

Northwest Interstate Compact

On Low-Level Radioactive Waste Management

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

May 29, 2008

Mr. Stephen Dembek, Branch Chief
Export Controls and International Organizations
Office of International Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Application for NRC Import License (IW024)

Dear Mr. Dembek:

Thank you for your April 28, 2008, letter requesting comments on AREVA's import license application IW024. If approved, the import license will allow one 55-gallon drum containing metal shavings, rejected parts, and protective clothing and rags to be shipped from France to the United States for processing at EnergySolutions - Duratek facility for processing.

The Northwest Compact has no issue with this portion of the application as the material became contaminated through use at the D.C Cook power plant in Michigan. However, the application indicates that following processing (incineration) the waste will be shipped to the Clive, Utah facility as EnergySolutions - Duratek waste. **The Northwest Compact does have an issue with the practice that allows a processor to reattribute the original generator's waste as its own waste following processing.**

At its May 8, 2008, meeting the Northwest Compact established a working group to address its concerns regarding this practice. This is an important issue as it can compromise a compact's ability to effectively exercise its exclusionary authority as provided by federal law.

Therefore, I am requesting the Northwest Compact be allowed to defer comment on import license application IW024 until the working group has the opportunity to address its concerns. The working group plans to discuss its concerns with the Southeast Compact and the state of Tennessee and we are hopeful that we will be able to resolve this issue within ninety days. However, should I be unable to respond within ninety days, I will notify you requesting additional time.

Thank you for providing the opportunity to comment on the import license application. If you have questions please call me at (360) 407-7102.

Sincerely,



Mike Garner, Executive Director
Northwest Interstate Compact

cc: Northwest Compact Committee

*Rec'd
5-29-08*