

# ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

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January 26, 2005

Mr. Jim Ferland  
Louisiana Energy Services  
100 Sun Lane NE, Suite 204  
Albuquerque, New Mexico 87109

Dear Mr. Ferland:

I am writing to notify you of the jurisdiction of the Rocky Mountain Low-Level Radioactive Waste Board (Board). The Board administers the Rocky Mountain Low-Level Radioactive Waste Compact (Compact), an interstate compact between Colorado, Nevada, and New Mexico. The Compact was approved by Congress via the Omnibus Low-Level Radioactive Waste Interstate Compact Consent Act, and each of the member states has enacted the Compact as legislation. The Compact, however, is an independent regulatory body that is not an agency of any of its member states. The Compact, through the Board, has jurisdiction over disposal of low-level radioactive waste (LLW) within the member states and over the import and export of LLW to and from the member states.

LLW regulated by the Compact includes radioactive waste other than: high-level radioactive waste, transuranic waste, nuclear weapons waste, uranium and thorium tailings, and wastes from mining, milling, smelting, or similar processing of ores and mineral-bearing material primarily for minerals other than radium. The Board has promulgated rules that implement its various authorities. A copy of the Board's Rules is enclosed for your use. As you will see in reviewing the Board's statute and Rules, the Board regulates the economic and interstate commerce aspects of LLW but has no authority to address the health or safety aspects of LLW management and disposal. Please note that the Board's Rules contain definitions of disposal and LLW that are different from any other federal or state law or regulation.

Because of the interstate commerce powers delegated to the Compact by Congress, LLW cannot be removed (exported) from the member states nor brought (imported) into the member states without approval of the Board. Rule 6 sets forth the procedures for granting approval for waste export (attached). Rule 7 sets forth the procedures for granting approval for waste importation (attached).

In addition to jurisdiction over import and export of LLW, the Compact has procedures for approving regional facilities for the disposal of LLW. With certain very limited exceptions,

MEMBER STATES: COLORADO, NEVADA, NEW MEXICO  
EXECUTIVE DIRECTOR: LEONARD C. SLOSKY

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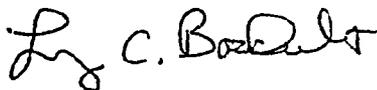
LLW that is disposed within the member states must be disposed of at a regional facility that has been approved by the Board. Rule 5 sets forth the procedures for approving regional facilities (attached). Please note that the Board is the only agency that can interpret its definition of what constitutes disposal.

We would be happy to answer any questions that you may have regarding the Board's authorities or procedures.

Please provide the Board with a detailed explanation of the types and quantities of radioactive waste that the Louisiana Energy Services' (LES) proposed uranium enrichment facility in New Mexico is projected to generate. Please also explain the management and disposal plans for each type of radioactive waste. We would also like to have a representative of LES attend the upcoming meeting of the Board in New Mexico to discuss these issues. We will notify you when the meeting date is set.

Please feel free to contact me or the Board's Executive Director, Leonard C. Slosky, if you have any questions.

FOR THE ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD



Larry C. Boschult  
Chair of the Board  
Nevada Member of the Board

LCB/vg

cc: Mr. Ron Curry, New Mexico Member of the Board  
Mr. John Marshall, Colorado Member of the Board  
Mr. Jack Strosnider, U.S. NRC  
Mr. Rod Krich, LES  
Ms. April Wade, LES