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A bipartisan group of House lawmakers introduced legislation today aimed at banning imports of low-level radioactive waste.

Reps. Bart Gordon (D-Tenn.), **Jim Matheson** (D-Utah) and Lee Terry (R-Neb.) are lead sponsors of a measure that would only allow foreign radioactive waste to be imported if it is being returned to a U.S. government facility, originated in the United States or is approved by the president to "meet an important national and international policy goal."

The Nuclear Regulatory Commission has jurisdiction over whether to grant a license to companies to import foreign waste, but NRC only rules on the health and safety of importing the waste, not on capacity or other policy issues.

Gordon said the bill currently has 31 cosponsors and a companion measure will be introduced in the Senate by Sen. Lamar Alexander (R-Tenn.)

Gordon originally introduced the bill last year in response to a license application by a Salt Lake City company, EnergySolutions, to import 20,000 tons of Class A low-level radioactive waste (LLRW) from Italy. The waste would be processed in Oak Ridge, Tenn., and the remaining 8 percent of the waste would be sent to EnergySolutions' disposal site in Clive, Utah.

The low-level radioactive waste shipment would be the largest imported by about 25 percent, but it would not be the first such shipment. The volume of the Italian shipment would represent less than 1 percent of total volume at the facility, according to EnergySolutions.

But Gordon sees a need to preserve storage space. "We are going to run out of waste space here: Of 104 nuclear power plants in this country, 94 have no other place to go but Utah," he said.

There are only three U.S. sites that accept low-level radioactive waste. Since last summer, the sites at Richland, Wash., and Barnwell, S.C., will only take such waste from states within their compact, leaving 36 states dependent on the Clive site for storing Class A waste.

Matheson said the bill is important to fill that policy void. "Federal policy is so vague on this issue," Matheson said at a press conference. "I do believe this is the tip of the iceberg. I do believe we ought to get in front of this issue," he said.

Matheson said EnergySolutions began negotiations last May with Great Britain to import some of the country's low-level radioactive waste to the United States, in opposition to what the company had pledged in a hearing in a subcommittee in the House Energy and Commerce Committee (E&E Daily, May 21, 2008).

Jill Sigal, a spokeswoman for EnergySolutions, said the company only pledged to limit the space in the Clive site that foreign imports could occupy to 5 percent and that it never said the company would not pursue other foreign import opportunities.

As for negotiating with Great Britain about importing its waste, Sigal said, "We are a business, and we have discussions about potential other opportunities, but the only pending application that we have is the one before the NRC."

Sigal also contended that the main thrust of the policymaker's concern -- the limited space -- was also unwarranted, as the Government Accountability Office said in the same May hearing.

"Even the GAO says there is no short-term or long-term issue," Sigal said. "We are only talking about Class A waste."

In its testimony, GAO said, "existing disposal facilities had adequate capacity for most LLRW and were accessible to waste generators ... in the short term, but constraints on the disposal of class B and C wastes warranted concern."

GAO also said it had not taken into consideration the use of low-level waste sites for foreign waste.

NRC decided to defer a ruling on the EnergySolutions import license application until a jurisdictional lawsuit is settled by the U.S. District Court in Utah. At issue is whether EnergySolutions' low-level waste site in Clive is a "regional disposal" facility under the jurisdiction of the Northwest Interstate Compact on Low-Level Radioactive Waste Management, according to the NRC order.

Matheson said he hopes the bill will pass before NRC makes a ruling on the EnergySolutions license, but added, "Whatever has happened has happened, and we need to move forward with the federal policy."

