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AUTHOR: Stephen Romano
AFFILIATION: ID

ADDRESSEE: Jay Inslee

SUBJECT: Comments to 3/23/2005 ltr to NRC regarding American Ecology's hazardous waste disposal facility

ACTION: Appropriate

DISTRIBUTION: RF

LETTER DATE: 03/28/2005

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American Ecology

Board of Directors

March 28, 2005

Rotchford L. Barker
*Chairman of the Board
American Ecology*

The Honorable Jay Inslee
403 Cannon House Office Building
Washington, DC 20515-4701

Stephen A. Romano
*President, CEO
American Ecology*

Dear Congressman Inslee:

David B. Anderson
*President, CEO
Highland Capital
Enterprises*

I have reviewed your March 23, 2005 letter (Attachment A) to U.S. Nuclear Regulatory Commission Chairman ("NRC") Nils Diaz and wish to address your concerns about American Ecology's hazardous waste disposal facility in Idaho.

Roy C. Eliff
Consultant

Our Grand View, Idaho facility is fully permitted under Subtitle C of the federal Resource Conservation and Recovery Act ("RCRA") and applicable Idaho law and regulation to accept hazardous and PCB waste, and certain low activity radioactive materials that are exempt from NRC regulation at the time of disposal. Our RCRA Part B permit was renewed for ten years in 2004 following a detailed regulatory review by the State of Idaho and the U.S. Environmental Protection Agency that addressed radiological safety and included a public hearing and opportunity for public comment.

Edward F. Hell
E.F. Hell, LLC

Jimmy D. Ross
General, USA (Retired)

Stephen M. Schutt
*Vice President
Nuclear Fuel Services*

Our Idaho facility poses no credible threat to the Snake River or any downstream residents. Waste isolation is provided by the site's superior natural setting and the federally required triple layer liner system underlying disposal units. This redundant liner system (Attachment B) includes a three foot compacted clay layer beneath two synthetic liners as well as a liquids removal system. This remote site (Attachment C) offers deep groundwater and natural clay formations to provide an effective backup to the engineered triple liner system. A comprehensive environmental monitoring and inspection program is employed to verify that the facility is operated and performs as intended.

For a number of years, our Grand View site has safely disposed of low activity soil and debris from the Army Corps of Engineers Formerly Utilized Site Remedial Action Program (FUSRAP), as well as other low activity wastes, subject to permit conditions. We are confident that soil and building rubble from nuclear power plant decommissioning falling within specified limits can also be safely disposed of at this tightly controlled facility.

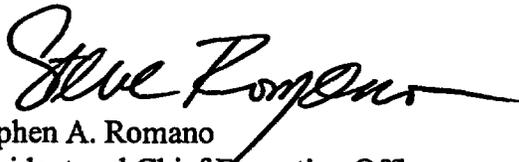
We have not yet proposed disposal of any specific wastes from the Connecticut Yankee decommissioning project but intend to proceed on this path should the NRC first determine that an exemption applies. Consistent with our current permit, the State of Idaho would have an opportunity to review and act upon any proposal by our company.

American Ecology prides itself on doing business in a transparent manner to earn the trust of our regulators and the public. While we have yet to propose disposal of any Connecticut Yankee waste, we have briefed Idaho regulators, the local government where our facility is located, the Snake River Alliance and others on the possibility that we may do so. In this same open spirit, we would appreciate an opportunity to get together soon with you or your staff to discuss our plans and any further concerns you may have.

By copy of this letter, we encourage the NRC to expeditiously address your questions regarding agency review of 10 CFR Part 20.2002 alternate disposal authorizations and related exemptions, as well as the clearance rulemaking referenced in your letter.

I hope this information is useful and look forward to continuing this dialogue. In the meantime, please contact me at (208) 331-8400 if we can be of service.

