

Northwest Interstate Compact

On Low-Level Radioactive Waste Management

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

August 4, 2000

Mr. David Delcour
President and Chief Operating Officer
Dawn Mining Company LLC
W. 505 Riverside, Suite 500
Spokane, Washington 99201

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OSP

Dear Mr. Delcour:

The Northwest Interstate Compact Committee has no objection to the Dawn Mining Company proposal, as reviewed by the Washington State Department of Health, to dispose of non-11.e(2) material, Midnite Mine water treatment plant sludge (source material), in Tailing Disposal Area 4 located at the company's mill site.

At its June 13, 2000 meeting the Northwest Compact Committee reached a tentative decision that it did not have jurisdiction with respect to the Dawn Mining Company request. This position was described in a "draft" letter to Mr. Paul Lohaus, Director of the Nuclear Regulatory Commission Office of State and Tribal Programs. At the June meeting, Compact Counsel was simultaneously asked to review the Compact law to determine if the tentative decision accurately reflected the Committee's authority.

At the July 21, 2000 meeting of the Northwest Compact Committee, Compact Counsel summarized his review of the compact statutes, specifically in regard to the Committee's tentative decision made during the June meeting. Counsel stated it was his opinion the Dawn Mining Company proposal fell under the general jurisdiction of the Compact Committee as it was a matter arising under the compact. However, Counsel did not believe the proposal could be characterized as a request for access and therefore recommended that the Compact Committee either (1) transmit to Washington state any objections it may have to the proposal, or (2) pass a motion indicating that the Compact Committee has no objections.

Following the review by Compact Counsel, the Compact Committee unanimously adopted a motion stating it had no objections to the Dawn Mining Company proposal.

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Should you have any questions please contact Mike Garner at (360) 407-7102.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Goldstein", written over a horizontal line.

Lawrence Goldstein, Chair
Northwest Interstate Compact

cc: Northwest Compact Committee
Northwest Compact Counsel
Mr. Gary Robertson, Washington State Department of Health
Mr. Paul Lohaus, Nuclear Regulatory Commission