

IV. Environmentally Preferable Alternative

The initial ROD, in identifying the environmentally preferred alternative, considered: potential risk to the public (e.g., latent cancer fatalities); potential environmental risks in the short- and long-term, including environmental risks after loss of institutional control; and potential short-term risk to workers. The initial ROD identified the facility disposition alternatives that actively closed the TFF facilities under environmentally-based standards as preferable to the No Action Alternative. Based on the analyses in the Final EIS, the Clean Closure Alternative is the environmentally preferred alternative over the long-term. However, the Performance-Based Closure Alternative would be protective of the public and environment in the short- and long-term while minimizing short-term risks to workers.

V. Decision

DOE has decided to conduct performance-based closure of the TFF as set forth in the Final EIS. DOE has decided to close the TFF in phases to support continued INTEC operations, with final closure of the TFF planned by December 2012. DOE is making the decision in this Amended ROD following the Secretary's Determination, in consultation with the NRC, that the grouted residuals at disposal are not HLW because they meet the criteria in Section 3116(a) of the NDAA. By law, material covered by such a determination is not HLW.

Performance-based closure of the TFF and TFF system pursuant to this Amended ROD includes removing waste to the maximum extent practical from the eleven 300,000-gallon tanks, the four 30,000-gallon tanks, associated piping, valve boxes, encasements, and vaults, and grouting and disposing of stabilized residuals in place.³ Closure of the TFF will be undertaken pursuant to closure plans approved by the State of Idaho under the HWMA. DOE intends for the TFF closure activities to remove or decontaminate waste residues to meet State of Idaho-approved action levels for hazardous constituents. If these action levels cannot be achieved, then the TFF may be closed in accordance with closure and post-closure regulations that apply to landfills. The closure of the TFF will also be in accordance with applicable DOE requirements,

regulations, and Orders, which ensure that this action will result in an annual maximum exposure risk (total effective dose) to members of the public from all pathways of well below 25 mrem.

The State of Idaho has commented and coordinated with DOE and NRC, as appropriate, concerning Section 3116 of the NDAA. The State has concurred with the performance-based closure of the TFF, subject to the State's separate approval of individual closure plans under the HWMA/RCRA.

This decision to conduct performance-based closure of the TFF does not affect the decisions made in the initial ROD concerning: performance-based closure for other existing facilities directly related to the HLW Program; planned clean closure of newly constructed waste processing facilities needed to implement the initial ROD; steam reforming treatment of SBW to allow disposal at the WIPP near Carlsbad, New Mexico (DOE's preferred disposal path) or at a geologic repository for SNF and HLW; management of NGLW; and DOE's strategy to retrieve HLW calcine for disposal outside the State of Idaho. Nor does this Amended ROD affect future decisions concerning the retrieval strategy for HLW calcine stored at the INTEC, potential calcine treatment if necessary, and the closure of the bin sets in which the calcine is stored.

No impact resulting from operations under this decision would require specifically designed mitigation measures. DOE will, however, use all practicable means to avoid or minimize environmental harm when implementing the actions described in this Amended ROD. Those measures include employing engineering design features to meet regulatory requirements, maintaining a rigorous health and safety program to protect workers from radiological and chemical contaminants, monitoring worker and environmental risk, and continuing efforts to reduce the generation of wastes. DOE will implement the comprehensive list of standards and requirements to protect workers, the public, and the environment specified in Chapter 6 of the Final EIS, as appropriate.

VI. Basis for Decision

DOE's decision to implement performance-based closure methods for disposition of the TFF is based on the analysis of the potential environmental impacts identified in the Final EIS. The Performance-Based Closure Alternative would minimize short-term risk to workers as compared to the Clean Closure Alternative, while also being

protective of health and the environment in the long term. In addition, this Amended ROD is based on consideration of regulatory requirements such as the HWMA/RCRA, applicable DOE Orders, and cost. As part of its basis for decision, DOE also emphasizes that, on balance, performance-based closure would be protective of the public and environment in the short- and long-term, while limiting the risk to workers. This decision also takes into account the Secretary's Determination pursuant to Section 3116(a) of the NDAA.

Issued in Washington, DC, on November 19, 2006.

James A. Rispoli,

Assistant Secretary for Environmental Management.

