



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 NORTH HILTON • BOISE, IDAHO 83706 • (208) 373-0502

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JAMES E. RISCH, GOVERNOR
TONI HARDESTY, DIRECTOR

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RULES AND DIRECTIVES

August 23, 2006

Chief, Rules and Directive Branch
Mail Stop T6-D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Request for Comments on the Nuclear Regulatory Commission's Low Level
Radioactive Waste Program

Dear Madam/Sir:

The following comments are in response to the; "Request for Comments on the
Nuclear Regulatory Commission's Low Level Radioactive Waste Program", found
in the Federal Register/ Vol. 71 No. 130/ Friday, July 7, 2006.

The comments submitted by the State of Idaho address selected questions
asked in the Nuclear Regulatory Commission's (NRC) comment request, as
referenced above. The questions and comments are listed by number as
presented in the Federal Register Notice.

**3. Assuming the existing legislative and regulatory framework remains
unchanged, what would you expect the future to look like with regard to the
types and volumes of LLW streams and the availability of disposal options
for Class A, B, C, and greater-than-class-C (GTCC) LLW five years from
now? Twenty years from now?**

Disposal capacity for most Class A waste should be available for the foreseeable
future. Disposal options for the much smaller quantities of Class B and Class C
waste, however, are presently limited, and the impending closure of Barnwell to
out-of-compact sources will leave 36 states without disposal capacity after 2008.
In addition, continued disposal at the Northwest Compact facility in Washington is
predicated upon the ability to exclude out-of-compact low-level waste, and would
be jeopardized if exclusionary authorities are reduced or eliminated. There is no
disposal option for commercial GTCC waste, and none identified for future
consideration. With storage capacity at most facilities, there is no immediate
disposal crisis, but it is important to develop disposal capacity for GTCC, Class
B, and Class A waste.

SUNSI Review Complete

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(JER1)

R. White (ARW2)

4. How might potential future disposal scenarios affect LLW storage and disposal in the U.S., in terms of:

c. Safety, security and protection of the environment?

As identified above, limitations in Class B, Class C, and GTCC waste disposal may result in long-term storage in multiple sites across the country, creating concern for the security of these materials/wastes. It appears that a facility that can handle Class B, Class C, GTCC, and LDR compliant hazardous waste is needed.

6. Are there actions (regulatory and/or industry initiated) that can/should be taken in regard to specific issues such as:

a. Storage, disposal, tracking and security of GTCC waste;

Proper disposal of GTCC would enhance security of this waste. As noted above, there are no major disposal pathways for GTCC waste. GTCC waste requires disposal in a geologic repository or other NRC-licensed facilities with "more stringent disposal methods" under 10 CFR Part 61. The only facility on the horizon for GTCC waste is Yucca Mountain. Disposal of GTCC should be considered at Yucca Mountain or another disposal path should be identified.

e. Disposal options for low-activity waste (LAW)/very low level waste (VLLW);

DEQ currently regulates a hazardous waste facility which accepts VLLW, such as NORM and other exempt materials and items. Resource Conservation and Recovery Act subtitle-C facilities may be a good alternate disposal path for these sorts of VLLW, provided they have favorable weather and geologic conditions and incorporate DEQ's views as discussed in the enclosed letter submitted to the USEPA for Docket ID No. OAR-2003-0095.

8. Based on your observations of what works well and not-so well, domestically and/or internationally, with regard to the management of radioactive and/or hazardous waste, what actions can the NRC and other Federal regulatory agencies take to improve their communication with affected and interested stakeholders?

Mixed waste (both radioactive and chemically hazardous) is subjected to both NRC/DOE and EPA/authorized state jurisdictions. This dual authority helps to assure that human health and the environment is protected. It would be helpful if the NRC, DOE, EPA, and states improve communication among these agencies and the public for improved coordination and understanding of regulations and management practices for mixed waste.

9. What specific actions can NRC take to improve coordination with other Federal agencies as to obtain a more consistent treatment of radioactive wastes that possess similar or equivalent levels of biological hazard?

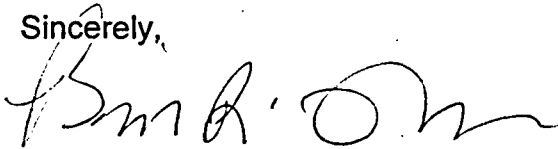
It would be helpful if the NRC and other Federal agencies, such as the EPA and DOT, could all come to a level playing ground. One item that may be causing some of the inconsistencies among Federal agencies is the differing opinions on acceptable levels of risk. This has led to things such as:

- Differing exemption limits between NRC and DOT
- Post closure limits with respect to NRC LLW facilities and RCRA subtitle-C facilities

DEQ recognizes that it is difficult to model and compare risks from different sources, especially when comparing a radiological risk to a chemical risk, but by using a mutually acceptable level of risk a more consistent approach to LLW and mixed LLW may be developed.

If you have any questions, please contact Tim Jenkins at (208) 373-0316.

Sincerely,



Brian R. Monson
Hazardous Waste Program Manager
Waste Management & Remediation Division

Enclosure

cc: Tim Jenkins, Radiation Health Physicist
COF