

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

Waste Management and Remediation Division

58.01.10 – Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, As Amended

To whom does this rule apply?

The rule applies to any person disposing of radioactive materials that are not regulated under the Atomic Energy Act of 1954, As Amended, but have radiological activities that necessitate environmental isolation. These radioactive materials include Formerly Utilized Site Remedial Action Program waste, naturally occurring radiological materials (NORM), and low activity radiological wastes exempted from Nuclear Regulatory Commission regulation through administrative processes.

What is the purpose of this rule?

This rule regulates the disposal of radioactive materials not regulated under the Atomic Energy Act of 1954, As Amended, at facilities permitted and subject to the requirements of the Idaho Hazardous Waste Management Act, Chapter 44, Title 39, Idaho Code, and the Idaho Hazardous Waste Facility Siting Act, Chapter 58, Title 39, Idaho Code. This rule does not regulate NORM or TENORM waste from the production of elemental phosphorus or from the production of phosphate fertilizers, which includes the production of wet and purified phosphoric acid. The rule also places restrictions on disposal of certain radioactive materials at municipal solid waste landfills and identifies other approved disposal options for radioactive materials.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

Health and Safety -

- [Section 39-4405, Idaho Code](#) – Hazardous Waste Management: Rules in General

Who do I contact for more information on this rule?

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**58.01.10 – RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS
NOT REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

000. LEGAL AUTHORITY.

Sections 39-105, 39-107, and 39-4405, Idaho Code.

(7-1-25)

001. SCOPE.

These rules regulate the disposal of radioactive materials not regulated under the Atomic Energy Act of 1954, As Amended, at facilities permitted and subject to the requirements of the Idaho Hazardous Waste Management Act, Chapter 44, Title 39, Idaho Code, and the Idaho Hazardous Waste Facility Siting Act, Chapter 58, Title 39, Idaho Code. These rules do not regulate NORM or TENORM waste from the production of elemental phosphorus or from the production of phosphate fertilizers, that includes the production of wet and purified phosphoric acid. These rules also place restrictions on disposal of certain radioactive materials at municipal solid waste landfills and identify other approved disposal options for radioactive materials.

(7-1-25)

002. (RESERVED)

003. ADMINISTRATIVE APPEALS.

Persons may be entitled to appeal agency actions authorized under this chapter pursuant to IDAPA 58.01.23, “Contested Case Rules and Rules for Protection and Disclosure of Records.”

(3-31-22)

004. INCORPORATION BY REFERENCE.

01. Standards for Protection Against Radiation. 10 CFR Part 20, revised as of January 1, 2024, are incorporated by reference into these rules with the following exclusions: Subparts K, M, O, and 10 CFR Sections 20.1001, 20.1002, and 20.1006 through 20.1009.

(7-1-25)

02. Unimportant Quantities of Source Material. 10 CFR 40.13, revised as of January 1, 2024.

(7-1-25)

005. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions found in [Section 39-4403, Idaho Code](#), terms in this chapter have the following definitions.

(7-1-25)

01. Accelerator-Produced Radioactive Material. Any material made radioactive by a particle accelerator.

(3-31-22)

02. Byproduct Material.

(7-1-25)

a. Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(7-1-25)

b. The tailings or waste produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute “byproduct material” within this definition.

(7-1-25)

c. Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or any material that:

(3-31-22)

i. Has been made radioactive by use of a particle accelerator; and

(3-31-22)

ii. Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

(3-31-22)

d. Any discrete source of naturally occurring radioactive material, other than source material, that:

(3-31-22)

i. The U.S. Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of

radium- 226 to the public health and safety or the common defense and security; and (3-31-22)

ii. Before, on, or after August 8, 2005, is extracted for use in a commercial, medical, or research activity. (3-31-22)

03. Exempt Quantities and Concentrations of Byproduct Materials. Radioactive materials defined as exempt byproduct materials by the U.S. Nuclear Regulatory Commission (10 CFR 30.14 through 30.15, 10 CFR 30.18 through 30.21, 10 CFR 32.11 and 10 CFR 32.18). (3-31-22)

04. Licensee. When used in the context of 10 CFR and these rules, the definition is Operator or Owner. (7-1-25)

05. Naturally Occurring Radioactive Material (NORM). Materials which contain any of the primordial radionuclides or radioactive elements as they occur in nature, such as radium, uranium, thorium, potassium, and their radioactive decay products. (7-1-25)

06. Operator. Any person(s) currently responsible, or responsible at the time of disposal, for the overall operation of a hazardous waste treatment, storage or disposal facility or part of a hazardous waste treatment, storage or disposal site. (3-31-22)

07. Owner. Any person(s) who currently owns, or owned at the time of disposal, a hazardous waste treatment, storage or disposal facility or part of a hazardous waste treatment, storage or disposal site. (3-31-22)

08. Radioactive Material. Radioactive Material includes: (3-31-22)

a. Technologically Enhanced Naturally Occurring Radioactive Material; (3-31-22)

b. Byproduct material authorized for disposal pursuant to 10 CFR 20.2008(b); (3-31-22)

c. Exempt Quantities and Concentrations of Byproduct Materials; (3-31-22)

d. Unimportant Quantities of Source Material, not including the natural uranium and thorium concentrations of rocks or soils; and (7-1-25)

e. Any other byproduct, source material, or special nuclear material or devices or equipment utilizing such material, which has been exempted or released from radiological control or regulation under the Atomic Energy Act of 1954, as amended, to be disposed of in a commercial hazardous waste facility as regulated pursuant to the rules, permit requirements, and acceptance criteria provided for by Chapter 44, Title 39, Idaho Code. (3-31-22)

