

# Should the U.S. be a dump for foreign nuclear waste?

EnergySolutions, the largest commercial nuclear waste dump in the U.S., is asking the Nuclear Regulatory Commission (NRC) for permission to import 20,000 tons of low-level nuclear waste from defunct nuclear reactors in Italy.

The waste would be shipped through ports in South Carolina and Louisiana, incinerated in Tennessee, and the incinerator ash and a portion of non-incinerated waste would be sent to Utah for disposal.

EnergySolutions' proposal is the largest of its kind, and the first time a company has specifically asked to dispose large quantities of foreign generated nuclear materials in the U.S. Moreover, the plan would set a precedent for the U.S. to become the *world's* nuclear waste dump.

**Congressmen Bart Gordon (D-TN), Jim Matheson (D-UT), and Ed Whitfield (R-KY) have introduced bipartisan legislation—HR 5632—to ban the importation of low-level radioactive waste into the United States.**

HR 5632 is necessary to prevent the U.S. from being opened up to foreign nuclear waste disposal and to preserve our country's ability to handle our own low-level nuclear waste disposal needs.

**Please contact your Congressperson and ask them to support HR 5632.**

- ☛ **Dumping foreign nuclear waste in the U.S. is not “business as usual.”** Despite EnergySolutions' claims that its request is simply “business as usual,” the Italian waste import would be almost 10 times greater than all previous foreign nuclear waste imports for disposal granted by the NRC *combined*.<sup>i</sup>
- ☛ **The tip of the iceberg.** No country in the world has a disposal solution for all of its low-level nuclear waste<sup>ii</sup> and EnergySolutions has made clear it plans to aggressively pursue foreign waste contracts as an important revenue stream for its shareholders.<sup>iii</sup> Foreign nuclear waste imports need to be banned so that we do not create an incentive for foreign countries to use the U.S. as their nuclear waste dumping ground.
- ☛ **A danger to public health and safety.** Dumping large quantities of foreign nuclear waste in the U.S. will only constrain further our domestic disposal capacity<sup>iv</sup> and result in the need for expanded or new nuclear waste dumpsites. This presents a clear danger to public health, safety, and the environment.
- ☛ **Bad for domestic nuclear waste disposal.** Neither the Congress nor the NRC ever intended that U.S. nuclear waste sites be used for the commercial importation of foreign nuclear waste.<sup>v</sup> Importations were only to be granted if they served an “important policy goal.” EnergySolutions' import serves only its shareholders and represents a major change in federal nuclear waste policy.

**HR 5632, a ban on foreign nuclear waste disposal in the U.S., is necessary to protect our low-level nuclear waste disposal resources and ensure we do not become the world's nuclear waste dump.**

**\*\*Already, the Governors of Utah and Wyoming, a regional oversight committee called the Northwest Interstate Compact, and thousands of citizens have spoken out against EnergySolutions' proposal. Please contact your Congressperson today and ask him/her to do the same by supporting HR 5632.\*\***

<sup>i</sup> There have been a total of 24 applications to import low-level radioactive waste filed with the NRC, of which 13 have been granted. Some are for amounts as small as a cubic meter or a few dozen kilograms.

<sup>ii</sup> Government Accountability Office, “Low-level Radioactive Waste Management: Approaches Used by Foreign Countries May Provide Useful Lessons for Managing U.S. Radioactive Waste,” GAO-07-221, March 2007, p. 24.

<sup>iii</sup> Prospectus of EnergySolutions, SEC Registration No. 333-141645, Nov. 17, 2007, pp. 4-5.

<sup>iv</sup> Disposal space for U.S. low-level waste is limited. EnergySolutions is the only disposal option for 36 states, with 96% of commercial low-level nuclear waste being dumped in Utah. Agreeing to dispose of the *world's* nuclear waste will only compound this problem.

<sup>v</sup> Letter from the U.S. Representative Bart Gordon to Dale Klein, Chairman, U.S. Nuclear Regulatory Commission, Feb. 12, 2008.

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## Importing nuclear waste is in EnergySolutions' best interests, but not America's

Bart Gordon and Jim Matheson

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Sixteen years ago, the Nuclear Regulatory Commission was warned that if it allowed nuclear waste to be imported into the United States, this country could turn into the world's nuclear dumping ground. That warning went unheeded, and now, if the Congress doesn't act, it could prove true.

In 1992, the Environmental Coalition on Nuclear Powers told the NRC that its proposed rule to license imports of low-level radioactive waste into the United States would allow "an essentially unrestricted flow . . . of radioactive wastes generated abroad into this country for 'disposal,' thereby turning our nation into an unlimited dumping ground for radioactive wastes produced worldwide."

The NRC chose not to tighten its rule or to ban the importation of waste. Instead, it assured the public that no one would ever try to dump foreign low-level waste here. And for more than 10 years, that was almost true. Small shipments were allowed in and sometimes disposed of in U.S. sites, but the licenses were infrequent.

But today, it is happening. EnergySolutions, the owner of a disposal site in Clive, Utah, has applied for a license to import 20,000 tons of low-level radioactive waste, or LLRW, from Italy's decommissioned nuclear reactors for processing in Tennessee and ultimate disposal in Utah. Italy, like many other countries, has no place to go with this radioactive waste. In fact, many European nuclear plants are slated to be decommissioned in the coming years. This is just the tip of the iceberg.

It isn't surprising that EnergySolutions sees a business opportunity, and it is difficult to imagine any country in the world that wouldn't be delighted to send its radioactive waste to the United States and be rid of it forever. There is a worldwide shortage of disposal space, and the company has publicly stated that it is looking for more decommissioning and disposal business around the world. In the prospectus issued when it went public last fall, EnergySolutions promoted the disposal site in Clive as one of its "competitive strengths."

We don't fault EnergySolutions for being creative and aggressive in its business plan. But when Congress passed the Nuclear Waste Policy Act of 1980, it wasn't trying to solve the nuclear waste problems of the world; it wanted to make sure the United States has a place to dispose of its own nuclear waste.

Nothing has changed that goal. The NRC, however, seems to want to go in another direction. It seems to think that if there is a site willing to take the waste, we can't stop it. That is why we introduced our legislation to ban imports of LLRW into the United States unless the president determines that it is necessary to meet an important national or international policy goal.

EnergySolutions says it has enough room to take all U.S. waste for the next 19 years. But that projection was based on unusually low waste shipments and did not include any foreign waste. And, according to the Government Accountability Office, the U.S. doesn't even know how much LLRW it has. If more nuclear plants are licensed, the equation will also change.

Low-level radioactive waste may not sound dangerous, but all nuclear waste disposal sites must be monitored for hundreds of years to protect the public's health. We have our hands full right here at home. We don't need to take on that responsibility for anyone else.

\* JIM MATHESON, D-Utah, and BART GORDON, D-Tenn., are members of the House Energy and Commerce Committee.

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