

**From:** [Schwab, Kristen \(DOH\)](#)

**Subject:** NWIC: Committee Member Packet: Revised Example Arrangement for Ontario Canada Waste

**Date:** Tuesday, December 16, 2025 6:52:00 AM

**Attachments:** [image001.png](#)

[NWIC Example Arrangement for Ontario Canada Waste 12-19-25.pdf](#)

[image003.png](#)

**Importance:** High

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Dear Committee Members,

Attached is the Committee Member Packet for the upcoming December 19<sup>th</sup> Meeting. This revised Example document includes the edits we discussed during the November 25<sup>th</sup> meeting, as well as some new language, for your review, that Doug and I drafted, related to discussions that began during the that meeting, but for which we did not have time to craft new language.

Kristen

**Kristen, Schwab, M.S.**

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**EXAMPLE  
RESOLUTION AND ORDER  
ALLOWING ACCESS TO THE REGION FOR DISPOSAL OF CERTAIN CLASS A  
LOW-LEVEL RADIOACTIVE WASTE  
FROM THE PROVINCE OF ONTARIO, CANADA**

**WHEREAS**, the Compact Committee of the Northwest Interstate Compact on Low-Level Radioactive Waste Management (“Northwest Interstate Compact”) supports the Low-Level Radioactive Waste Policy Amendments Act, Public Law (P.L.) 99-240, and its objective of ensuring national disposal capacity for low-level radioactive waste generated in the United States;

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

**WHEREAS**, in the early 1990s the Compact Committee issued a Resolution and Order whereby it allowed access to the ~~low-level radioactive waste disposal facility located at Clive, Utah (the “Clive Facility”) and currently owned and operated by EnergySolutions, LLC (“EnergySolutions”)~~ disposal facility in Clive, Utah for certain low-level radioactive wastes generated outside of the region in the United States;

**Commented [KS1]:** NEW: remove this from here because EnergySolutions did not own the facility in the 1990s

**WHEREAS**, the Compact Committee subsequently issued two amendments to the Resolution and Order that continued to allow access to the ~~disposal facility in Clive, Utah~~ Clive Facility for certain low-level radioactive wastes generated outside of the region;

**Commented [KS2]:** Made during 11-25 meeting

**Commented [KS3]:** Made during 11-25 meeting

**WHEREAS**, on May 1, 2006, the Compact Committee issued a Third Amended Resolution and Order pertaining to the ~~Clive Facility; low-level radioactive waste disposal facility located at Clive, Utah (the “Clive Facility”) and currently owned and operated by EnergySolutions, LLC (“EnergySolutions”);~~ which is currently owned and operated by EnergySolutions, LLC (“EnergySolutions”);

**Commented [KS4]:** Made during 11-25 meeting

**Commented [KS5]:** NEW: add this here because Energy Solutions owned the facility by this time.

**WHEREAS**, The Third Amended Resolution and Order recognizes that the Clive facility serves an important national interest by accepting certain types of low-level radioactive waste and states that allowing access to the Clive facility for this waste should not be construed to diminish the Compact Committee’s support for P.L. 99-240;

**WHEREAS**, on May 12, 2008, the Compact Committee issued a Resolution Clarifying the Third Amended Resolution and Order (“Clarifying Resolution and Order”);

**WHEREAS**, the Clarifying Resolution and Order clarifies that the Third Amended Resolution and Order does not serve as an arrangement for disposal of low-level radioactive wastes generated in foreign countries and recognizes that such an arrangement, as required by Articles IV and V of the Compact statutes, would need to be adopted by the Compact Committee prior to foreign-generated waste being allowed access to the region;

WHEREAS, the United States has historically benefitted from the importation of greater than 10 terawatt hours of electricity generated within the province of Ontario, Canada per year, a portion of which is generated by nuclear power;

Commented [KS6]: NEW: Discussed at 11-25 meeting

**WHEREAS**, EnergySolutions has requested that the Compact Committee approve, as an arrangement under Article V of the Northwest Interstate Compact, the receipt and disposal of 1,305,000 cubic yards of certain low-level radioactive wastes generated in the Province of Ontario, Canada for disposal at the Clive Facility;

**WHEREAS**, the State of Utah supports EnergySolutions' request for authorization from the Compact Committee to dispose of waste from the province of Ontario, Canada at the Clive Facility;

**WHEREAS**, the State of Utah has provided the executive and legislative approvals necessary for expansion in the low-level waste disposal capacity at the Clive Facility under Utah Senate Bill 216 (2025) (the "Expansion Capacity"), and established an associated tax on such expansion efforts;

**WHEREAS**, EnergySolutions has stated that revenue from the disposal of waste from the province of Ontario is necessary for EnergySolutions to implement the Expansion Capacity approval process authorized by the State of Utah under SB216;

