

**Zero-Based Regulation  
Prospective Analysis**

**Agency Name:**

**Rule Docket Number:** IDAPA 58.01.10, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, As Amended.

**1. What is the specific legal authority for this proposed rule?**

Statute Section (include direct link)	Is the authority mandatory or discretionary?
<a href="#">Section 39-4405, Idaho Code</a>	Mandatory

**2. Define the specific problem that the proposed rule is attempting to solve? Can the problem be addressed by non-regulatory measures?**

In [Executive Order 2020-01](#), Zero-Based Regulation, Governor Little directed agencies to conduct a 5-year review of each rule chapter effective on June 30, 2020. DEQ initiated this rulemaking in compliance with EO 2020-01.

This rulemaking will include a review of waste acceptance criteria for radioactive material at approved solid waste facilities with the potential to establish minimum and maximum concentration thresholds.

DEQ will review the list of federal regulations incorporated by reference in Section 004 and will revise the list if necessary.

This problem cannot be addressed by non-regulatory measures.

**3. How have other jurisdictions approached the problem this proposed rule intends to address?**

**a. Is this proposed rule related to any existing federal law?**

Federal citation	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

**b. How does this proposed rule compare to other state laws?**

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Colorado		
Oregon		
Nevada		
Utah		
Wyoming		
Montana		
Alaska		

South Dakota		
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**c. If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:**

**4. What evidence is there that the rule, as proposed, will solve the problem?**

**5. What is the anticipated impact of the proposed rule on various stakeholders? Include, how will you involve them in the negotiated rulemaking process?**

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	Not anticipated
Impact to Idaho businesses, with special consideration for small businesses	If changes to waste acceptance criteria are implemented, there is a potential initial increase in waste determination costs for certain wastes covered under the rule. However, this increase may be offset by reduced disposal costs if the material is approved for disposal at a solid waste facility.
Impact to any local government in Idaho	Same potential impact as local businesses.
DEQ will involve stakeholders by 1) announcing initiation of the negotiated rulemaking on DEQ's website and sending email notification to identified stakeholders, and 2) providing opportunities to review rule drafts, attend meetings, and submit comments.	

6. What cumulative regulatory volume does this proposed rule add?

Category	Impact
Net change in word count	
Net change in restrictive word count (Restrictive words include shall, must, may not, prohibit, and require.)	