

May 26, 2006

Mr. Kirksey E. Whatley, Director
Office of Radiation Control
Alabama Department of Public Health
P.O. Box 303017-3017
Montgomery, AL 36130-3017

SUBJECT: APPLICATION RECEIVED FROM EASTERN TECHNOLOGIES INC. FOR AN
NRC LICENSE TO IMPORT RADIOACTIVE WASTE FROM MEXICO
(APPLICATION NO. IW016 – DOCKET NO. 11005602)

Dear Mr. Whatley:

In accordance with U.S. Nuclear Regulatory Commission (NRC) export/import license regulations, Title 10 of the Code of Federal Regulations (CFR) Part 110, I am enclosing for your review and comment an application for a license to import radioactive waste submitted by Eastern Technologies, Inc. (ETI) dated February 3, 2006.

ETI is proposing to import contaminated protective clothing and related items from the Laguna Verde Nuclear Power Plant and plans to launder and return many of the items to Mexico for reuse, as well as to dissolve OREX polyvinyl alcohol (PVA) protective clothing and dispose of the resulting waste. ETI has informed us that it is not a "radioactive waste processing company" and that it is authorized to provide conventional nuclear laundry and OREX processing services to many U.S. nuclear utility companies at its facility in Alabama pursuant to a license issued by your Agency. Nevertheless, we concluded that an NRC license to import these materials as radioactive waste is required because they do not appear to meet the definition of "incidental radioactive material" in NRC export/import licensing regulations (a summary of which is also enclosed).

Pursuant to 10 CFR 110.70(c), NRC published a notice in the March 6, 2006 Federal Register that the ETI application for a license to import radioactive waste had been received. In response to that notice, NRC received a letter dated March 21, 2006, from Mr. Jerry Cochran, urging NRC to deny the import license. A copy of Mr. Cochran's letter is also enclosed for your review and comment. We would be particularly interested in your comments on his following points:

If the import of the contaminated protective clothing and related items for conventional laundering, as well as the contaminated dissolvable materials for OREX processing/disposal are characterized as radioactive waste by NRC import regulations does ETI need a new or an amended State of Alabama license or is the existing Alabama license sufficient?

For your information, copies of ETI's application are also being sent to the Southeast Compact Commission for consideration and to the U.S. Department of State (DOS). The DOS has contacted the Mexican Government to obtain any comments they might have on the proposed import and will ultimately advise NRC whether approval of the import would be consistent with the guidelines in the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management.

I respectfully request your comments within two weeks from the date of this letter regarding the points raised by Mr Cochran and whether ETI is authorized by the State of Alabama to provide the services proposed for materials imported from Mexico.

Should you have questions or need additional information, please contact me at 301-415-2342, (sxd@nrc.gov) or Janice Owens at 301-415-3684 (jeo@nrc.gov) or by fax at 301-415-2395. If it will not be possible to respond in that time frame, I would greatly appreciate it if you could advise how much additional time will be needed.

Sincerely,

/RA/

Stephen Dembek, Section Chief
Export Controls and International Organizations
Office of International Programs

Enclosures:

1. Provisions of 10 CFR Part 110 Regulation
2. Application Dtd. 02/03/06
3. Ltr from J. Cochran Dtd. 03/21/06

cc w/encls:

S. Flanders, NMSS
R. Whited, NMSS
J. Kennedy, NMSS
D. Cool, NMSS
J. Shaffner, NMSS
G. Kim, OGC
R. Virgilio, STP

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Enclosure 3 No.: ML061170029

* See previous concurrence

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OFFICE	OIP	OSTP	OIP/SC
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