

February 19, 2008

Ms. Kathryn V. Haynes
Executive Director
Southeast Compact Commission for Low-Level
Radioactive Waste Management
21 Glenwood Avenue, Suite 207
Raleigh, NC 27603

Dear Ms. Haynes:

SUBJECT: APPLICATION FOR NRC IMPORT LICENSE (IW023)

Enclosed for your consideration is an application for a license (IW023), received by the U.S. Nuclear Regulatory Commission (NRC) from EnergySolutions concerning the import of radioactive waste from Italy. The application consists of the following documents:

1. Letter dated September 14, 2007, contains applications for import and export licenses (ML072950080).
2. Letter dated December 5, 2007, contains response to NRC Request for Additional Information (ML073400154).
3. Letter dated January 11, 2008, contains response to NRC Supplemental Request for Additional Information (ML080150374).

If issued, the license will allow for the import of up to approximately 20,000 tons (or a total volume of up to approximately 1,000,000 cubic feet) of radioactively contaminated material from nuclear facility operations in Italy consisting of: metals; graphite; dry activity material (e.g., wood, paper, and plastic); liquids (e.g., aqueous and organic-based fluids); and ion exchange resins (treated and untreated). The contaminated materials are to be inspected, sorted and processed at EnergySolutions' facilities in and licensed by the State of Tennessee for recycle and beneficial reuse and/or disposal of as radioactive waste (pending conformity with waste acceptance criteria) at EnergySolutions' Clive, Utah disposal facility licensed by the State of Utah. Materials that meet domestic license conditions for unrestricted release may be released. No hazardous or mixed waste will be imported, and EnergySolutions will review and approve the content of each prospective shipment from Italy to the U.S. to ensure compliance with its domestic materials possession limits.

EnergySolutions also requested a radioactive waste export license (XW013). The purpose of the export license application is to return any nonconforming materials (material that does not meet the waste acceptance criteria for the Clive, Utah disposal facility), received under the import license to the generator in Italy for appropriate disposition in accordance with Italian procedure(s).

The import and export applications were forwarded to the U.S. Department of State (DOS) on October 25, 2007, for assistance in notifying the Italian Government of the proposed

transactions. The NRC also requested DOS's views as to whether approving these applications would be consistent with the guidelines of the Joint Convention of the Safety of Spent Fuel Management and Safety of Radioactive Waste Management.

A Federal Register notice regarding these applications was published on February 11, 2008, (70 CFR 421.36). We are also sending an analogous letter to Mr. Johnny C. Graves from the State of Tennessee for his consideration.

It would be greatly appreciated if within three weeks of the date of this letter, you could respond with any comments you may have concerning the import license application, or if necessary, provide an estimate on how much additional time may be required to complete your review and provide a written response to NRC.

We also welcome your response by e-mail or telefax, and request that you refer to NRC license applications IW023 and XW013 in your response. As the Commission's point of contact for this matter, my e-mail is Stephen.Dembek@nrc.gov and my telefax number is (301) 415-2395. If you respond by e-mail, please copy your response to Ms. Brooke Smith at Brooke.Smith@nrc.gov.

Should you have questions or require additional information, please feel free to contact me at (301) 415-2342 or Ms. Smith at (301) 415-2347.

Sincerely,

/RA/

Stephen Dembek, Branch Chief
Export Controls and International Organizations
Office of International Programs

Docket Nos.:

11005711 (IW023)
11005710 (XW013)

Enclosures:

1. Appl. Letter Dated 09/14/07
See ADAMS ML080370056 for Attachments
2. Letter to DOS Dated 10/25/07
3. FRN Published 02/11/08 (IW023)
4. FRN Published 02/11/08 (XW013)
5. Letter Dated 12/05/07 re 1st RAI
6. Letter Dated 01/11/08 re 2nd RAI

cc w/encls:

G. Kim, NRC/OGC
A. Bradford, NRC/FSME
J. Shaffner, NRC/FSME

J. Kennedy, NRC/FSME
D. Decker, NRC/OCA
D. McIntyre, NRC/OPA

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DOCUMENT NAME: S:\IMPORTS\Imports – States-Compacts\SE Compact IW023 & XW013.doc

ADAMS ACCESSION NOS.:

Package No.: ML080370056

Letter No.: ML080500349

* See previous concurrence

Enclosure 1: ML072950080

Enclosure 2: ML072980277

Enclosure 3: ML080430335

Enclosure 4: ML080430334

Enclosure 5: ML073400154

Enclosure 6: ML080150374

TEMPLATE NO.: OIP-004

☒ Publicly Available

☐ Non-Publicly Available

☐ Sensitive

☒ Non-Sensitive

OFFICE	OIP	OIP	BC:OIP
NAME	R Barnes	B Smith *	S Dembek
DATE	2-6-08	2-7-08	2/19/08

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