November 15, 2010

Mr. Rusty Lundberg, Director
Division of Radiation Control
State of Utah
Department of Environmental Quality
P.O. Box 144850
168 North 1950 West
Salt Lake City, UT 84114-4850

Dear Mr. Lundberg:

SUBJECT: APPLICATION FOR NRC IMPORT LICENSE (IW028)

Enclosed for your consideration is an application dated August 31, 2010 (Enclosure 1), from Oregon Specialty Metals requesting a license (IW028) to import approximately 186,000 kilograms of materials contaminated with 2.613 kilograms of U-235 contained in 58.575 kilograms uranium, which originated in the United States and had been sent to Mississauga Metals and Alloys Inc. (MMA) in Canada for processing. We are sending analogous letters to Mr. Michael Garner (Northwest Interstate Compact on Low-Level Radioactive Waste Management), Mr. David Allard (State of Pennsylvania), and Mr. Richard Janati (Appalachian Interstate Compact on Low-Level Radioactive Waste Management), for their respective consideration.

If issued, the license will allow the import of 186,000 kilograms of materials in the form of contaminated mixed metals, filter cake, spent metal shot, trash and protective clothing. The waste was originally exported to MMA for processing from Areva (Richland and Lynchburg- XW007) and Westinghouse (Hematite and Columbia- XW003). MMA had a major fire in 2009 which led to the Canadian Nuclear Safety Commission suspending their license and requiring the inventory to be reduced. You may recall that the NRC issued an import license exemption (IW020-EX) as well as a specific import license (IW021) authorizing the return of some materials to the United States.

The latest import application (IW028) was forwarded to the U.S. Department of State (DOS) on October 14, 2010, for assistance in notifying Canadian Government authorities of the proposed radioactive waste import. NRC also requested DOS's views as to whether approving the application would be consistent with the guidelines of the Joint Convention of the Safety of Spent Fuel Management and Safety of Radioactive Waste Management.

NRC published a Federal Register notice regarding the import license application on November 9, 2010 (Enclosure 2). Alaron, under contract to Oregon Specialty Metals (the applicant), has agreed to use their Pennsylvania license to condition and package the waste for transport to the Clive, Utah disposal facility for final disposition.

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 the import license application (IW028) or if necessary, provide an estimate of how much additional time may be required to complete your review and provide a written response to NRC.

We welcome your response by e-mail or telefax, and request that you refer to NRC license application IW028 in your response. As the NRC's point of contact for this matter, my e-mail address is Janice.Owens@nrc.gov and my telefax number is (301) 415-2395. If you respond by e-mail, please copy your response to Ms. Jenny Wollenweber at Jennifer.Tobin@nrc.gov. Should you have questions or require additional information, please feel free to contact me at (301) 415-3684 or Ms. Wollenweber at (301) 415-2328.

Sincerely,

***/RA/***

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

Enclosures:
1. Application Dated 08/30/10
   IW028 - Canada
   Docket Number 11005875
2. Federal Register Notice

cc w/enclosures:
G. Kim, NRC/OGC
J. Kennedy, NRC/FSME

We welcome your response by e-mail or telefax, and request that you refer to NRC license application IW028 in your response. As the NRC's point of contact for this matter, my e-mail address is Janice.Owens@nrc.gov and my telefax number is (301) 415-2395. If you respond by e-mail, please copy your response to Ms. Jenny Wollenweber at Jennifer.Tobin@nrc.gov. Should you have questions or require additional information, please feel free to contact me at (301) 415-3684 or Ms. Wollenweber at (301) 415-2328.

Sincerely,
***/RA/***

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

Enclosures:
1. Application Dated 08/30/10
   IW028 - Canada
   Docket Number 11005875
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G. Kim, NRC/OGC
J. Kennedy, NRC/FSME

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**ADAMS Accession Nos:** TEMPLATE NO.: OIP-004
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**Letter No.: ML103140791**
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**Enclosure 2 No.: ML103140778**

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| OFFICE | OIP | OIP | BC:OIP |
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| NAME | JChimood | JWollenweber | JOwens |
| DATE | 11/ 12/10 | 11/12/10 | 11/15/10 |

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