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DEPARTMENT OF ENERGY

Determination Under Section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 for the Idaho Nuclear Technology and Engineering Center Tank Farm Facility at the Idaho National Laboratory

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: Section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA) provides that certain waste from reprocessing spent nuclear fuel is not considered high-level radioactive waste (HLW) if the Secretary of Energy, in consultation with the Nuclear Regulatory Commission (NRC), determines that the waste meets the statutory criteria set forth in Section 3116(a). The Department of Energy (DOE) announces the availability of the Secretary's Section 3116 Determination for the Idaho Nuclear Technology and Engineering Center (INTEC) Tank Farm Facility (TFF), which addresses the stabilized residuals in the TFF and TFF system on the Idaho National Laboratory (INL) near Arco, Idaho, and the document that sets forth the basis for the Section 3116 Determination (Basis Document). The Section 3116 Determination sets forth the Secretarial finding that the stabilized residuals in the TFF and TFF system: (1) Do not require permanent isolation in a deep geologic repository, (2) have or will have had highly radioactive radionuclides removed to the maximum extent practical, (3) will be disposed of in accordance with NRC performance

³ Under closure pursuant to this decision, a small amount (approximately 3/8 inch) of residual radioactive (non-HWMA/RCRA) waste that cannot be removed would remain after completing tank cleaning operations.

objectives for the disposal of low-level waste, (4) will be disposed of pursuant to DOE's disposal plan developed in consultation with the NRC, and (5) will be disposed of pursuant to closure plans approved by the State of Idaho. The Basis Document sets forth the facts and analyses supporting the Secretary's Section 3116 Determination. DOE's Amended Record of Decision to close the TFF pursuant to the *Idaho High-Level Waste and Facilities Disposition Final Environmental Impact Statement* (DOE/EIS-0287, September 2002) is being provided separately and concurrently with this Notice.

ADDRESSES: The Section 3116 Determination and the Basis Document, as well as the public comments received on the draft Section 3116 Determination, are available on the Internet at <http://apps.em.doe.gov/idwd>, and are publicly available for review at the following locations: U.S. DOE, Public Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, DC 20585, Phone: (202) 586-5955, or Fax: (202) 586-0575; and U.S. DOE, Idaho Operations Office, Public Reading Room, 850 Energy Drive, Idaho Falls, Idaho 83415-2300, Phone: 208-526-0709, Fax: 208-526-8789.

FOR FURTHER INFORMATION CONTACT: For further information on the Section 3116 Determination, contact Scott Van Camp, Assistant Manager, Facility and Materials Disposition Project, U.S. DOE, Idaho Operations Office, 1955 Fremont Avenue, MS-1222, Idaho Falls, ID 83415, Telephone: (208) 526-6503.

SUPPLEMENTARY INFORMATION: The INTEC TFF and TFF system consists of eleven 300,000-gallon belowgrade stainless-steel tanks in unlined concrete vaults, four 30,000-gallon belowgrade stainless-steel tanks, and associated ancillary equipment and piping. Historically, the TFF tanks were used to store various INTEC wastes, including those from reprocessing spent nuclear fuel, decontamination waste, laboratory waste, and contaminated liquids from other INTEC operations. DOE has initiated cleaning of the TFF and TFF system, a process that includes consolidating remaining wastes in the minimum number of tanks necessary, and then cleaning the empty tanks and ancillary equipment and piping. After completing cleaning operations, a small amount of residual radioactive waste that cannot be removed will remain in the tanks and ancillary equipment and piping. DOE plans to stabilize the residuals by filling the TFF and TFF system with grout. The Secretary's Section 3116 Determination concludes that the TFF and TFF system residuals

will meet the criteria in NDAA Section 3116. Therefore, and pursuant to Section 3116, that material is not HLW. The Basis Document sets forth the reasons supporting the Section 3116 Determination. DOE's Amended Record of Decision to close the TFF pursuant to the *Idaho High-Level Waste and Facilities Disposition Final Environmental Impact Statement* (DOE/EIS-0287, September 2002) is being provided separately and concurrently with this notice.

Issued in Washington, DC, on November 20, 2006.

Charles E. Anderson,

Principal Deputy Assistant Secretary for Environmental Management.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2006-0745; FRL-8247-5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Reformulated Gasoline Commingling Provisions (Renewal); EPA ICR No. 2228.02, OMB Control No. 2060-0587

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before December 28, 2006.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2006-0745, to (1) EPA online using www.regulations.gov (our preferred method), by e-mail to a-and-r-Docket@epa.gov, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Air Docket, Environmental Protection Agency; 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB),

Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Geanetta Heard, Office of Transportation and Air Quality, Transportation and Regional Programs (6406J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9017; fax number: (202) 343-2801; e-mail address: heard.geanetta@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12.

On September 28, 2006 (71 FR 56969), EPA sought comments on this proposed ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2006-0745, which is available for online viewing at www.regulations.gov, and for in-person viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744. The telephone number for the Air Docket is (202) 566-1742.

Use EPA's electronic docket and comment system at www.regulations.gov to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing at www.regulations.gov as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information for which public disclosure is restricted by statute. For further information about the electronic docket, go to www.regulations.gov.

Title: Reformulated Gasoline Commingling Provisions (Renewal).

ICR numbers: EPA ICR No. 2228.02, OMB Control No. 2060-0587.

ICR Status: This ICR is scheduled to expire on November 30, 2006. Under