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Texas company: We want nation's radioactive waste

By BROCK VERGAKIS , 04.17.09, 03:45 PM EDT

A company is signaling its intent to turn a rural Texas county near the New Mexico state line into the home of the only dump in the United States capable of disposing of all classes of low-level radioactive waste from around the country.

South Carolina shut its doors to nearly all of the nation's low-level radioactive waste in July, leaving 36 states with no place to dispose of certain waste from nuclear power plants, hospitals, universities and research labs.

Dallas-based Waste Control Specialists LLC received a license from state regulators earlier this year to begin accepting U.S. Department of Energy waste from around the country and commercial waste from Texas and Vermont at its facility in west Texas.

But the company wrote in an April 6 letter to the Nuclear Regulatory Commission that it wants to dispose of commercial waste from other states too. The letter was sent in advance of an NRC public hearing on low-level radioactive waste being held Friday.

"We believe flexible import provisions would go very far toward resolving the nation's challenges ... now that the Barnwell (S.C.) facility no longer allows nationwide access for disposal of these wastes," William Dornsife, the company's executive vice president for licensing and regulatory affairs wrote.

Company spokesman Chuck McDonald said accepting waste from outside the two-state compact would make operating the compact more affordable for Texas and Vermont and make the rest of the country safer.

"The material is there. It needs to be moved to a secure, licensed facility and we believe that our site can provide that need," he said.

Since the 1980s, the federal government has urged states to build low-level nuclear waste landfills, either on their own or in cooperation with other states in compact systems. But only one low-level landfill, in Utah, has opened in the past 30 years. It is a private facility owned by Salt Lake City-based EnergySolutions Inc. that is only allowed to accept Class A waste, considered the least hazardous.

That has left the more dangerous B and C waste in dozens of states stored on site, leading to fears that some of the material will be lost, or worse, stolen by terrorists and turned into dirty bombs. The NRC is considering allowing Class B and C waste to

be diluted so it could be labeled class A waste and disposed of at EnergySolutions' facility, 70 miles west of Salt Lake City.

Waste Control Specialists is licensed to accept Class A, B and C waste, and is objecting to that proposal.

"The State of Texas has recently made great strides in demonstrating that new disposal facilities can be licensed and available to help solve the nation's challenges of disposing of Class B/C LLRW (low-level radioactive waste)," Dornsife wrote. "The NRC should specifically address why changes to the dilution policy would be an acceptable remedy."

To accept waste from outside its compact of Texas and Vermont, the company would need to win the approval of compact commissioners - six from Texas and two from Vermont - who are appointed by the governors of each state.

Waste Control Specialists is a subsidiary of Delaware-based Valhi Inc. (VHI - news - people) Valhi's primary stockholder, Harold Simmons, is a top donor to Republican Texas Gov. Rick Perry.

Fears that Waste Control Specialists would eventually want to bring in waste from outside its compact have already led a Democratic lawmaker from Fort Worth, Texas, to sponsor a bill requiring legislative approval to import out-of-compact waste.

Texas Rep. Lon Burnam said he doesn't want Texas to become the nation's dumping ground and that elected officials, not political appointees, should make decisions on out-of-compact waste so they can be held accountable.

"If you look at every nuclear power plant proposal that's out there, everybody seems to be assuming that they can send their waste to Texas because Texas is not going to protect itself," Burnam said.

"I think they're trying to undermine the intent of the national compacts. They want to fill it up as fast as they can, make as much money as they can and then walk away from it."

McDonald said Waste Control Specialists objects to Burnam's bill.

"We think the appropriate thing is for this brand new compact commission to be allowed to establish rules and do the job the legislature created it to do," he said.

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