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**U.S. District Court Decision Could Set Precedent for Disposal of
Foreign Low-Level Waste in U.S.**

Low-Level Radioactive Waste Compact New Mexico Belongs to Could Also be Affected

(Santa Fe, NM) A U.S. District Court ruling allowing low-level radioactive waste from Italy to be stored in Utah could set a precedent on the disposal of foreign waste in the U.S.

New Mexico, which is part of the Rocky Mountain Low-Level Radioactive Waste Compact, could be affected by the decision that occurred in a Utah federal court. That compact fought the decision on the case, Energy Solutions, LLC, v. Northwest Interstate Compact on Low-Level Radioactive Waste Management, the State of Utah, and the Rocky Mountain Low-Level Radioactive Waste Compact.

“The ruling erodes the powers of low-level waste compacts to control waste entering compact states,” said Rocky Mountain Low-Level Radioactive Waste Board Chairman Ron Curry. “Compacts may no longer be able to control the flow of out of region and foreign waste to disposal and management facilities.”

The court issued its decision in June. Energy Solutions, a low-level radioactive waste disposal facility in Utah, sought to import radioactive waste from Italy, process that waste in Tennessee and dispose of the waste at its facility. Utah is a member of the Northwest Interstate Compact on Low-Level Radioactive Waste Management, which does not allow waste from outside the region to be disposed of at the Utah facility without an arrangement from the compact’s Committee.

The ruling eliminates the control compact states have over waste and replaces it with “only the very narrow authority over disposal at a regional disposal facility mentioned in the 1985 Act governing such compacts,” according to a notice of appeal by the Rocky Mountain Low-Level Radioactive Waste Board. The State of Utah and the Northwest and Rocky Mountain Compacts appealed the decision to the 10th Circuit Court of Appeals in Denver, Colo.

The Rocky Mountain board is an interstate government agency and administers a compact that provides for the disposal of low level radioactive waste produced within the member states of New Mexico, Nevada and Colorado. New Mexico Environment Department Secretary Curry has been the chairman of the board since 2007.

The board is responsible for deciding where low-level waste from outside the three-state compact region can be disposed. The limited regional facility for Rocky Mountain Compact is the Clean Harbors facility in Colorado. The board also has authority to require that any waste generated in the region that is not eligible for disposal in that area is properly exported.

The compact, which was created by legislation passed by member states of Colorado, Nevada, and New Mexico, is authorized by federal and state laws. The compact is an independent regulatory organization that is not an agency of its member states.

The board consists of one member appointed by the governor of each member state. Governor Richardson appointed Secretary Curry to the board in 2003. Gary Baughman serves for Colorado Leo Drozdoff maintains a seat for Nevada. Leonard Slosky, the executive director, is employed by the board. For more information, visit [www. www.rmlwb.us](http://www.rmlwb.us) .

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