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Date: 11/23/05 9:19AM
Subject: Comments on NRC SRP Scoping

Anna,

In response to the Nuclear Regulatory Commission scoping process related to the Standard Review Plan development for waste determination reviews, the South Carolina Department of Health and Environmental Control (SCDHEC) submits the attached comments. A hard copy has also been sent in the mail.

While SCDHEC appreciates the consultation between the Nuclear Regulatory Commission and Department of Energy on waste determinations as set forth under Section 3116 of the 2005 National Defense Authorization Act, SCDHEC would like to see this consultation occur within the context of an overall closure schedule for risk reduction. Specific comments related to this concern are included in the attachment.

Please contact me at (803) 896-8955 or sherrimd@dhec.sc.gov if you have any questions.

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Mail Envelope Properties (43847A51.2A8 : 20 : 21160)

Subject: Comments on NRC SRP Scoping
Creation Date: 11/23/05 9:18AM
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Files	Size	Date & Time
MESSAGE	804	11/23/05 09:18AM
NRCScopingCom.doc	23040	
Mime.822	34235	

Options

Expiration Date:	None
Priority:	Standard
Reply Requested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

**COMMENTS FROM THE
SOUTH CAROLINA DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL
ON THE
NUCLEAR REGULATORY COMMISSION
SCOPING OF STANDARD REVIEW PLAN FOR
WASTE DETERMINATION REVIEWS**

November 23, 2005

1. The Nuclear Regulatory Commission (NRC) waste determination (WD) consultation should be coordinated with Department of Energy (DOE) to be supportive of the Savannah River Site (SRS) Federal Facility Agreement (FFA) High Level Waste (HLW) tank closure dates for risk reduction. Storage of 37 million gallons of liquid highly radioactive waste in aging tanks at SRS is the single largest threat to human health and the environment in South Carolina. Recently discovered additional leak sites in the past few months highlight the limitation that time is enforcing on operation of degrading tanks. The SRS FFA recognizes this time limitation by incorporating tank closure schedules in a regulatory mechanism. Significant extension to the tank closure process does not serve to be protective. The NRC and DOE should construct a consultation time frame that enables DOE fulfillment of FFA closure dates.
2. SCDHEC understands that out of approximately 39 months currently charted for the closure of each HLW tank at SRS, about one third of this time is allotted for the NRC consultation process while about one third is allotted for actual physical tank closure. DOE and the NRC should be aware of the significant impact the addition of 12 months (3 for DOE preparation of the WD and 9 for NRC review) has on the already challenged tank closure schedule. In addition SCDHEC is aware that this consultation time could be extended, causing greater impact to closure schedules. The timeframe for the NRC consultation process should uphold, rather than jeopardize, the overall tank closure schedule. A timeframe for the consultation process should be determined after evaluation of the overall tank closure project schedule.
3. Although NRC has indicated that the WD process will not differ significantly for a tank that meets class C versus a tank that exceeds Class C, Section 3116 clearly distinguishes a difference in process. The NRC, working with DOE, should clearly define 1) how to determine Class C versus greater than Class C and 2) any additional process steps for greater than Class C WDs. Resolution of this uncertainty is essential to avoid costly delays in timeframe due to mistaken assumptions.

4. Since the NRC consultation as outlined in Section 3116 is not a regulatory process, the NRC and DOE hold discretion as to how the consultation process is defined. Iterations of document review and comment often serve to elongate timeframe. Other mechanisms such as document scoping, frank and informal technical issue resolution and facilitated meetings often aid in reaching an agreeable endpoint that is more efficient by reducing paperwork. The NRC and DOE should consider incorporation of these tools into the consultation process.

5. Some technical issues, such as the amount of residual remaining in tanks before closure, are key common issues between the NRC consultation and the SCDHEC closure plan or permit process. A common understanding of such key issues early in the process would be beneficial in preventing disconnects and resulting inefficiencies.