

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of:

ENERGYSOLUTIONS

(Radioactive waste import/export
licenses for Italian waste)

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License Nos. IW023 and XWO13

Docket No. 11005711 (import)

and No. 11005710 (export)

October 1, 2009

STATE OF UTAH'S UPDATE TO ITS VIEWS ON HOW TO PROCEED

In its June 19, 2009 *Views on How the Commission Should Proceed*, the State of Utah advised the Commission that the defendants intended to appeal the Utah federal district court's May 15, 2009, decision relating to the scope of the Northwest Interstate Compact's authority.

The State of Utah, the Northwest Interstate Compact on Low-Level Radioactive Waste Management *et al.*, and the Rocky Mountain Low-Level Radioactive Waste Compact timely appealed the district court's decision to the 10th Circuit Court of Appeals. The appeals are docketed under case Nos. 09-4122, 09-4123 and 09-4124 and consolidated for procedural purposes. Eight of ten low-level radioactive waste compacts (33 states) and the Council of State Governments are supporting Appellants' appeal, either as parties or as *amici curiae*. The parties completed briefing on September 28, 2009, and await the court's scheduling of oral argument.

DATED this 1st day of October, 2009.

Respectfully submitted,
/signed electronically by Denise Chancellor/

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BEFORE THE COMMISSIONERS

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ENERGYSOLUTIONS)	Docket No. 11005711 (import)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S UPDATE TO ITS VIEWS ON
HOW TO PROCEED was served on the persons listed below via the NRC Electronic
Information Exchange E-Filing System this 1st day of October, 2009:

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