

October 19, 2009

Mr. Johnny C. Graves  
Health Physics Program Manager  
Licensing, Registration, and Policy Section  
Tennessee Department of Environment  
and Conservation  
Division of Radiological Health  
3<sup>rd</sup> Floor, L&C Annex  
Nashville, TN 37243-1532

Dear Mr. Graves:

Enclosed for your information is application XW016 (Enclosure 1) dated August 3, 2009, from Eastern Technologies, Inc. (ETI), requesting a specific license to return Class A radioactive waste to the Laguna Verde Nuclear Power Station (Laguna Verde) in Veracruz, Mexico. The material to be exported is the secondary waste resulting from the dissolving and the decontamination of polyvinyl alcohol (PVA) dissolvable protective clothing and related items (e.g., zippers and elastic) along with the process filters used to decontaminate the dissolved clothing.

The used PVA based protective clothing and related items will initially be imported from Laguna Verde under NRC License IW016/01 (Enclosure 2) and received at the ETI facility located in Ashford, Alabama under the radioactive materials license issued to ETI by the State of Alabama. This license authorizes ETI to collect and treat PVA based items and manage associated decontamination wastes.

The residual material to be exported to Mexico for return to Laguna Verde originates from shipments of used PVA based protective clothing and related products shipped to ETI from Laguna Verde for dissolving. The secondary waste resulting from dissolving PVA products includes decontamination process filters and residual components from dissolvable products (e.g., zippers and elastic).

Following processing at the ETI facility, the secondary waste resulting from the Laguna Verde material will be shipped to Impact Services located in Oak Ridge, Tennessee. Impact Services will further volume reduce the material and return it to ETI for eventual export to Laguna Verde in Mexico. Therefore, as a result of the export proposed under XW016, no secondary waste generated from imports under IW016/01 will be disposed of in the United States.

As stated in ETI's application, shipments would occur periodically over the duration of the commercial agreement between Laguna Verde and ETI and would be scheduled at times mutually agreeable to ETI and the Laguna Verde Station. It is anticipated that only one to two shipments per year may be required to return the residual material to Laguna Verde.

The NRC sent a copy of this application to the Department of State requesting assistance in notifying the Mexican Government of the proposed radioactive waste export and to obtain any

comments that the Mexican Government 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 XW016 was published on September 18, 2009, (74 FR 47978-47979). We are also sending analogous letters to Ms. Kathryn Haynes from the Southeast Compact Commission and Mr. Kirksey Whatley from the State of Alabama for their consideration.

It is our view that XW016 adequately addresses the concerns raised regarding proposed imports of radioactive waste that led us to place our review of the application to amend the corresponding import license IW016/01 in abeyance. We are providing this letter and the enclosed applications for your information; however, if you have any comments, please provide them to us within two weeks of receipt of this letter.

We would welcome your response by e-mail or telefax, and request that you refer to NRC license application XW016 in your response. As the Commission's point of contact for this matter, my e-mail is [Janice.Owens@nrc.gov](mailto:Janice.Owens@nrc.gov) and my telefax number is (301) 415-2395. If you respond by e-mail, please copy your response to Ms. Jennifer Tobin at [Jennifer.Tobin@nrc.gov](mailto:Jennifer.Tobin@nrc.gov).

If you have questions or require additional information, please feel free to contact me at (301) 415-3684 or Ms. Tobin at (301) 415-2328.

Sincerely,

**/RA/**

Janice E. Owens, Branch Chief  
Export Controls and International Organizations  
Office of International Programs

Enclosures:

1. Export Application XW016
2. Import Application IW016/01

cc w/encls:

Mr. Dane Finerfrock, State of Utah  
Mr. Michael Garner, Northwest Compact Commission

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Sincerely,

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Janice E. Owens, Branch Chief  
Export Controls and International Organizations  
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2. Import Application IW016/01

cc w/encls:

Mr. Dane Finerfrock, State of Utah  
Mr. Michael Garner, Northwest Compact Commission

DOCUMENT NAME: S:\EXPORTS\Exports – States-Compacts\State of TN (XW016).doc

**ADAMS ACCESSION NOS.:**

**Package No.:** ML092720450

**Letter No.:** ML092940254

**Enclosure 1 No.:** ML092260136

**Enclosure 2 No.:** ML082830318

TEMPLATE NO.: OIP-004

\* See previous concurrence

\*\* Concurred via email

☒ Publicly Available

☐ Non-Publicly Available ☐ Sensitive

☒ Non-Sensitive

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| DATE   | 10-16-09 | 9-29-09    | 9/29/09    | 10-14-09           | 10/19/09    |

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