



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
DIVISION OF RADIATION PROTECTION

7171 Cleanwater Lane, Bldg. 5 • P.O. Box 47827 • Olympia, Washington 98504-7827  
TDD Relay 1-800-833-6388

December 7, 2000

Kevin Hsueh  
State Programs, Mail Stop 3D23  
Office of Governmental and Public Affairs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Hsueh:

This is in response to our telephone conversation on December 7, 2000, in which we discussed Attachment 1, Criterion 8 of the department's August 8, 2000 submittal to Dennis Sollenberger. In light of the Northwest Compact's August 4, 2000 letter to Dave Delcour (enclosed), you have advised that we update the response we originally provided in Attachment 1, Criterion 8. As you know, since that document was drafted, the department did complete its review and did present its findings to the Northwest Compact. The Compact's August 4 letter to Dave Delcour states: "Following the review by Compact Counsel, the Compact Committee unanimously adopted a motion stated it had no objections to the Dawn Mining Company proposal." The department considers the requirements of Criterion 8 to have been met.

If I can be of any further assistance, please feel free to contact me at (360) 236-3241.

Sincerely,

A handwritten signature in cursive script that reads "Gary Robertson".

Gary Robertson, Head  
Waste Management Section

GLR:krf

Enclosure



RECEIVED

AUG 07 2000

DIVISION OF RADIATION PROTECTION

August 4, 2000

Mr. David Delcour  
President and Chief Operating Officer  
Dawn Mining Company LLC  
W. 505 Riverside, Suite 500  
Spokane, Washington 99201

Dear Mr. Delcour:

The Northwest Interstate Compact Committee has no objection to the Dawn Mining Company proposal, as reviewed by the Washington State Department of Health, to dispose of non-11.c(2) material, Midnite Mine water treatment plant sludge (source material), in Tailing Disposal Area 4 located at the company's mill site.

At its June 13, 2000 meeting the Northwest Compact Committee reached a tentative decision that it did not have jurisdiction with respect to the Dawn Mining Company request. This position was described in a "draft" letter to Mr. Paul Lohaus, Director of the Nuclear Regulatory Commission Office of State and Tribal Programs. At the June meeting, Compact Counsel was simultaneously asked to review the Compact law to determine if the tentative decision accurately reflected the Committee's authority.

At the July 21, 2000 meeting of the Northwest Compact Committee, Compact Counsel summarized his review of the compact statutes, specifically in regard to the Committee's tentative decision made during the June meeting. Counsel stated it was his opinion the Dawn Mining Company proposal fell under the general jurisdiction of the Compact Committee as it was a matter arising under the compact. However, Counsel did not believe the proposal could be characterized as a request for access and therefore recommended that the Compact Committee either (1) transmit to Washington state any objections it may have to the proposal, or (2) pass a motion indicating that the Compact Committee has no objections.

Following the review by Compact Counsel, the Compact Committee unanimously adopted a motion stating it had no objections to the Dawn Mining Company proposal.

Mr. David Delcour

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August 4, 2000

Should you have any questions please contact Mike Garner at (360) 407-7102.

Sincerely,

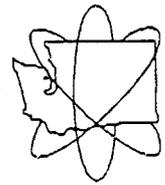


Lawrence Goldstein, Chair  
Northwest Interstate Compact

cc: Northwest Compact Committee  
Northwest Compact Counsel  
Mr. Gary Robertson, Washington State Department of Health  
Mr. Paul Lohaus, Nuclear Regulatory Commission



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DIVISION OF RADIATION PROTECTION

FROM THE

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