

April 14, 2014

The Honorable Clark Kauffman  
Representative, District 25  
House of Representatives  
State of Idaho  
3791 North 1200 East  
Filer, ID 83328

Dear Mr. Kauffman:

Thank you for your interest in the recent exemption request for the disposal of waste at the US Ecology, Inc. (USEI) site in Grand View, Idaho and the U.S. Nuclear Regulatory Commission's (NRC) exemption process allowed by Title 10 of the Code of Federal Regulations (CFR) Part 20.2002. The NRC is providing this letter to address your questions and concerns. Regarding the specific exemption request related to shipments from the Studsvik Processing Facility that you mentioned in your letter, the NRC received a formal request from USEI on March 10, 2014, withdrawing the Request for Exemption for the Alternate Disposal of Waste from Studsvik Processing Facility; however, the NRC wants to take this opportunity to explain the NRC's 10 CFR 20.2002 exemption process and answer your questions.

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 that contains low concentrations of radioactive material ("low-activity waste") provided the waste complies with the waste acceptance criteria defined in the permit and is exempted from the NRC licensing requirements following an NRC staff review. As noted in your letter, the USEI site does not have a radioactive materials license from the NRC. The disposal site does not need to obtain an NRC license as long as it can demonstrate that the disposal of low-activity waste can be performed safely and in accordance with Idaho permit requirements.

The authorization process allowed by 10 CFR 20.2002 is the standard procedure for alternate waste disposals in a non-Agreement State such as Idaho. The NRC regulates Atomic Energy Act (AEA) material and, in non-Agreement States, a licensee or applicant must receive an NRC exemption in lieu of licensing the AEA material. As a non-Agreement State, the State of Idaho requires USEI to present the appropriate approvals for each waste disposal and allow the State 30 days to act on the information.

Additional concerns discussed in your letter and letters received from other elected officials from Idaho, including Governor Otter, include questions related to cumulative impacts from previous exemption requests, established regulatory standards, the number of shipments allowed per exemption request, status updates related to the review process, and general communication between the NRC and the State of Idaho. Using the 10 CFR 20.2002 procedures the NRC does consider previously granted NRC exemptions from USEI, verifying that the dose limits are below regulatory limits. There is no limit on the number of shipments allowed for each exemption since the procedures for evaluating a specific exemption request are based on the total amount

of waste proposed for disposal. Since USEI is regulated by Idaho DEQ the NRC does not receive documentation for the individual disposals occurring on the site. As mentioned above, the State of Idaho DEQ regulates the facility and, therefore, may have records concerning additional quantities of low-activity waste disposed at the USEI site or additional disposal of radiological waste streams not under NRC's authority. The Idaho DEQ also prepares an annual Radiation Monitoring Oversight Report for the USEI site that reviews estimated public radiation doses, groundwater impacts, and soil impacts. Ultimately, all disposals at the site must meet the waste acceptance criteria defined in the Idaho-issued USEI RCRA permit and ensure protection of the public and environment.

From an NRC perspective, approved exemption requests will result in potential estimated doses to a member of the public (including all exposure groups) that are very low and no more than a few millirem/year. The NRC selected this criterion because the doses being considered are equivalent to a small fraction of the natural radiation dose received annually (approximately one percent of the radiation exposure received by members of the public from background radiation), and are a small fraction of the annual public dose limit, 100 mrem/yr.

The NRC exemption request review includes evaluation of the potential doses to individuals who may come into contact with the waste, as well as whether the waste can be safely disposed considering both present and future (post-closure) disposal conditions. The NRC's review also includes an environmental review of the potential impacts to human health and the environment. The review typically 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 environmental impacts of the disposal action. The draft EA is reviewed by the State of Idaho, and the State provides input and comments on the document. The NRC does not issue the final EA until the State's comments are addressed.

The NRC is committed to openness and transparency in its regulatory process and will continue to keep the lines of communication open when dealing with future exemption requests and other matters associated with USEI. The NRC is also available to discuss any of the issues raised in this letter. Please contact Mr. Bill Maier, Regional State Liaison Officer, NRC Region IV at 817-200-1267 or by e-mail at [Bill.Maier@nrc.gov](mailto:Bill.Maier@nrc.gov), regarding this matter.

Sincerely,

**/RA/**

Mark A. Satorius  
Executive Director  
for Operations

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Executive Director  
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