



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 26, 2021

Natalie K. Walker
Hazardous Waste Bureau Chief
Idaho Department of Environmental Quality
1410 N. Hilton St,
Boise, ID 83706

SUBJECT: NRC RESPONSE TO IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
AUGUST 31, 2021, EMAIL, "US ECOLOGY NOTIFICATION OF INTENT TO
RECEIVE SNM"

Dear Ms. Walker:

This letter is in response to your August 31, 2021, email (Agencywide Documents Access and Management System [ADAMS] Accession No. ML21274A879) regarding the US Ecology Inc. (USEI) letter entitled "Notification of intent to receive Special Nuclear Material (SNM) from a Lockheed Martin facility in Middle River, Maryland for disposal at USEI" (ADAMS Accession No. ML21274A880). In that email, you requested guidance on whether USEI would need to submit a Title 10 of the *Code of Federal Regulations* (10 CFR) 20.2002 alternate disposal request and exemption request from the U.S. Nuclear Regulatory Commission (NRC) to dispose of the subject SNM at the Grand View, Idaho Resource Conservation and Recovery Act (RCRA) disposal site.

As you may be aware, the NRC issued its "Radiological Criteria for License Termination Rule" in 1997 (62 *Federal Register* 39058, July 21, 1997) to provide a regulatory basis for determining the extent to which lands and structures must be remediated before decommissioning of a site can be considered complete and the license terminated. The wording of 10 CFR § 20.1401(c) states that the Commission will require additional cleanup only if, based on new information, it determines that residual radioactivity remaining at the site could result in significant public risk.

The USEI letter stated their intention to receive approximately 12 tons of pipe, debris, and associated soils contaminated with SNM. The materials were excavated during remediation of a former Atomic Energy Commission licensed facility located in Middle River, Maryland, whose license was terminated in 1969. In accordance with § 20.1401(c), the staff reviewed the information in the USEI letter and determined that the residual radioactivity of this material would not result in a significant risk to public health and safety.

Please be aware that our review did not make any determinations regarding the compatibility of this material with USEI's waste acceptance criteria or compliance with any RCRA requirements.

Thank you for your outreach to the NRC on this matter as we value the continued collaboration with our State partners. If you have any questions, please contact Maurice Heath at Maurice.Heath@nrc.gov or 301-415-1154.

Sincerely,



Signed by Marshall, Jane
on 10/26/21

Jane E. Marshall, Director
Office of Nuclear Material Safety
and Safeguards
Division of Decommissioning, Uranium Recovery
and Waste Programs

NRC Response to Idaho Department of Environmental Quality August 31, 2021, E-mail, "U.S. Ecology Notification of Intent to Receive SNM" DATE October 26, 2021

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