make a mistake with the waste they bring to Tennessee and burn, what comes out of the stack could kill people. A company with five notices of violation, from five separate companies over a three week period, can not be trusted. So we are asking the state of Tennessee to step in and assert its authority to protect us, and, if they are unable or unwilling to do that, we believe the state should defer to the Environmental Protection Agency. Those of us who live downwind from the incinerators in Oak Ridge have a right, under the Clean Air Act, to expect the air we breathe to be free of radioactive materials. We can not be confident of that if a waste company that behaves like EnergySolutions has free license to conduct business as usual—since their usual business is obviously to break the law. These violations just represent five times they got caught.

OREPA calls on the state to reset its policy on nuclear waste imports and to adopt a “hands on” stance. The people of the state of Tennessee expect you to do everything necessary to protect us *before* our air and our health are compromised. We are counting on you.

We look forward to a prompt response to these concerns, and thank you in advance for your attention to this call.

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