

June 15, 2009

Mr. Gary L. Robertson, Director
Office of Radiation Protection
Department of Health
7171 Cleanwater Lane, Building #5
P.O. Box 47827
Olympia, WA 98504-7827

Dear Mr. Robertson

Enclosed are two applications (IW009/02 and XW015), dated March 20, 2009, received by the U.S. Nuclear Regulatory Commission (NRC), from AREVA NP Inc. (AREVA) requesting Amendment No. 02 to import license IW009/01 and a new export license XW015.

The applicant is requesting IW009/02 to extend the expiration date from December 31, 2010 to December 31, 2020, for the importation of contaminated combustible materials from Advance Nuclear Fuels (ANF) in Germany to the AREVA facility in Richland, Washington. AREVA processes (incinerates) the combustible materials to recover uranium. No other changes to the import license are requested and the low level radioactive waste generated during the recovery process would continue to be disposed of at the U.S. Ecology, Inc. facility in Richland, Washington. Similarly, it is expected that any radioactive mixed waste generated during the recovery process would likewise be disposed of at the EnergySolutions (formerly Environcare) facility in Clive, Utah.

AREVA is requesting a new export license (XW015) because the NRC export licenses (XW005 and XW006), which previously authorized the return to ANF in Germany of slightly contaminated non-combustible materials (e.g. glass, metal, slag), recovered from the materials imported under IW009, expired.

The NRC sent copies of these applications to the Department of State requesting assistance in notifying EURATOM of the proposed radioactive waste export and to obtain any comments that the Government of Germany might have in the context of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. NRC also requested views as to whether the subject export will be consistent with the Convention's guidelines.

A Federal Register notice regarding export license application (XW015) was published on April 24, 2009, (74 FR 18751-18752). We are also sending analogous letters to Mr. Dane Finerfrock from the State of Utah and Mr. Michael Garner of the Northwest Compact for their 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 these import and export license applications, 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.

Although the NRC application to extend the expiration date for IW009/02 is a minor amendment, the NRC will not issue the amendment to that import license until it is possible to issue the export license XW015.

We also welcome your response by e-mail or telefax, and request that you refer to NRC license applications IW009/02 and XW015 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. Janice Owens at Janice.Owens@nrc.gov.

If you have questions or require additional information, please feel free to contact me at (301) 415-2342 or Ms. Owens at (301) 415-3684.

Sincerely,

/RA/

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

Enclosures:

1. Application for IW009/02
2. Application for XW015

Cc: Terry C. Frazee
Western Regional Director
State of Washington

Although the NRC application to extend the expiration date for IW009/02 is a minor amendment, the NRC will not issue the amendment to that import license until it is possible to issue the export license XW015.

We also welcome your response by e-mail or telefax, and request that you refer to NRC license applications IW009/02 and XW015 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. Janice Owens at Janice.Owens@nrc.gov.

If you have questions or require additional information, please feel free to contact me at (301) 415-2342 or Ms. Owens at (301) 415-3684.

Sincerely,

/RA/

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

Enclosures:

- 1. Application for IW009/02
- 2. Application for XW015

cc: Terry C. Frazee
Western Regional Director
State of Washington

DOCUMENT NAME: S:\EXPORTS\Exports – States-Compacts\State of WA (XW015 & IW009-02).doc

ADAMS ACCESSION NOS.:

TEMPLATE NO.: OIP-004

Package No.: ML091470415

Letter No.: ML091670037

Enclosure 1 (IW009/02) No.: ML090840314

Enclosure 2 (XW015) No.: ML090840315

* See previous concurrence

Publicly Available Non-Publicly Available Sensitive Non-Sensitive

OFFICE	ECIO/OIP	ECIO/OIP	BC:ECIO/OIP
NAME	R Barnes	J Owens (with edits) *	S Dembek
DATE	6-15-09	5-27-09	6/15/09

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