

April 17, 2014

The Honorable C. L. Butch Otter
Governor of Idaho
Boise, ID 83720

Dear Governor Otter:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), thank you for your interest in the NRC activities at the US Ecology, Inc. (USEI) site in Grand View, Idaho. The NRC is providing this letter to address your questions and concerns.

Your letter dated December 17, 2013, states that the NRC oversees the approval process for requests to dispose of low-level radioactive waste at the Grand View site. As you are likely aware, the USEI site is regulated by the Idaho Department of Environmental Quality (DEQ) as a Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste disposal facility. The USEI RCRA permit issued by the State of Idaho allows for the disposal of waste containing low concentrations of radioactive materials ("low-activity waste") provided the waste complies with the waste acceptance criteria defined in the State-issued permit and is exempted from the NRC licensing requirements following an NRC staff review. Although the NRC does review specific exemption requests for waste disposal based on NRC licensing requirements, it does not provide oversight for disposal activities at the USEI site.

The authorization process allowed by NRC regulations in Title 10 of the *Code of Federal Regulations* Part 20.2002 is for alternate waste disposal in a non-Agreement State such as Idaho. This provision allows a licensee or applicant to request an NRC exemption in lieu of licensing the radioactive material.

The NRC's safety review evaluates potential doses to individuals who may come into contact with the waste, as well as assesses whether the waste can be safely disposed considering both present and future (post-closure) disposal conditions. The NRC review produces two documents, a Safety Evaluation Report (SER) and an Environmental Assessment (EA). The SER documents the NRC's safety analysis and conclusions while the EA documents the potential environmental impacts of the disposal action. The NRC works in coordination with Idaho DEQ during the review process. The draft EA is reviewed by the State of Idaho, and the State provides input to and comments on the document. The NRC does not issue the final EA until the State's comments are addressed. If significant environmental impacts were identified, the NRC would prepare an Environmental Impact Statement.

In your letter, you also requested that the NRC contact your office regarding future disposal requests. The NRC is committed to openness and transparency in its regulatory process. As an immediate step, the NRC will include your office in all the correspondence with Idaho DEQ pertaining to future disposal requests.

Finally, you requested that the NRC conduct a briefing on all current and reasonably foreseeable requests for disposal, and you expressed interest in discussing the overall

cumulative impacts of these requests. The NRC can arrange a public meeting to address your concerns or, if you prefer, we can have a government-to-government closed meeting.

Regarding current NRC activities associated with USEI, the NRC received a formal request from USEI on March 10, 2014, withdrawing an exemption request that was submitted for the disposal of waste from the USEI's Studsvik Processing Facility. The NRC is also reviewing USEI's Site-Specific Dose Assessment Methodology. The Site-Specific Dose Assessment Methodology is a method that evaluates potential radiation doses to workers and the public exposed to low-activity waste material disposed at the USEI site and which has been exempted by the NRC. In the event of a future exemption requests, USEI would apply this methodology to evaluate the suitability of waste disposed at its site.

The NRC will continue to coordinate with Idaho DEQ. We are willing to discuss these issues further at your convenience. Please have your staff contact Mr. Bill Maier, Regional State Liaison Officer, Region IV at 817-200-12674 or Bill.Maier@nrc.gov, regarding this matter.

Sincerely,

/RA/

Allison M. Macfarlane