

## JUSTICE NEWS

Department of Justice

Office of Public Affairs

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### **Justice Department Sues to Block EnergySolutions' Acquisition of Waste Control Specialists**

***Merger Would Eliminate Significant Head-to-Head Competition that Has Led to Lower Prices and Better Service for Customers in 36 States Seeking to Dispose of Low Level Radioactive Waste***

The Department of Justice filed a civil antitrust lawsuit today seeking to block EnergySolutions' proposed \$367 million acquisition of Waste Control Specialists – a transaction that would combine the two most significant competitors for the disposal of low level radioactive waste (LLRW) available to commercial customers in 36 states, the District of Columbia and Puerto Rico.

According to the lawsuit filed in the U.S. District Court for the District of Delaware, the transaction would deny commercial generators of LLRW – from universities and hospitals working on life-saving treatments to nuclear facilities producing 20 percent of the electricity in the United States – the benefits of vigorous competition that has led to significantly lower prices, better service and innovation in recent years.

“Since opening its LLRW disposal facility in 2012, Waste Control Specialists has provided EnergySolutions the only real competition it has ever faced,” said Acting Assistant Attorney General Renata Hesse of the department’s Antitrust Division. “This competition has allowed customers to extract better prices and to receive better and more innovative service in the LLRW disposal industry. If consummated, EnergySolutions’ proposed acquisition of Waste Control Specialists would make EnergySolutions the only option for customers in nearly 40 states. And this at a time when projects worth billions of dollars are set to be awarded in the coming years.”

LLRW is the radioactive byproduct of nuclear power generation, scientific research and certain medical treatments. LLRW includes such items as personal protective clothing, tools, water purification filters and resins, hardware from nuclear power plants, and equipment from medical and research institutions. LLRW may only be disposed of in a facility licensed by, or pursuant to an exemption provided by, the Nuclear Regulatory Commission (NRC) or a state acting under an agreement with the NRC. LLRW disposal is an essential service for operating nuclear reactors, research laboratories and medical facilities. Additionally, LLRW disposal is a requirement for the safe decommissioning of such facilities when they reach the end of their useful lives.

According to the department’s complaint, EnergySolutions and Waste Control Specialists are the only two significant competitors providing LLRW disposal services to commercial customers in 36 states, the District of Columbia and Puerto Rico. After nearly two decades of development, Waste Control Specialists became the only new licensed commercial LLRW disposal facility to open since EnergySolutions, and provided EnergySolutions’ only true competition. That competition has led to increased innovation and lower prices for customers. EnergySolutions’ acquisition of Waste Control Specialists would eliminate that competition, with no likelihood of new entry to fill the void.

EnergySolutions Inc. is a Delaware corporation headquartered in Salt Lake City, Utah, and is a wholly-owned subsidiary of Rockwell Holdco Inc., also a Delaware corporation. EnergySolutions is the leading company providing a full range of services related to the disposal of LLRW and the decommissioning of nuclear reactors. In 2015, EnergySolutions' U.S. revenues from LLRW disposal were approximately \$112 million.

Waste Control Specialists LLC is a Delaware limited liability company headquartered in Dallas, Texas, and is a wholly-owned subsidiary of Andrews County Holdings Inc., a Delaware corporation. It operates the only LLRW disposal facility that is licensed to accept all types of LLRW from 36 states, Puerto Rico and the District of Columbia. In 2015, Waste Control Specialists' revenues were approximately \$45 million.

EnergySolutions Complaint

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Antitrust Division

**Topic:**  
Antitrust

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