Sincerely,



Stephen A. Romano
President and Chief Executive Officer

cc: Commissioner Nils Diaz
Commissioner Ed McGaffigan
Commissioner Jeff Merrifield
Commissioner Greg Jaczko
Commissioner Peter Lyons
Toni Hardesty, Director, Idaho DEQ
Brian Monson, Hazardous Waste Program Manager, Idaho DEQ
James Tupper

**Attachment A: Congressman Inslee letter of March 23,
2005**

JAY INSLEE
1ST DISTRICT, WASHINGTON

COMMITTEE ON ENERGY AND COMMERCE
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March 23, 2005

The Honorable Nils J. Diaz
Chairman
Nuclear Regulatory Commission (NRC)
One White Flint North Building
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Mr. Chairman:

I am writing regarding an application by Connecticut Yankee Atomic Power Company (Connecticut Yankee) to your Commission concerning the disposal of materials from Connecticut Yankee Haddam Neck nuclear power facility site.

As a member of Congress from Washington State, I have long supported the efforts to ensure that unregulated disposal of radioactive wastes at the U.S. DOE Hanford site does not further impact the Columbia River. I also support efforts by Washington State to ensure that cumulative impacts of further radioactive waste disposal on the Columbia are fully considered.

Connecticut Yankee is currently requesting authorization from the NRC to dispose of materials from their Haddam Neck plant at US Ecology's unlicensed hazardous waste disposal facility which is located along the Snake River, a tributary of the Columbia River. The application involving a site upstream on the Snake River raises concerns for me and many downriver residents working to protect the Columbia River system.

As you can imagine, a number of Washington State residents find it problematic that the NRC may be moving forward with a decision on this issue without properly including the public. It is my understanding that the NRC has been asked to authorize the proposed disposal under section 20.2002 of the Commission's rules. At the same time, it is also my understanding that the NRC is on the verge of initiating a low-activity solid waste materials rulemaking, addressing the issue of whether and when low-activity waste should be allowed to be disposed of at unlicensed facilities, which are the same issues that the NRC must consider for the Haddam Neck application.

The Honorable Nils J. Diaz
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March 23, 2005

I strongly urge the NRC to consider the Connecticut Yankee application as a part of its rulemaking governing disposal of low-activity waste, and that the public be afforded all the appropriate opportunities for engagement in the decision regarding the application. This is an issue with potentially significant downstream consequences, both with regard to the precedents the NRC may set in how it makes this decision, and potential effects the decision may have on Washington State residents. The general public, tribes, and states should be permitted to comment on the issues involved, and the NRC should complete a comment analysis on the comments received. The NRC should also consider alternative disposal options and generically analyze the suitability of disposing this waste at unlicensed facilities.

Government always has a responsibility to build trust with its citizens, particularly when making such permanent and significant decisions. It is in the best interests of my constituents, the NRC, companies involved, and the environmental organizations engaged in this matter for the NRC to consider the Connecticut Yankee issue in a manner that builds trust between the parties, rather than further contributing to what a National Academy of Sciences study termed "a legacy of distrust." I believe that in the case of the Connecticut Yankee application, trust can be best nurtured through thorough analyses and robust public engagement.

I would be pleased to discuss any aspect of this letter with you and the other Commissioners at your convenience.

