

May 31, 2006

Dr. Carol A. Couch, Director
Georgia Department of Natural Resources
2 Martin Luther King Jr. Drive
Suite 1152
Atlanta, Georgia 30334

Dear Dr. Couch:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your March 13, 2006 letter concerning waste treatment and disposal at the U.S. Department of Energy's (DOE's) Savannah River Site (SRS). Your letter states that, although the SRS reservation itself is located in the State of South Carolina, it shares a border of approximately 23 miles along the Savannah River with Georgia, and that radioactive materials discharged from SRS can be found in Georgia in virtually all environmental media collected near the site. You also indicate that you understand that the NRC, in conjunction with the State of South Carolina, plans to establish a monitoring program for salt waste disposed of at SRS under the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2006 (NDAA). Your letter requests that, given Georgia's proximity to the SRS, the NRC determine the State of Georgia to be an "affected State" in this matter and, as a result of this designation, that Georgia be made a full partner with NRC and the State of South Carolina in the program to monitor DOE's disposal of the salt waste, as well as any other waste treated and disposed under the NDAA.

The NRC, with the State of South Carolina, is planning to monitor the disposal of certain wastes at the SRS. The mandate in Section 3116(b)(1) of the NDAA that "[t]he Commission shall, in coordination with the covered State, monitor disposal actions taken by the Department of Energy..." gives the NRC this responsibility. Section 3116(d) of the NDAA defines "covered" States as the States of South Carolina and Idaho. The NDAA does not apply to States other than South Carolina and Idaho, nor does it use the term "affected" States. Consequently, NRC does not have the authority to grant the State of Georgia any monitoring role or responsibility regarding activities under the NDAA. Such responsibility would need to be granted by Congress in a modification of the NDAA or other legislation.

The NRC follows a policy of openness and is making its NDAA activities as open as possible to the public and to interested stakeholders. Each public meeting includes one or more opportunities for observers to make comments or ask questions, and most documents and meeting announcements are publicly available on NRC's website, www.nrc.gov. The Commission encourages the State of Georgia, as an interested stakeholder, to participate in these public meetings.

Sincerely,

/RA Martin J. Virgilio Acting For/

Luis A. Reyes
Executive Director
for Operations

cc: Mr. Harry Jue, Director
City of Savannah Water and Sewer Bureau

Mr. Earl C. Hunter, Commissioner
South Carolina Department of Health
and Environmental Control

The NRC follows a policy of openness and is making its NDAA activities as open as possible to the public and to interested stakeholders. Each public meeting includes one or more opportunities for observers to make comments or ask questions, and most documents and meeting announcements are publicly available on NRC's website, www.nrc.gov. The Commission encourages the State of Georgia, as an interested stakeholder, to participate in these public meetings.

Sincerely,

/RA Martin J. Virgilio Acting For/

Luis A. Reyes
Executive Director
for Operations

cc: Mr. Harry Jue, Director
City of Savannah Water and Sewer Bureau

Mr. Earl C. Hunter, Commissioner
South Carolina Department of Health
and Environmental Control

DISTRIBUTION: G20060258, G20060288
EPAD r/f MRodgers RidsEdoMailCenter RidsSecyCorrespondence
DWMEP r/f RidsNmssOd EDO r/f

This correspondence formulates policy or expands, revises, or interprets policy, involves matters pending Commission decision, contains items relating to the performance of Commission duties and responsibilities, or involves items of high Commission interest.

ML061070359

OFFICE	DWMEP:PM	DWMEP:SC	TechEd	OGC	DWMEP:DD
NAME	ABradford	RWhited	EKraus	EJensen	SFlanders
DATE	4/17/06	4/18/06	4/24/06	4/21/06	4/18/06
OFFICE	DWMEP:D	NMSS:D	EDO	OCM	
NAME	LWCamper	JRStrosnider	M. Virgilio for LAReyes		
DATE	4/24/06	05/04/06	05/31/06	05/30/06	

OFFICIAL RECORD COPY