

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

January 9, 2012

Mr. Rusty Lundberg  
Director  
Utah Division of Radiation Control  
195 North 1950 West  
Salt Lake City, Utah, 84116

Dear Mr. Lundberg,

I am writing to express my surprise and concern with the Utah Division of Radiation Control's decision to allow up to 40,000 cubic feet of blended waste to be brought to a facility in Clive, UT prior to the completion of a new site performance assessment regarding this type of waste. I do not understand why the Division would be "putting the cart before the horse" in allowing the waste into the state before the assessment has been completed.

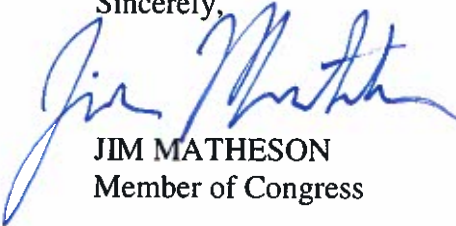
Current rules require performance assessments to be submitted to Utah regulators for approval prior to the acceptance of waste streams that were not considered in the development of the low-level waste classification system. Depleted uranium and blended waste are two such waste streams that were not considered in the development of the US low-level waste classification system, and which the U.S. Nuclear Regulatory Commission (NRC) has therefore recently termed "unique wastes."

In addition, the practice of large-scale waste blending appears to be a back-door means to dispose of hotter levels of radioactive waste in a state that has specifically decided not to take these hotter waste streams. As articulated in the "Position Statement on Down-Blending Radioactive Waste," the Radiation Control Board, "is opposed to waste blending when the intent is to alter the waste classification for the purposes of disposal site access."

When the state of Utah is already providing nuclear waste disposal services to nearly every state in the nation, and disposes the vast majority of the country's low-level commercial radioactive waste generated every year, I believe it is critically important that Utah's desire to confine this waste stream to less hot nuclear power plants wastes. Specifically, large-scale waste blending operations should not allow wastes that would otherwise be disposed of as Class B or C to be sent to Utah, in apparent violation of Utah's longstanding state ban on these wastes.

Thank you for your consideration of my views and I look forward to hearing from you on this issue. It is important we work together at all levels of government to ensure the public continues to have confidence that we will keep Utahns healthy and safe.

Sincerely,

A handwritten signature in blue ink that reads "Jim Matheson". The signature is fluid and cursive, with the first name "Jim" being particularly prominent and stylized.

**JIM MATHESON**  
Member of Congress