**WHEREAS**, the Expansion Capacity would exceed the requested waste volume from the province of Ontario by a minimum of 7,195,000 cubic yards which would be available for disposal of domestic waste originating in the United States;

**WHEREAS**, the acceptance of the waste from the province of Ontario at the Clive Facility should not be construed to diminish the Compact Committee's support for Public Law 99-240, but rather its continuing support for the policy objectives of the act;

**BE IT HEREBY RESOLVED AND ORDERED THAT:**

1. Low-level radioactive waste, as defined in Public Law 99-240, and regulated by the terms of the radioactive materials license of EnergySolutions issued by the State of Utah, and low-level radioactive mixed waste, as defined in United States federal and/or state law generated in the province of Ontario, Canada is allowed access to the Clive, Utah facility, subject to the conditions set forth below.
2. Such waste that is generated in the province of Ontario, Canada and received at the Clive Facility:

- (a) shall meet the requirements and standards of the Nuclear Regulatory Commission (“NRC”) and the State of Utah applicable to Class A low-level radioactive waste generated in the United States, including all applicable federal and state environmental and other laws and regulations;
  - (b) shall be classified as Class A low-level radioactive waste according to NRC and Agreement State regulations and otherwise found to meet all applicable requirements prior to importation into the Northwest Interstate Compact region;
  - (c) shall be exported from the province of Ontario, Canada in compliance with all applicable Canadian provincial and federal laws and regulations;
  - (d) shall be received under an import license granted by the NRC;
  - (e) shall have been generated within the province of Ontario, Canada and not **trans-shipped** to the province of Ontario, Canada from any other jurisdiction;
  - (f) shall have been generated by the civilian nuclear power **or energy** industry; and
  - (g) shall exclude (i) government and weapons waste; (ii) academic research waste; and (iii) waste from industrial processes that are not part of the civilian nuclear power industry.
3. The Compact has no authority and assumes no responsibility for the licensing and operation of the EnergySolutions facility.
  4. This Resolution and Order shall not become effective, and no waste from the province of Ontario is allowed access to the region until and unless:
    - (a) EnergySolutions has submitted a license application to the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control (the “DWMRC”) for approval of a new cell at its Clive Facility of not less than 8,500,000 cubic yards of Expansion Capacity; and
    - (b) EnergySolutions has received all required regulatory approvals from the NRC and Canadian regulators described above in Subparagraphs 2(c) and 2(d).
  5. The total volume of waste from the province of Ontario that may be received under this Resolution and Order shall not exceed 1,305,000 cubic yards (the “Province of Ontario Volume Disposal Limit”), as measured by the manifested volume of such waste. This Resolution and Order shall automatically terminate on the date that the Province of Ontario Volume Disposal Limit is reached.
  6. To protect domestic low-level radioactive waste disposal capacity authorized under the Third Amended Resolution and Order, not more than 400,000 cubic yards of the Province

**Commented [KS7]:** NEW: is this the correct term, or should it just be “shipped”?

**Commented [KS8]:** NEW: removed to just use term “nuclear power industry”

of Ontario Volume Disposal Limit may be accepted for disposal under this authorization; provided, however, that this limitation may be lifted by the Compact Committee after the DWMRC issues a license for the Expansion Capacity and construction is initiated, shall not apply after the DWMRC authorizes the Expansion Capacity.

**Commented [KS9]:** Made during 11-25 meeting

7. EnergySolutions shall provide a written certification to DWMRC that a shipment meets all applicable requirements and conditions prior to shipping. Any and all waste from the province of Ontario found to be out of compliance with the conditions set forth in this authorization, shall be exported back to Canada, as enforced by the Director of the DWMRC.

**Commented [KS10]:** Made during 11-25 meeting (moved paragraph)

8. Any and all waste from the province of Ontario found to be out of compliance with the conditions set forth in this authorization, shall be exported back to Canada, as enforced by the Director of the DWMRC.

**Commented [KS11]:** Made during 11-25 meeting (moved paragraph)

9. All waste shipments shall be consigned for disposal at the Clive Facility through a Generator Site Access Permit ("GSAP") issued and enforced by the Director of the DWMRC under the Utah Radiation Control Act, as follows:

(a) EnergySolutions, as the broker of the waste, or an approved affiliate shall be the holder of the GSAP; and

**Commented [KS12]:** NEW: added to clarify EnergySolutions' role

(b) The GSAP permittee shall be legally responsible for compliance with all requirements relating to the GSAP program, including vicarious liability for the acts and omissions of the generator, as enforced by the State of Utah.

