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The Salt Lake Tribune

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NRC: Foreign, domestic waste aren't different

By Brock Vergakis
The Associated Press

Updated: 04/13/2009 01:48:36 PM MDT

The Nuclear Regulatory Commission says it doesn't have the authority to keep foreign radioactive waste from being imported into the [United States](#) just because the material is from another country.

The NRC wrote in an April 9 letter to Reps. [Jim Matheson](#), D-Utah, and Bart Gordon, D-Tenn., that the Atomic Energy Act doesn't distinguish between domestic and foreign waste. The NRC says that as long as the material can be imported safely and someone is willing to accept it, the commission can't keep the waste out.

Matheson and Gordon are worried about Salt Lake City-based EnergySolutions' application to [import](#) up to 20,000 tons of low-level radioactive waste from Italy's shuttered [nuclear power](#) program. After processing in Tennessee, about 1,600 tons would be disposed of in the western Utah desert.

The congressmen are sponsoring a bill -- which has yet to get a hearing -- that would ban the importation of low-level radioactive waste unless it originated here or accepting it serves a strategic national purpose.

They contend that the US should reserve space at its dumps for domestic waste. The site in Clive is the only low-level radioactive waste facility available to 36 states, although EnergySolutions says capacity there isn't an issue.

The company has agreed to limit the amount of foreign waste accepted in Clive to 5 percent of its remaining capacity.

Utah Gov. Jon Huntsman has said he doesn't want the waste coming to Utah,

but EnergySolutions is challenging in federal court the state's ability to use an interstate compact to keep the waste out.

Matheson, Gordon and Rep. [Edward Markey](#), D-Mass., sent the NRC a list of questions asking what would happen if the court rules in EnergySolutions' favor.

All three serve on the committee that oversees the NRC.

The NRC declined to give a legal opinion on the issue and said Utah is responsible for regulating the company's facility.

"The NRC will issue a license to import low-level waste if it determines that issuance of the license would not be inimical to the common defense and security or constitute an unreasonable risk to the public health and safety and that an appropriate facility has agreed to accept the waste," the NRC wrote.

While Huntsman has said he doesn't want foreign waste coming here, state law doesn't prohibit it.

Passing such a law would be difficult in Utah, where the company is a major donor to conservative state lawmakers and it employs a relatively large number of lobbyists.

One of the company's former lobbyists is U.S. Rep. [Rob Bishop](#), R-Utah. Bishop's district includes the EnergySolutions' facility. He has said a national policy on foreign waste isn't needed and that states should decide whether to allow foreign waste.

On the Net:
www.energysolutions.com
www.nrc.gov

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