

Northwest Interstate Compact

On Low-Level Radioactive Waste Management

P.O. Box 47600. Olympia, Washington 98504-7600. (360) 407-7102. Mike Garner, Executive Director

January 27, 2010

Ms. Brooke G. Smith
Senior International Policy Analyst
Office of International Programs
U.S. Nuclear Regulatory Commission
MS 04 E21
Washington, D.C. 20555

Re: Proposed Extension of IW017 and IX010

Dear Ms. Smith:

Thank you for providing the Northwest Compact the opportunity to comment on the proposed import (IW017) and export (IX010) license extension requests. The proposed extensions will allow low-level waste from Monserco Limited in Canada to be shipped to Duratek Services, Inc. for an additional six years.

Prior to issuance of the original import/export licenses, the U.S. Nuclear Regulatory Commission (NRC) sought comments from the Southeast Compact and the state of Tennessee. It was later determined that a portion of the Monserco Limited low-level waste shipped to Duratek was incinerated and re-attributed as Duratek (Tennessee) low-level waste. This waste was then shipped to EnergySolutions' Clive facility for disposal.

In May 2009, the U.S. District Court for the District of Utah ruled that the Northwest Compact has no authority over EnergySolutions' Clive facility. The Northwest Compact appealed the ruling and oral arguments were heard on January 14, 2010 in the U.S. Tenth Circuit Court of Appeals. Should the U.S. Tenth Circuit Court of Appeals reverse the District Court ruling, the Northwest Compact would again have authority over the Clive facility. Should this occur, low-level waste resulting from the processing of the Monserco waste, including foreign-generated waste that is characterized as domestic waste by another compact or unaffiliated state, would not have access to the Northwest Compact for disposal at the Clive facility. No arrangement exists that provides foreign low-level waste access to the Northwest Compact for disposal (see attached Clarifying Resolution).

It is important that NRC understand these factors as it considers the proposed license extensions. Should you have any questions regarding my response please contact me at (360) 407-7102.

Sincerely,



Mike Garner, Executive Director
Northwest Interstate Compact

cc: Northwest Compact Committee