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Fact Sheet on EnergySolutions' Proposal to Import Low-Level Radioactive Waste from Italy

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EnergySolutions, based in Salt Lake City, is seeking a license from the Nuclear Regulatory Commission to import up to approximately 20,000 tons (a total volume of up to approximately 1 million cubic feet) of various types of materials from decommissioned nuclear facilities in Italy. These materials would be primarily metals, wood, paper, plastic, liquids and ion-exchange resins that have various levels of radioactive contamination.

EnergySolutions would process and recycle (as shielding blocks for use in nuclear facilities) most of the contaminated material at its facilities in Tennessee, in accordance with licenses issued by the state of Tennessee. The remaining waste would be sent to EnergySolutions' low-level radioactive waste disposal facility in Clive, Utah, for disposal in accordance with its Utah license. The company has also applied for an export license, to return to Italy any waste that does not qualify for disposal at the Utah facility.

NRC regulations require any company wishing to import or export low-level radioactive waste to apply for a specific license from the NRC. When considering these requests, the NRC reviews the applicant's proposal to ensure that the waste would be handled in accordance with NRC regulations to protect public health and safety and the environment. For imports, the review considers whether an appropriate facility has agreed to accept the waste for management or disposal. Under the Low Level Radioactive Waste Policy Act, the states are responsible for regulating access to low-level radioactive waste disposal facilities. The NRC consults with Executive Branch agencies and all states that would be directly affected by the proposed import before deciding whether to grant the license.

As part of its review of the license application, the NRC sought public comments and offered members of the public the opportunity to request a hearing. On Oct. 6, 2008, the Commission issued an [Order](#) to hold review of the EnergySolutions' import and export applications in abeyance and deferred ruling on the hearing requests until: (1) a court makes a final determination in EnergySolutions' lawsuit; (2) EnergySolutions and the Northwest Compact reach an agreement on storing low-level radioactive waste at the Clive, Utah facility; or (3) the matter is otherwise resolved.

The following information is provided to help answer questions about the EnergySolutions proposal for importing low-level waste from Italy.

Frequently Asked Questions

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1. Where can I find the applications and related public documents?

The applications and related public documents – including NRC requests for additional information and EnergySolutions' responses, Congressional correspondence, NRC's consultation with federal and state agencies, and the more than 2,500 public comments received – can be found through the NRC's Adams Web Search at <http://www.nrc.gov/reading-rm/adams.html>, by searching for docket numbers 11005710 and 11005711.

2. How may I express my opinion on these applications?

The NRC accepted public comments beginning Feb. 11, and subsequently extended the comment period through June 10. The agency received more than 2,500 public comments.

3. Is there a process to request a public hearing?

The deadline for filing a hearing request was June 10. As of that date, the agency received 3 requests (additional requests arriving by U.S. Mail postmarked by June 10 will also be considered). EnergySolutions will have 30 days to respond to hearing requests, and the potential intervenors will have 10 days to reply to EnergySolutions. After that, the Commission will decide whether to grant a hearing.

4. What criteria are used by the NRC to review and process a waste import license application?

NRC evaluates all waste import licenses in accordance with the following criteria under 10 C.F.R. § 110.43: "(a) [t]he proposed import is not inimical to the common defense and security[:]; (b) [t]he proposed import does not constitute an unreasonable risk to the public health and safety[:]; (c) [a]ny applicable requirements of subpart A of part 51 [implementation of the National Environmental Policy Act] are satisfied[:]; (d) . . . an appropriate facility has agreed to accept the waste for management or disposal." Also, as part of the review process, we seek the views of the affected state (s), Low-Level Waste compact(s) (if applicable), the U.S. Environmental Protection Agency (if hazardous waste is involved), and the U.S. Department of State. The states of Tennessee and Utah have informed the NRC that they have no technical objections to the proposed licenses.

5. What is the difference between domestic and foreign waste?

In most cases, there is no significant difference.

6. How does NRC know the waste would be safely transported?

All domestic shipments must comply with all applicable domestic and international transportation requirements, including the packaging, labeling, and marking requirements of the International Atomic Energy Agency's "Regulations for the Safe Transport of Radioactive Material" (TS-R-1), and the requirements of the U.S. Department of Transportation.

7. Is U.S. low-level radioactive waste disposal capacity a consideration when reviewing a radiation waste import license?

Under the NRC's regulations, import of radioactive waste for disposal can only be authorized if the importer has been granted domestic authorization to receive and dispose of the waste in a particular U.S. facility. This is a key aspect of NRC's consultation with the states, which now regulate access to all low level radioactive waste disposal facilities in the United States pursuant to the Low Level Radioactive Waste Policy Act.

8. How is the material going to be categorized?

As stated in its December 5, 2007, letter to the NRC, the applicant, EnergySolutions, would characterize the waste in Italy prior to its shipment to the United States. This letter can be found on NRC Adams Web Search at <http://www.nrc.gov/reading-rm/adams.html> using ML073400154 (refer to attachment 1). EnergySolutions proposes to process the material at one of its Tennessee-licensed facilities for either beneficial use or disposal as waste at its Clive, Utah, disposal facility. Radioactive waste destined for Clive must be classified in accordance with Tennessee regulations equivalent to NRC's [10 CFR 61.55](#) and manifested as radioactive waste in accordance with manifest regulations. Only Class A waste is permitted in the Clive, Utah, disposal facility.

9. What is the current status of the license request?

The NRC requested the views of the states which license EnergySolutions operations (Tennessee and Utah), the low-level waste compacts in which these states are members (the Northwest and Southeast compacts), the Executive Branch and the public. The states of Tennessee and Utah have informed the NRC that they have no technical objections to the proposed licenses. The Southeast Compact expressed no objection to the application.

On May 8, 2008, members of the Northwest Interstate Compact adopted a resolution stating that the existing Compact procedures do not address the importation of foreign waste and that such waste would need Compact approval before disposal at the EnergySolutions facility in Utah. The Northwest Compact notified the NRC by letter on May 15, 2008, that

"should it choose to issue the import license, it is doing so with the understanding there is no facility within the Northwest Compact region that is authorized to legally accept this waste for disposal." Prior to the compact's resolution, EnergySolutions filed a lawsuit in federal district court against the Northwest Compact, challenging the Compact's authority over the proposed import. The state of Utah and a consortium of public interest groups (calling themselves Multiple Organizations) requested a hearing on EnergySolutions' import and export applications.

On Oct. 6, 2008, the Commission issued an [Order](#) to hold review of the EnergySolutions' import and export applications in abeyance and deferred ruling on the hearing requests until: (1) a court makes a final determination in EnergySolutions' lawsuit; (2) EnergySolutions and the Northwest Compact reach an agreement on storing low-level radioactive waste at the Clive, Utah facility; or (3) the matter is otherwise resolved. As part of this decision, the Commission directed EnergySolutions to provide periodic status reports every six months or earlier if pertinent developments arise.

For more information on import and export of radioactive material, please see <http://www.nrc.gov/about-nrc/ip/export-import.html>.

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