



April 2, 2010

CD10-0098

Janice Owens, Branch Chief
Export Controls and International Organizations
Office of International Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Subject: NRC Response to Amendment Requests IW017/01 and XW010/01

Dear Ms. Owens:

This letter provides EnergySolutions' response to your letter of March 2, 2010 notifying us of your decision to hold review of amendment applications IW017/01 and XW010/01 in abeyance until an appropriate facility has agreed to accept the waste for management or disposal.

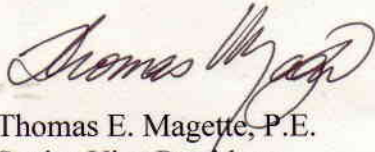
NRC Order CLI-08-24 held the proceeding regarding the import of waste from Italy in abeyance "[u]ntil a court of competent jurisdiction determines that the Northwest Compact cannot exclude foreign waste." This determination took place over ten months ago when the United States District Court for the District of Utah determined that the Northwest Interstate Compact on Low-Level Radioactive Waste Management ("Northwest Compact") lacks the authority to impede the disposition of the proposed imported waste at EnergySolutions' Clive Facility. As EnergySolutions informed the Commission in its notification of March 30, 2010, there is no longer any public explanation for the stay imposed in CLI-08-24. EnergySolutions respectfully requests that the Commission lift the order holding the review of the subject amendment requests in abeyance and issue a ruling as expeditiously as practicable.

Furthermore, the conditions in this case are fundamentally different than those in the case of EnergySolutions' application to import waste from Italy. In the subject proceeding, EnergySolutions is merely requesting an extension in the period of performance. No additional waste (mass or activity) over that previously authorized is requested. There is not today nor would there be in the future any stranded waste.

With respect to the issues raised by the Northwest Compact in its letter dated January 27, 2010, the attribution model used by EnergySolutions is authorized by the State of Tennessee Department of Environment and Conservation, Condition 45 of Radioactive Materials License R73008-C14. This attribution model is consistent with Appendix G to 10 CFR 20 (and the equivalent Tennessee regulation) and the authority for granting this authorization lies with the State of Tennessee.

Questions regarding these comments may be directed to me at (240) 565-6148 or temagette@energysolutions.com.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas Magette". The signature is written in a cursive style with a large, stylized initial "T".

Thomas E. Magette, P.E.
Senior Vice President
Nuclear Regulatory Strategy