

October 22, 2008

The Honorable Bart Gordon
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Gordon:

I am responding to your letter of September 23, 2008, requesting that the U.S. Nuclear Regulatory Commission (NRC) deny the September 14, 2007 license application from EnergySolutions, Inc., to import approximately 20,000 tons of radioactive waste from Italy. At the same time, EnergySolutions also applied for an export license to allow any material that cannot be disposed of in Utah to be exported back to Italy. The NRC appreciates the concerns you and others have expressed about these license applications.

As discussed in your letter, the Northwest Interstate Compact on Low-Level Radioactive Waste Management ("Northwest Compact") has taken the position that the EnergySolutions' facility in Clive, Utah, may not accept for disposal any low-level radioactive waste generated outside the Compact's region absent express authorization from the Compact. The Compact has authorized EnergySolutions to accept domestic out-of-compact waste, but made clear in its resolution of May 8, 2008, that this existing authorization does not allow for disposal of foreign low-level radioactive waste at the Clive facility. EnergySolutions believes the Northwest Compact has no jurisdiction to restrict it from receiving foreign waste. It is asserting this position in Federal court by seeking a declaratory judgment that its facility is not subject to the restrictions of the Northwest Compact.

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 October 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 a court makes a final determination in EnergySolutions' lawsuit, EnergySolutions and the Northwest Compact reach an agreement on storing low-level radioactive waste at the Clive facility, or the matter is otherwise resolved. I have enclosed a copy of the Commission's Order.

Thank you for your continued interest in this issue. If you have any additional questions, please contact me.

Sincerely,

/RA/

Dale E. Klein

Enclosure:
Commission Order (CLI-08-24)

Identical letter sent to:

The Honorable Bart Gordon
United States House of Representatives
Washington, D.C. 20515

The Honorable Jim Matheson
United States House of Representatives
Washington, D.C. 20515