09. Reasonably Maximally Exposed Individual. That individual or group of individuals who by reason of location has been determined, through the use of environmental transport modeling and dose calculation, to receive the highest total effective dose equivalent from radiation emitted from the site and/or radioactive material transported off-site. (3-31-22)

10. Source Material. (7-1-25)

a. Uranium or thorium, or any combination thereof, in any physical or chemical form; or (3-31-22)

b. Ores which contain by weight one-twentieth of one percent (0.05%) or more of: (3-31-22)

i. Uranium; (3-31-22)

ii. Thorium; or (3-31-22)

iii. Any combination thereof. (3-31-22)

c. Source material does not include special nuclear material. (3-31-22)

- 11. Special Nuclear Material.** (7-1-25)
- a.** Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the U.S. Nuclear Regulatory Commission determines to be special nuclear material. (7-1-25)
- b.** Any material artificially enriched by any of the material listed in Subsection 010.12.a. (3-31-22)
- 12. Technologically Enhanced Naturally Occurring Radioactive Material (TENORM).** Naturally occurring radioactive material whose radionuclide concentrations are increased by or as a result of past or present human practices. (7-1-25)
- 13. Total Effective Dose Equivalent (TEDE).** The sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures). (7-1-25)
- 14. Unimportant Quantities of Source Material.** Unimportant quantities of source materials defined by the U.S. Nuclear Regulatory Commission (10 CFR 40.13). (7-1-25)
- 011. -- 018. (RESERVED)**
- 019. NOTIFICATION OF RADIOACTIVE MATERIALS.**
Any person with knowledge of the transfer, or proposed transfer, of radioactive materials for disposal to any location other than a location authorized by Section 020 to receive radioactive materials for disposal must notify the Department of the transfer as soon as the transfer takes place or as soon as the person learns of the transfer, or proposed transfer, whichever is sooner. (7-1-25)
- 020. RADIATION PROTECTION STANDARDS.**
- 01. General Protection Standards.** (3-31-22)
- a.** All owners and operators must conduct operations in a manner consistent with radiation protection standards contained in 10 CFR Part 20; (7-1-25)
- b.** No owner or operator may conduct operations, create, use or transfer radioactive materials in a manner such that any member of the public will receive an annual Total Effective Dose Equivalent (TEDE) in excess of one hundred (100) millirem per year (1 milliseivert/year); and (7-1-25)
- c.** No person may release radioactive materials for unrestricted use in such a manner that the reasonably maximally exposed individual will receive an annual TEDE in excess of fifteen (15) millirem per year (fifteen one-hundredths (0.15) milliseivert/year) excluding natural background. (7-1-25)
- 02. Protection of Workers During Operations.** All owners and operators must conduct operations in a manner consistent with radiation protection standards for occupation workers contained in 10 CFR Part 20. (7-1-25)
- 03. Disposal of Radioactive Material.** No person, owner, or operator may dispose of radioactive materials by any method other than: (7-1-25)
- a.** At a permitted treatment, storage or disposal facility under the authority of Chapter 44, Title 39, Idaho Code, provided that the facility owner or operator complies with each of the following: (7-1-25)
- i.** Department-approved waste acceptance criteria for radioactive material; (7-1-25)
- ii.** A Department-approved closure program that provides reasonable assurance that the radon emanation rate from the closed disposal unit will not exceed twenty (20) picocuries per square meter per second averaged across the entire area of the closed disposal unit and meets the requirements in Subsection 020.01.b.; and (3-31-22)

iii. A Department-approved environmental monitoring program that monitors air, groundwater, surface water, and soil for radionuclides and ambient radiation levels at the boundary of the facility and which demonstrates that no member of the general public is likely to exceed a radiation dose of one hundred (100) millirem (one (1) milliseivert) per year from operations conducted at the site. (7-1-25)

b. In accordance with alternate methods authorized by the Department upon application or upon the Department's initiative, consistent with Section 020.01 and all applicable state statutes and regulations. (3-31-22)

04. Prohibit Disposal at a Municipal Solid Waste Landfill. No person may dispose of radioactive material at a municipal solid waste landfill, except for individual consumer products containing radioactive material or as authorized under Subsection 020.03.b. (7-1-25)

021. -- 029. (RESERVED)

030. RECORDS.

Records of disposal, such as a manifest or bill of landing, must be maintained for three (3) years. (7-1-25)

031. -- 039. (RESERVED)

040. VIOLATIONS.

01. Failure to Comply. Failure by any person, owner, or operator to comply with the provisions of these rules will be deemed a violation of these rules. (7-1-25)

02. Falsification of Statements and Records. It is a violation of these rules for any person, owner, or operator to knowingly make a false statement, representation, or certification in any document or record developed, maintained, or submitted pursuant to these rules. (7-1-25)

03. Penalties. Any person violating any provision of these rules or order issued thereunder may be liable for civil penalty in accordance with Chapter 44, Title 39, Idaho Code. (7-1-25)

041. -- 999. (RESERVED)