

Northwest Interstate Compact

On Low-Level Radioactive Waste Management

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

**THIRD AMENDED
RESOLUTION AND ORDER**

Whereas, the Compact Committee continues to support the Low-Level Radioactive Waste Policy Amendments Act, Public Law 99-240;

Whereas, the State of Utah has licensed EnergySolutions as a low-level radioactive waste disposal facility;

Whereas, the EnergySolutions facility in Clive, Utah, serves an important national purpose in accepting certain types of low-level radioactive waste for treatment and disposal;

Whereas, allowing certain low-level radioactive waste access to the licensed EnergySolutions facility should not be construed to diminish the Compact Committee's support for Public Law 99-240;

Whereas, since allowing access to the EnergySolutions facility, as restricted by the radioactive materials license issued by the State of Utah, will not resolve continued uncertainties about national capacity for the disposal of low-level radioactive waste, the Compact Committee urges other compacts and unaffiliated states to provide disposal capacity for such waste;

Whereas, no facility located in any party state may accept low-level waste generated outside the region comprised of the party states except as may be agreed to under Articles IV and V of the Compact statute; and

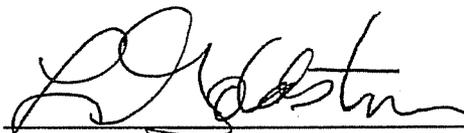
Whereas, the Compact Committee has been asked by the State of Utah to allow access to EnergySolutions for certain low-level radioactive wastes;

BE IT HEREBY RESOLVED AND ORDERED THAT:

1. Low-level radioactive mixed waste, as defined in federal and/or state law is allowed access to the EnergySolutions facility in the Northwest Interstate Compact region.
2. Low-level radioactive waste (as defined in Public Law 99-240) as allowed under, and regulated by the terms of, the radioactive materials license of EnergySolutions as determined by the State of Utah, is allowed access to the EnergySolutions facility in the Northwest Interstate Compact region.
3. While the Compact allows the above described wastes access to the licensed EnergySolutions facility in the Northwest Interstate Compact region, in accordance with Article V of the Compact, Utah retains the right to specifically approve each disposal arrangement before the waste is allowed access to the licensed EnergySolutions facility.

4. All federal and state environmental and other laws and regulations shall be complied with by the licensed EnergySolutions facility accepting the above referenced media or waste for treatment, storage, or disposal. The Compact has no authority and assumes no responsibility for the licensing and operation of the EnergySolutions facility.
5. It is the intent of the Committee that only those wastes approved by the compact of origin (including the Northwest Compact) be allowed. For states unaffiliated with a compact, state approval for export is required to the extent states can exercise such approval. This Resolution and Order shall constitute an arrangement under Article V of the Compact statute with any unaffiliated state or compact that approves waste for export to the EnergySolutions facility.
6. The licensed EnergySolutions facility accepting any of the above described low-level radioactive wastes shall provide monthly to the Compact Executive Director a record of all shipments to include generator name, state of generation, total waste volume, and average concentration of each such shipment. EnergySolutions shall add a section for in-region low-level radioactive waste reported to the U.S. Department of Energy's Manifest Information Management System. This section shall contain information documenting that compact authorization was not required prior to receipt of in-region low-level radioactive waste based on its classification as mixed waste, U.S. Department of Energy waste, Naturally Occurring or Accelerator Produced Material (NARM), or uranium mill tailings (11e.(2) byproduct material).
7. The Northwest Interstate Compact retains the right to modify or rescind this authorization at any time. The Compact Executive Director shall monitor progress of other compacts and states in siting low-level radioactive waste disposal facilities under Public Law 99-240. At three-year intervals, the Compact Committee shall evaluate such progress with regard to access to the EnergySolutions facility.

As approved by the Northwest Interstate Compact on Low-Level Radioactive Waste Management, I execute this revised Resolution and Order on the 1ST day of May 2006.



Lawrence Goldstein, Chair
Northwest Interstate Compact on
Low-Level Radioactive Waste Management