

Senator McNally,

First, I apologize by communicating via email, however email appears to be the quickest way to get this information to you.

Toxco Inc. has been made aware that Senator Tracy has introduced Senate Bill 2733 which is attached.

The Toxco Materials Management Center in Oak Ridge TN participates in the State of Tennessee regulated and licensed program involving the disposal of very low level qualifying radioactive material in Hazardous landfills in the state of Tennessee. This program is authorized for use under the authority granted to the State of Tennessee by the United States Nuclear Regulatory Commission. Last year this program completed an exhaustive review by the Tennessee Solid Waste Advisory Board and was found to be totally safe to the public. All experts on the subject presenting information to the Advisory Board stated that this material did not present a hazard to the public and was less of a hazard than what was currently being disposed of in the landfills qualified to accept the material for disposal.

Due to concern by the citizens around the Middle Point landfill, the operator of that landfill choose to make a business decision to discontinue participating in the program to dispose of very low level radioactive waste. This decision was a business decision made by the operator of that landfill due to concerns expressed by the local citizens.

Information has been clearly provided to Tennessee Solid Waste Management and Tennessee Division of Radiological Health and to the citizens of Tennessee through the Solid Waste Advisory Board that the very low level radioactive material disposed of in the authorized landfills represents no more and more than likely less than any other materials being disposed of in the landfills.

There are business issues surrounding the approval of this bill that may likely be effecting its presentation more than any perceived health concern. If the State of Tennessee were to implement Senate Bill 2733 all of the material currently being processed under the program would only have one place to go and that would be to the EnergySolutions facility in Clive Utah where the cost to dispose of the material is approximately 25 times higher than a typical disposal rate. There is one exception to this in that the states of South Carolina, New Jersey, and Connecticut comprise the Atlantic Compact and can use the Barnwell South Carolina disposal facility. Discontinuing the use of Tennessee's program to dispose of very low level radioactive waste would involve the following major business activities:

- Remove revenue from Tennessee Businesses and divert then escalated revenues to the State of Utah and to EnergySolutions Inc. who resides in that state.
- Further enhance EnergySolutions monopoly that they have on the current market place which is currently under study by the Department of Justice
- Some businesses in the State of Tennessee may go out of business

Eliminating this Tennessee program is being presented under the issue of perceived public health with real significant negative impacts being to a number of State of Tennessee businesses.

We request your support in defeating Senate Bill 2733.

I and members of the Toxco staff are available to meet with you at any time to discuss all of these issues presented here and would welcome that opportunity. Please contact me by reply to this email or by the telephone numbers noted below.

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