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JAMES E. RISCH, GOVERNOR  
TONI HARDESTY, DIRECTOR

July 28, 2006

James Dwyer, Chief  
Nuclear Regulatory Commission  
Commercial and R&D Branch  
475 Allendale Road  
King of Prussia, PA 19406

Q-5

SUBJECT: Comments on the Draft Environmental Assessment and Finding of No Significant Impact Related to Consideration of Request for Disposal Under 10 CFR § 20.2002 by the U.S Army, License No. SUB-834. 040 07354

Dear Mr. Dwyer:

This letter is to provide comments on the draft Environmental Assessment (EA) and Finding of No Significant Impact for the consideration of the U.S Army to dispose of two M2A2 Bradley Fighting Vehicles, contaminated with low levels of depleted uranium, at the American Ecology Idaho facility.

The EA appears to address the health and safety of transporting and disposing of the two contaminated vehicles, as stated above, showing that the risk of the proposed request is very low. However, it is confusing whether the two contaminated vehicles will be specifically exempt from regulation of the Atomic Energy Act (AEA). American Ecology of Idaho is a Resource Conservation and Recovery Act (RCRA) Subtitle-C facility and is not licensed to receive material that is regulated under the Atomic Energy Act of 1954, as amended (IDAPA 58.01.10).

The DU material as described in the EA must be specifically exempt from further NRC regulation prior to receiving Idaho Department of Environmental Quality's (DEQ) approval for disposal at the American Ecology Idaho facility. The permit conditions allow for either a specific exemption under 10 CFR § 40.14 or the general exemption provisions under 10 CFR § 40.13(a).

If you have questions pertaining to this matter please contact Tim Jenkins at (208) 373-0316.

Sincerely,

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

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cc: Toni Hardesty, Director DEQ  
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Simon Bell, USEI  
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