

CITIZENS EDUCATION PROJECT  
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USNRC

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Office of the Secretary  
Nuclear Regulatory Commission  
Washington, D.C. 20555

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Attn: Rulemaking and Adjudications

Sirs:

The Citizens Education Project, a Salt Lake City-based nonprofit organization, offers the following comments on the Energy Solutions license application to import low level radioactive waste from Italy to its facilities in Tennessee and Utah.

We understand that the NRC has received thousands of comments regarding this application, so we will not repeat those issues already raised by others pertaining to transportation-related concerns, incomplete characterization of this waste, Italy's failure to dispose of its own waste, precedents that granting of this license might set, concerns about the capacity of the Clive landfill, or concerns about the effect on Utah's image of receiving this waste. We do urge the Commission to reject the Energy Solutions request for those reasons. However, we believe that another compelling reason to deny the application is that this action would provide the opportunity for the NRC to address the larger issue of the collapse of the Interstate Compact system created by the Low Level Radioactive Waste Act.

This application and the lawsuit filed by Energy Solutions to overturn the rejection of its plan to import the Italian waste by the Northwest Compact highlight the abject failure of the federal government and the NRC to craft sensible, workable low-level radioactive waste isolation laws and regulations and plans and facilities which do not unfairly burden individual states and communities. The unwillingness or inability of the various states to form compacts which actually host disposal sites has certainly contributed to the problem. The devolution of the Compact system has had the perverse effect of turning radioactive waste into a commodity to profit from, and has essentially privatized a federal-state responsibility, with the Energy Solutions corporation practically cornering "the market" in low-level Class A and mixed waste. This was clearly not the intent of the original Act.

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Now the Energy Solutions lawsuit threatens the authority of the Compacts to control the types and sources of wastes they may ban from disposal within their jurisdiction. Is a private concern, a corporation, to dictate federal radioactive waste disposal policy? In the absence of congressional and NRC leadership and action in setting policy, it is entirely possible that the courts may make it so.

It is past time for the NRC and the Congress to quit dodging the need to revamp the national policies pertaining to low-level radioactive waste disposal. The Energy Solutions application raises critical questions of policy pertaining to foreign and interstate importation of waste, privatization of waste and waste disposal, and the limits of the authority of the Compacts, and thereby presents the NRC its opportunity to begin that process of policy revision. We therefore urge the NRC to deny the application and commence a thorough policy review addressing those questions.

Steve Erickson  
Citizens Education Project