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September 1, 2005

Mr. Charles Anderson
Principal Deputy Assistant Secretary for
Environmental Management
Department of Energy
Washington, DC 20585

Mr. Larry Camper
Director
Division of Waste Management and
Environmental Protection
Nuclear Regulatory Commission
Mail Stop: T7J8
Washington, DC 20555

RE: Savannah River Site
High Level Waste Tank Closure

Dear Mr. Anderson and Mr. Camper:

The purpose of this letter is to request a meeting between the Department of Energy (DOE), the Nuclear Regulatory Commission (NRC), the South Carolina Governor's Nuclear Advisory Council (NAC) and the South Carolina Department of Health and Environmental Control (DHEC) to identify and resolve outstanding issues related to closure of the High Level Waste (HLW) tanks at the Savannah River Site (SRS). The NAC and DHEC have noted that, although significant effort has been expended, minimal progress to date has occurred and would like to see a clearly defined process and schedule for moving forward.

The DOE stores approximately 36 million gallons (420 million curies) of HLW in 49 aging tanks at the Savannah River Site (SRS). This highly radioactive waste has been characterized as the single largest threat to human health and the environment in South Carolina. Only 2 HLW tanks have been closed in the DOE complex, both at SRS. In order to reduce the threat of HLW release, it is imperative for DOE to aggressively pursue closure of the remaining noncompliant HLW tanks.

As evidence of the need for threat reduction, DHEC holds enforceable closure schedules for all of the noncompliant tanks at SRS. The individual tank closure deadlines in this schedule fall between 2006 and 2022. Until last year closure progress was effectively halted by legal actions at the federal court level. However, sensing the need to move forward to reduce risk to human health and the environment in South Carolina, the State's Congressional Delegation, led by Senator Graham, worked to remove legal uncertainties through passage of Section 3116 of the 2005 National Defense Authorization Act (NDAA). Almost 10 months after passage of the 3116 amendments, DOE has yet to submit a Waste Determination document for the SRS HLW tanks to the NRC. The NRC has indicated a minimum Waste Determination review period of 9 months. The delay in development of the Waste Determination and the review schedule will clearly impact tank closure dates, currently estimated at least 6 months behind the DHEC enforceable deadlines for the next 2 tanks.

The recently released interim report from the National Academies of Science, authorized by Section 3146 of the 2005 NDAA, recommended adjustment of the DHEC enforceable schedule. In this regard, the NAC and DHEC believe that DOE should continue to reduce risk through the current accelerated tank closure schedule while further study is conducted and that technology improvements should be incorporated when available.

It appears that the process DOE is using to implement Section 3116 of the 2005 NDAA is not meeting the joint expectation to move forward in a timely manner. Since the NRC is a key agency in the Section 3116 process, the NAC and DHEC would like to clearly resolve the process and schedule for HLW tank closure between DOE, NRC, NAC and DHEC. The NAC and DHEC would like to meet with DOE and NRC to reach a clear understanding of closure progress strategy and to resolve issues of concern.

Sincerely,



Ben C. Rusche, Chairman
South Carolina Governor's Nuclear Advisory Council



David E. Wilson, Jr., Assistant Bureau Chief
Bureau of Land and Waste Management
South Carolina Department of Health
and Environmental Control

cc: South Carolina Congressional Delegation
South Carolina Office of the Governor
Jeff Allison, SRS