JIM MATHESON
2ND DISTRICT, UTAH

http://matheson.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515-4402

ENERGY AND COMMERCE COMMITTEE
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SCIENCE AND TECHNOLOGY COMMITTEE

January 14, 2010

The Honorable Gregory Jaczko
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Jaczko,

I am writing in regards to the issue of downblending low-level radioactive waste (LLRW) streams, which is currently being considered by the U.S. Nuclear Regulatory Commission (NRC).

It is my understanding that although the NRC currently prohibits intentional mixing of waste streams, the Commission is considering whether or not to allowing the mixing of Class B and C waste with Class A waste so that the resulting mixture is designated as Class A waste. This is very concerning to me.

As you know, Class B and Class C waste have specific concentration limits and radionuclide activity limits. But Class A waste is simply a catchall category for all leftover material which has lower radioactivity levels. Therefore, blending "hotter" levels of LLRW with lower level waste would appear to violate the storage guidelines established for Class A disposal facilities, such as the one located at Clive, Utah.

Utah law clearly prohibits the storage of Class B and Class C waste in the state. Should the NRC determine that downblending is permissible, I question how the final product would meet the regulatory standard in Utah, which only permits Class A waste. More importantly, I worry that permitting downblending may be a back-door means to store higher level radioactive waste in a state that has decided not to take hotter waste.

Several specific questions come to mind, which I hope you will consider in your deliberations:

1. If the NRC decides to permit downblending, how would the public or even state regulators know the radioactivity level of the final mix? At what point in the process would waste be classified?

2. Would it be possible to blend waste such that Class A waste housed in Utah would be only slightly less radioactive than Class B waste, which would seem to render moot the state determination over which types of waste to take?

WASHINGTON OFFICE:
2434 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4402
PHONE: (202) 225-3011
FAX: (202) 225-5638

SALT LAKE OFFICE:
240 EAST MORRIS AVENUE (2430 SOUTH) #235
SOUTH SALT LAKE, UT 84115
PHONE: (801) 486-1236
FAX: (801) 486-1417

SOUTHERN UTAH OFFICE:
321 NORTH MALL DRIVE #E101B
SAINT GEORGE, UT 84790
PHONE: (435) 627-0880
FAX: (435) 627-1473

3. How would the NRC determine radioactivity levels if multiple batches of LLRW are combined or if the waste contains material not listed in the current classification system? For instance, depleted uranium (DU) was once proposed to exist on the classification list. It was removed which provided a loophole through which DU is now being shipped to Utah as Class A waste—a separate matter of concern to me and to many of my constituents.

4. Would the NRC make a determination regarding the need for specific safety and security considerations--associated with blending low-level waste—given the large-scale blending required to change waste classification?

5. Would facilities licensed for only Class A waste need to be relicensed if the radioactivity level of stored material increases due to blending?

Thank you in advance for your consideration of my views. I hope to hear from you at your earliest convenience regarding the issues I have raised. Please feel free to contact me should you have any questions about this matter.

Sincerely,

JIM MATHESON
Member of Congress