

STATE OF SOUTH CAROLINA
Governor's Nuclear Advisory Council

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September 8, 2011

Mr. Gregory Jaczko
Chairman, U. S. Nuclear Regulatory Commission
Washington, DC

Dr. Steven Chu
Secretary, U. S. Department of Energy
Washington, DC

RE: F Tank Farm Reasonable Assurance Decision

Dear Chairman Jaczko and Secretary Chu:

The South Carolina Governor's Nuclear Advisory Council is charged with advising the Governor on nuclear issues, including radiological waste disposal, in South Carolina. The Council has actively monitored the activities at the Department of Energy's Savannah River Site (SRS), especially as those activities relate to public health and safety of South Carolina citizens. DOE and South Carolina alike recognize that the greatest radiological risk to residents of the State is the large inventory of untreated high level/liquid radiological waste in the aging tanks at SRS. Reduction of liquid waste inventory in the tanks, amounting to 37 million gallons in some 49 tanks, is critical to reducing that risk including the stabilization of residuals waste in emptied and cleaned tanks. The public has repeatedly asked DOE to reduce this risk by emptying the tanks, treating the waste, and closing the tanks.

Section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 authorizes the Secretary of Energy, in consultation with the Nuclear Regulatory Commission, to determine that certain waste may be disposed of as low level radioactive waste. After a waste determination is made by the DOE in consultation with the NRC, the NRC and the state (South Carolina in the case of SRS) monitor DOE disposal actions to assess compliance with the performance objectives.

Since 2005 the residents of South Carolina have been waiting for NRC and DOE to reach a resolution on technical issues and resolve outstanding questions related to the closure of F Tank Farm (FTF) so NRC might issue a Consultation Technical Evaluation Report (TER) that concludes reasonable assurance exists if key aspects of the DOE analysis are verified or borne out. Both DOE and the NRC have used technical exchanges, public meetings and NRC requests for additional information to hone the models, assumptions and other factors associated with the NRC's consultation.

The time has come for resolution of these technical discussions and for the NRC to issue its Consultation TER. As we view it, a host of uncertainties will not be definitively answered except through implementation of the current waste removal and tank closure plan. Both the NRC and DOE must recognize that removing waste from aging tanks, treating that waste and stabilizing the tanks is critical to reducing the risk to public health and safety. Our view is that a Consultation TER should and must be issued in a timely manner, and that the Consultation TER should expressly reach a reasonable assurance conclusion (or lack thereof). In order to do so, the Consultation TER may expound on how assuring particular assumptions and conditions could affect the reasonable assurance conclusion. The NRC may address many issues in recommendations and during monitoring of FTF closure activities to increase the probability of success. The recommendations, consistent with existing NRC guidance applicable to Section 3116, would identify actions that DOE might consider to further improve its waste management approach. These do not need to be implemented for the applicable waste criteria to be met, however.

We appreciate your organizations' commitments to protecting humans many generations into the future. However, we are concerned that you not lose sight of the bigger picture associated with the current risk from the continued storage of untreated waste and unstabilized residues in old, aging tanks.

Models and associated input parameters, such as those DOE is using to project potential impacts thousands of years into the future, necessitate some unvalidated assumptions. As a consequence, the absolute validity of assumptions and results-- in this case the performance assessment (PA) -- can never be verified a priori and modeling results will always be subject to interpretation. In short, as long as your agencies dither about the validity of the FTF PA modeling and the "correctness" of its assumptions and results, residual waste cannot be stabilized for safer long-term disposal. As we view it, if the NRC's knowledgeable radiological waste disposal professionals conclude that DOE's PA and other analyses provide a reasonable technical basis for a "reasonable assurance of safety" conclusion, the Consultation TER should affirmatively contain the same conclusion. Stated differently, the issue before the NRC is not policy-based nor is it centered on whether all questions have been answered or whether more studies and evaluations might provide more information. The issue is whether the DOE's proposed Waste Determination comes within the range of reasonable technical judgment.

As a consequence, in continuing to refine modeling and add precision to analytical results, DOE and NRC are not necessarily acting in the best interests of the citizens of South Carolina. Rather, they are ignoring today's real risks in order to eliminate potential future risks.

We respectfully ask you to assure that DOE and the NRC resolve gaps and concerns regarding the FTF PA in short order to avoid further delays in the closure of aging tanks at SRS. Further, we suggest that the NRC has adequately reviewed, questioned and studied the FTF PA to reach a conclusion about the reasonableness of a DOE Waste Determination for the FTF.

Jaczko and Chu

Sincerely,

A handwritten signature in black ink that reads "Ben C Rusche". The signature is written in a cursive, slightly slanted style.

Ben Rusche, Chair
South Carolina Governor's Nuclear Advisory Council

cc: Governor Nikki Haley
Mr. Dave Huizenga , Acting Asst. Secretary for Environmental Management
Dr. Dave Moody, Manager DOE SR Operations Office
Ms. Shelly Wilson, SCDHEC
Members of SC GNAC