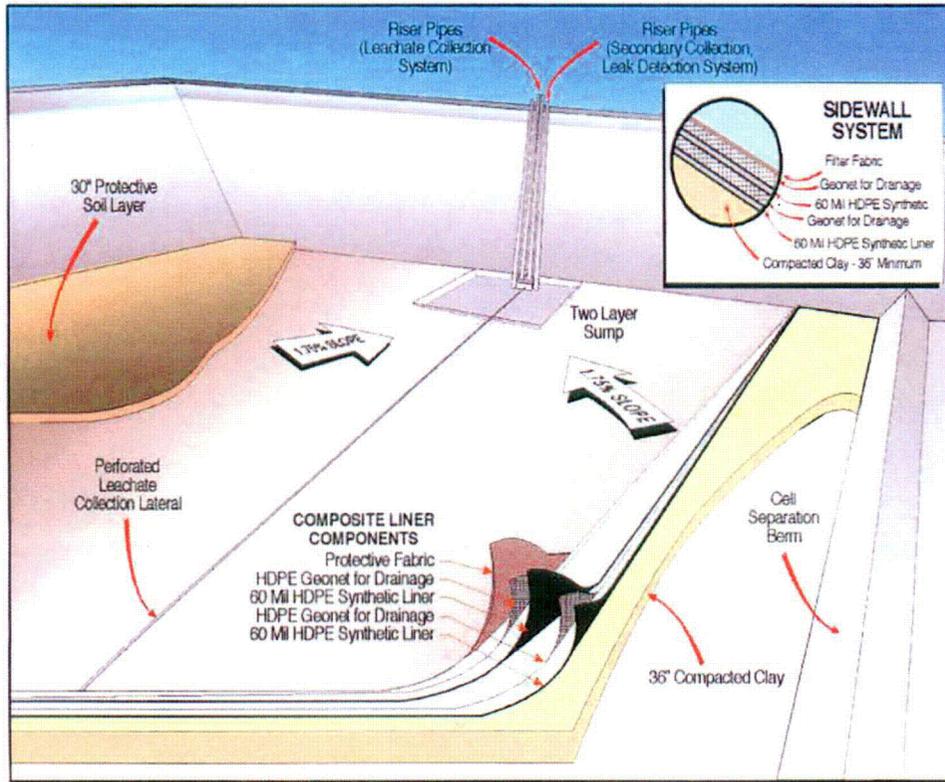
Sincerely,



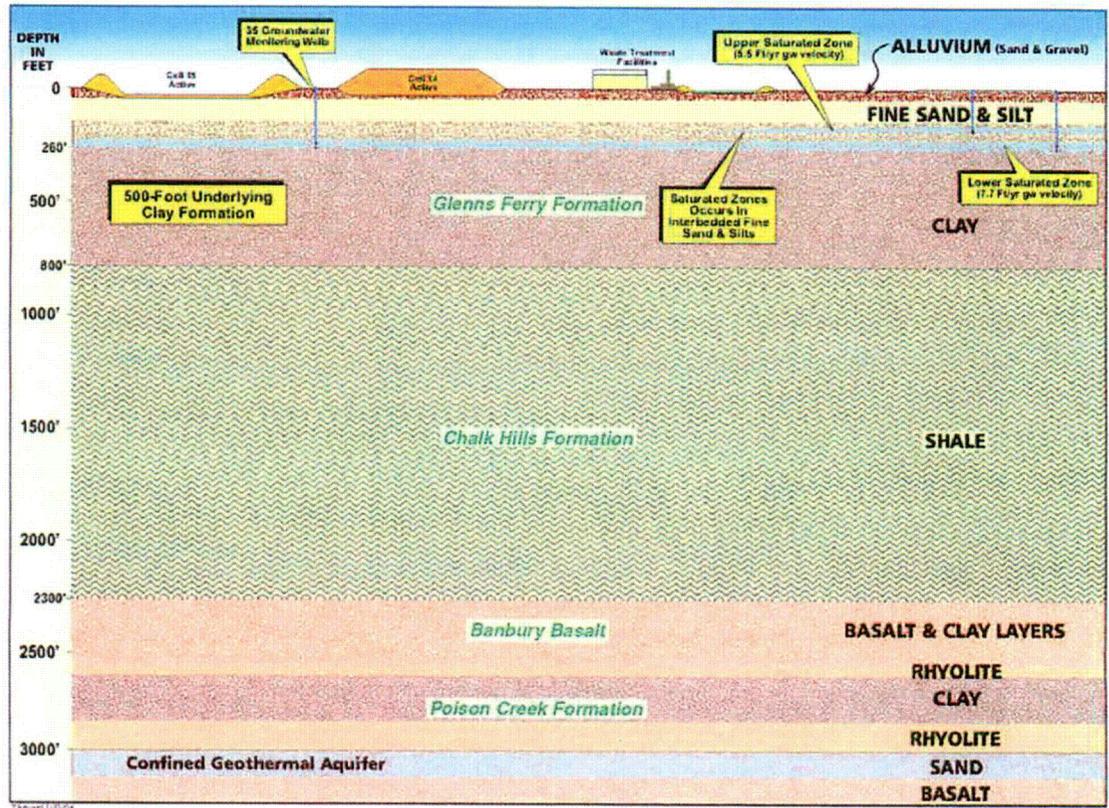
J. Anslce
Member of Congress

cc: Commissioner Edward McGaffigan, Jr.
Commissioner Jeffrey S. Merrifield
Commissioner Greg Jaczko
Commissioner Peter Lyons

Attachment B: US Ecology Idaho Grand View Disposal Unit Design



Attachment C: US Ecology Idaho Grand View Site Characteristics



C-02