

## Savannah River Site

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A U.S. Department of Energy Site-Specific Advisory Board

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September 21, 2006

Mr. James Rispoli,  
Assistant Secretary for Environmental Management  
U.S. Department of Energy  
Washington, DC 20585

Ms. Anna H. Bradford  
Nuclear Regulatory Commission  
MS T7J8  
11545 Rockville Pike  
Rockville, MD 20852

Subject: Comments on Standard Review Plan and Waste Determination Streamlining

Dear Mr. Rispoli and Ms. Bradford:

Back in November 2005, the Savannah River Site (SRS) Citizens Advisory Board (CAB) wrote a letter to Ms. Bradford thanking her for hosting the public meeting on the draft waste determination Standard Review Plan (SRP). At that time, the SRS CAB supported the SRP risk-informed and performance-based decision process. We still do and still believe that the performance objectives of 10 CFR 61, Subpart C are adequate protection standards and the SRP modeling approach provides adequate risk mitigation assurances.

Furthermore, we thought that the public meeting on salt disposition from HLW tanks that led to the first waste determination was an excellent example of government agencies acknowledging the legitimate interests of public citizens in activities affecting their community and environment. We believe that such meetings should continue. However, we fully understand that during the normal course of doing business, the two agencies may require meetings that may not be fully open to the public, where candid exchange of views and information between DOE and NRC can be shared. The SRS CAB is supportive of such meetings as long as substantive issues like occurred with salt continue to be reviewed in public and that a path forward is developed and an impasse is avoided.

The SRS CAB understands that DOE has voiced legal concerns about the SRP process in a July 31, 2006, letter from DOE's general counsel to NRC. The main focus of the letter addresses the Section 3116 (a) consultation role of NRC versus an authoritarian role of licensing, certifying and regulating DOE. The SRS CAB had hoped to avoid any confusion over NRC's consultation role back in January 2005 when it asked in two separate recommendations for clarification on the roles and responsibilities of all agencies involved in the Section 3116 process: While we do not fully understand why DOE contends that the draft SRP would result in a regulatory process neither authorized by law nor contemplated when Section 3116 was enacted, we do believe that NRC should only be acting in a position of consultation. The two agencies should be working together to ensure that the performance objectives are met, and that the waste determinations are performed in a timely manner.

It is the latter of these issues that highlight a problem of considerable importance to the SRS CAB. Again, back in our November 2005 letter, the SRS CAB was concerned about the timeframe

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it takes NRC to perform the SRP and requested that NRC establish a standard consistent SRP review time (i.e., 30-60 days). The overall timeframe, beginning after a tank has been cleaned to the maximum extent practical, between heel characterization and the waste determination analyses must be reduced. DOE has proposed a timeframe of no more than 24 months, which the SRS CAB can support, although any additional acceleration and streamlining should be pursued. Such streamlining could include, as the SRS CAB proposed back in January 2005, a standard process for closing tanks through an initial "4 pack" and future "multi4-packs" waste determination process, very similar to the "plug-in-ROD" process used by DOE for hazardous waste site closures.

We ask both agencies to resolve the SRP issues as expeditiously as possible and develop a more streamlined and less lengthy waste determination process.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Meisenheimer". The signature is written in a cursive style with a long horizontal stroke at the end.

Mr. Robert Meisenheimer  
WM Committee Chair  
46 Haul Way Road  
Hilton Head Island, S.C. 29928