**Commented [KS13]:** Made during 11-25 meeting

~~9. EnergySolutions shall provide a written certification to DWMRC that a shipment meets all applicable requirements and conditions prior to shipping.~~

**Commented [KS14]:** Made during 11-25 meeting (moved paragraph to 7)

10. EnergySolutions shall keep DWMRC and the Northwest Interstate Compact regularly informed of the progress and status of the Canadian export and the NRC import license application process, including any significant developments, ~~or~~ anticipated timelines, and all public comment periods.

**Commented [KS15]:** Made during 11-25 meeting

11. In connection with the monthly report described in Paragraph 6 of the Third Amended Resolution and Order, EnergySolutions shall add a section regarding matters addressed in this authorization, including a record of all waste imported, the total waste volume, average concentration for each shipment, and specifically identifying mixed waste shipments.

12. On or before the first day of March of each year this authorization is in effect, EnergySolutions shall submit a report to DWMRC and to the Compact Executive Director regarding the matters addressed in this authorization. The annual report shall demonstrate EnergySolutions' compliance with this authorization and shall include:

- (a) The status of licensing and development and construction of the Expansion Capacity;
- (b) The origin, by generator, and the total volume of waste from the province of Ontario imported and disposed at the Clive Facility, as measured by the aggregate manifested waste volume of such waste, during such annual period;
- (c) The cumulative total Clive Facility capacity used for disposal of waste from the province of Ontario to date and estimated percent of Canadian Volume Disposal Limit that has been met;
- (d) Notices of violation, penalties, administrative orders, and similar kinds of compliance matters relating to the exportation, importation, transportation, management, receipt, and disposal of the waste from the province of Ontario addressed in this authorization; and
- (e) Significant plans or developments relating to the matters addressed in this authorization that are anticipated in the upcoming year.

Commented [KS16]: NEW: clarifying language

13. Every three years, in connection with the three-year review described in Paragraph 76 of the Third Amended Resolution and Order, EnergySolutions shall submit a comprehensive report to enable the Compact Executive Director and Compact Committee to monitor progress of the matters addressed in this authorization, including the then-current status and a projection and timeline of future disposal.

Commented [KS17]: Made during the 11-25 meeting

14. The State of Utah shall provide the Compact Executive Director with notice if the GSAP referenced in Paragraph 87 of this authorization is suspended or if EnergySolutions is otherwise prohibited by the State of Utah from receiving waste from the province of Ontario.

Commented [KS18]: Made during the 11-25 meeting

15. EnergySolutions shall reimburse the Northwest Interstate Compact for all costs arising from or relating to the implementation and oversight of this authorization, including enforcement, by the Compact Executive Director and staff. Costs shall be paid in accordance with the laws of the State of Washington for recovery of such costs.

16. Prior to shipping any Ontario waste and pursuant to a separate agreement, EnergySolutions shall explicitly and perpetually indemnify, defend, and hold harmless the Northwest Interstate Compact Committee and each of its non-host site member states (Alaska, Hawaii, Idaho, Montana, Oregon, Washington, and Wyoming) from and against any and all claims, liabilities, damages, costs, or expenses, including reasonable attorney's fees, arising from any accidental release of the waste from the province of Ontario during the transportation, storage, disposal, or long-term stewardship of such waste from the province of Ontario.

Commented [KS19]: Made during the 11-25 meeting

17. At least 30 days prior to shipping Class A low-level radioactive waste generated in the province of Ontario by a particular generator to the United States for access to the Clive Facility for the first time, EnergySolutions shall submit to the Compact's Executive Director, a statement signed by EnergySolutions and the Ontario, Canada generator providing the following information: the company name, contact information, and certification that the waste was generated in the province of Ontario, Canada, that the generator is part of the civilian nuclear power industry, and the generator has read and understand the terms and conditions of this Resolution and Order. The Compact's Executive Director shall maintain a list of these provincial generators as Appendix I to this Resolution and Order.

**Commented [KS20]:** NEW: relevant to 11-25 meeting discussion

18. This Resolution and Order shall constitute an arrangement with the provincial generators described in paragraph 17 under Article V of the Northwest Interstate Compact. The conditions set forth in this authorization are in addition to other applicable requirements. This authorization is subject to the Third Amended Resolution and Order which remains in full force and effect.

**Commented [KS21]:** NEW: relevant to 11-25 meeting discussion

19. The Northwest Interstate Compact retains the right to modify or rescind this authorization at any time.

As approved by the Northwest Interstate Compact on Low-Level Radioactive Waste Management, I execute this RESOLUTION AND ORDER ALLOWING ACCESS TO THE REGION FOR CERTAIN CLASS A LOW-LEVEL RADIOACTIVE WASTE FROM THE PROVINCE OF ONTARIO, CANADA on the \_\_\_\_ day of \_\_\_\_\_, 2025.

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Kristen Schwab, Chair  
Northwest Interstate Compact on  
Low-Level Radioactive Waste Management