

SEED Coalition Addendum #2– Regarding the ZionSolutions Import Application

In addition to the comments submitted, SEED Coalition has the following comments on the ZionSolutions import application:

- 1) SEED Coalition recommends that the Compact Commission not approve this or any other applications for the importation of radioactive waste until the Commission devises a system for prioritizing applications that takes into account annual and lifetime limitations on volume and activity.
- 2) The ZionSolutions application would take up 5052.6 cubic feet of disposal space and, at 64,000 curies, will take up almost a quarter of the first year's allowable activity. This is particularly important in light of the unresolved issue of Texas' "unlimited access" to the facility.
- 3) The application should be further clarified to explain what exactly is meant by irradiated hardware. What kind of hardware are they referring to? What size hardware and is it uniformly irradiated? What form is it in? Does it come from inside the reactor?
- 4) The Compact Commission should determine the current status of lawsuit filed against ZionSolutions. Among the issues raised in the suit is whether ZionSolutions is entitled to withdraw and spend money from the Zion nuclear plant's decommissioning fund.

The Compact Commission should determine whether Waste Control Specialists and/or the Commission could be impacted by drawn into the legal proceedings if the ZionSolutions import application is approved.

Excerpt from the Lake County News-Sun

(<http://newssun.suntimes.com/news/7292473-418/lawsuit-filed-over-zion-nuclear-plant-fund.html>)

Lawsuit filed over decommissioning fund, August 30, 2011

From the Thorner's research and online networking with other concerned citizens led her to discover there is a problem with the trust fund set up for the decommissioning.

Thorner and the other three plaintiffs allege in the lawsuit that was filed in federal court that nobody is taking any responsibility for how money from the decommissioning fund is being spent

The decommissioning fund has more than \$700 million in it, the lawsuit states. That money came from rate payers between 1998 and 2006, according to Pennsylvania attorney Daniel Sponseller, who represents Thorner and her fellow plaintiffs David Pennington of Fox Lake, Paul Tait of Mount Prospect and James Economos of Bartlett.

ZionSolutions is the company that is handling the Zion plant decommissioning. That company set up its trust fund through Bank of New York Mellon, Sponseller said.

Sponseller estimated that ZionSolutions has withdrawn at least \$60 million from the trust fund. "In the complaint, it says this company ZionSolutions is simply withdrawing whatever money they think they're entitled to. We don't think they're entitled. No one is watching to determine and review whether these withdrawals are in compliance with Illinois laws governing trust funds," Sponseller said.

Money should be returned to rate payers, who paid hundreds of millions into the trust funds between 1998 and 2006, the law suit alleges.

“All ComEd rate payers have an interest in that trust fund to get back what they are legally entitled to,” Sponseller said.

5) No importation of radioactive waste should be approved until the issues of safe transportation are settled. We previously notified the Compact Commission of problems with EnergySolutions’ shipping casks due to defects in two models. On June 22, Waterford 3 was informed by the Nuclear Regulatory Commission of a leak in an exchange resin shipment at an EnergySolutions facility. While EnergySolutions was the receiver of the shipment and did notify the National Response Center, the incident where water was spilling raises concerns about the shipping containers. The text of the Event Report is attached:

Power Reactor
Facility: WATERFORD Region: 4 State: LA Unit: [3] [] [] RX Type: [3] CE NRC Notified By: RODNEY BLANCHE HQ OPS Officer: DONG HWA PARK
Emergency Class: NON EMERGENCY 10 CFR Section: 50.72(b)(2)(xi) - OFFSITE NOTIFICATION

Unit	SCRAM Code	RX CRIT	Initial PWR
3	N	Y	100

Event Text

NATIONAL RESPONSE CENTER NOTIFIED OF ION EXCHANGE RESIN SHIPMENT LEAKAGE

"This report is submitted pursuant 10CFR50.72(b)(2)(xi) due to a notification that was made to the National Response Center. At 1345 CDT on June 22, 2012, Waterford 3 was informed by NRC Region IV that there was a government report concerning a Waterford 3 radioactive waste shipment. A follow-up review determined that the receiver of the shipment (Energy Solutions) had notified the National Response Center of a condition stating that a shipment received at their facility in Tennessee on June 21, 2012 was spilling water. The notification was identified as Incident Report number 1015375. The container held UN 2910, Limited Quantity, low specific activity, ion exchange resin and did not exceed any reportable quantities. Waterford 3 is sending shipping personnel to Energy Solutions to validate the state of the shipment."

The NRC Resident Inspector has been notified.