

**Governor Brad Little**

State Capitol :: Boise, Idaho 83720  
(208) 334-2100 :: [gov.idaho.gov](http://gov.idaho.gov)



November 15, 2019

Annette L. Vietti-Cook  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16 B33  
Washington, D.C. 20555-0001

Submitted via e-mail to: [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov)  
c: [NRCExecSec@nrc.gov](mailto:NRCExecSec@nrc.gov)

RE: Greater-Than-Class-C and Transuranic Waste Draft Regulatory Basis  
Document (Docket ID NRC-2017-0081)

Dear Secretary Vietti-Cook,

The State of Idaho has reviewed the above-referenced document and the Nuclear Regulatory Commission (NRC) Federal Register announcement of July 22, 2019 (Docket ID NRC-2017-0081), and as a result, makes the following comments.

The State of Idaho understands the general intent of the Federal Register notice and Draft Regulatory Basis document as changing the disposal requirements for greater-than-class C (GTCC) waste, as well as the inclusion of transuranic (TRU) waste within the definition of low-level radioactive waste (LLRW).

The NRC Draft Regulatory Basis document and Federal Register notice appear to indicate that, through the interpretation of existing regulations in conjunction with a potential rulemaking, a possible pathway for the disposal of GTCC (and perhaps TRU) waste streams could be created, allowing for the disposal of these waste streams within the State of Idaho.

As Governor, I write to express my deep concerns with any proposal to dispose of such waste in Idaho, which are similar to the concerns the State of Idaho expressed in 2011 in response to the Department of Energy's (DOE) proposal to dispose of GTCC or GTCC-like waste in Idaho. These proposals contradict the DOE's cleanup progress at the Idaho National Laboratory (INL) and the state's vision for the protection of human health and the environment.

As you know, the INL has been used in the past to store or dispose of radioactive waste generated outside of Idaho, much of which was the same or similar to GTCC, GTCC-like, or TRU waste. The State and DOE resolved years of conflict regarding the historic waste by agreeing to a retrieval and removal program that is being successfully implemented by DOE. Any future disposal of these waste forms within the state would be inconsistent with the intent and understandings set forth in the 1995 Settlement Agreement.

Further, the NRC currently requires deep geological disposal for GTCC and TRU waste as the most appropriate method. Even if alternatives to deep geological disposal such as



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trenches, deep bore holes or vaults are deemed acceptable, the INL is located above the Snake River Plain Aquifer, the largest fractured basalt aquifer in the country and a federally designated "sole source" aquifer of vital importance. As such, Idaho takes the position that the INL and the State of Idaho are not a suitable disposal site for these waste streams.

Please do not hesitate to contact my office at (208) 334-2100 for further discussion on this matter.

Sincerely,

Brad Little  
Governor of Idaho

c: Hon. Lawrence Wasden, Idaho Attorney General  
Brian Wonderlich, General Counsel to the Governor  
Sam Eaton, Director of Policy / Assistant Legal Counsel  
John H. Tippetts, Director, Idaho Department of Environmental Quality  
Mark K. Clough, INL Settlement Agreement Coordinator  
Darrell Early, Deputy Idaho Attorney General