



## **Savannah River Site**

# **Citizens Advisory Board**

### **Recommendation 239**

#### **Standard Review Plan Public Meetings**

##### **Background**

Recent articles in the Augusta Chronicle have highlighted DOE's legal concerns about the Nuclear Regulatory Commission Standard Review Plan (SRP) process (Ref. 1 & 2). According to the July 31, 2006, letter from DOE's general counsel to NRC, DOE is concerned about the role of NRC under Section 3116 (Ref. 3). DOE contends that NRC's role should be more of a consultation role versus a role of licensing, certifying and regulating DOE. In this letter, DOE requested a "closed door" meeting between senior DOE and NRC managers to discuss how best to conduct the consultations and to provide a venue to exchange candid views and information on the process between DOE and NRC staff. The newspaper articles noted DOE's position that such meetings were about technical review issues, which the public would get a chance to review and voice any concerns at a later time. The articles further identified the SCDHEC concerns about the potential lengthy Waste Determination documentation process and the impact such delays could have on the tank closure process.

##### **Comment**

In November 2005, the Savannah River Site (SRS) Citizens Advisory Board (CAB) wrote a letter to NRC thanking them for hosting a public meeting on the draft waste determination Standard Review Plan (Ref. 4). The SRS CAB supports the SRP risk-informed and performance-based decision process and believes that the SRP modeling approach provides adequate risk mitigation assurances; furthermore, the performance objectives of 10 CFR 61, Subpart C are adequate protection standards.

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. The SRS CAB believes that such meetings should continue. However, we fully understand that during the normal course of doing business, the two agencies may require meetings on apparently intractable technical barriers and other process issues arising between the agencies that are impeding progress and that will not be open to the public, as provided by law. 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 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 (Ref. 5 & 6). 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 consistent with Section 3116. The two agencies should be working together to ensure that the performance objectives are met, and that the waste determinations are performed in a manner that supports compliance with the Federal Facility Agreement (FFA) closure schedules.\_

It is the latter of these issues that highlight a problem of considerable importance to the SRS CAB. Again, in our November 2005 letter, the SRS CAB was concerned about the timeframe it takes NRC to perform the SRP and requested that NRC establish a standard consistent SRP review time of 60 days.

Before the NRC 60 day review begins, the SRS CAB fully expects that DOE will have addressed and come to an agreement on all Request for Additional Information (RAIs) proposed by NRC. This issue will be the most contentious point between the 3 agencies (DOE, NRC, & SCDHEC) and is an example of what needs to be resolved by them in camera. 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, including the 60 day review time set aside for NRC review, 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.

### **Recommendation**

As a follow-up to the SRS CAB Waste Management Committee letter (Ref. 7) to DOE and NRC, dated September 26, 2006, the SRS CAB recommends to DOE the following:

1. DOE and NRC ensure all meetings to review the important issues dealing with closing the HLW tanks are conducted in public.
2. DOE work with NRC and SCDHEC to reduce the overall consultation timeframe and/or innovatively complete the consultation in a manner that supports compliance with the FFA schedules.
3. DOE conduct a preliminary performance assessment for tank groups ahead of waste removal so that after waste removal, waste determinations for tanks may be conducted more quickly, similar to a "plug-in ROD" approach.
4. DOE, NRC and SCDHEC make a joint presentation to the SRS CAB in November 2006 on the roles and responsibilities and meeting processes of each agency in the Section 3116 process.

In recommendation item #4 above, for the presentation to SRS CAB in November 2006, provide an overview of how much efficiency can be achieved by standardization processes to comply with FFA schedules (such as teams to jointly write documents).

### **References**

1. "Safety rules slow nuclear waste cleanup", by Josh Gelinas Augusta Chronicle, August 25, 2006.
2. "Waste burial talks cancelled", by Josh Gelinas Augusta Chronicle, September 1, 2006.
3. Letter from David R. Hill, General Counsel, DOE, to Nuclear Regulatory Commission, Rules and Directives Branch, attention Ms. Anna Bradford dated July 31, 2006.
4. Letter from Jean Sulc, SRS CAB Chair and Robert Meisenheimer, Waste Committee Chair to Ms. Anna Bradford, Nuclear Regulatory Commission dated November 18, 2005.
5. Citizens Advisory Board Recommendation No. 204 (adopted January 25, 2005), "3116 Implementation – High Level Waste Tanks."
6. Citizens Advisory Board Recommendation No. 205 (adopted January 25, 2005), "3116 Implementation – Salt Waste Processing."
7. Letter from Bob Meisenheimer, SRS Waste Management Chair to Mr. James Rispoli, DOE, and Ms. Anna Bradford, Nuclear Regulatory Commission and dated September 21, 2006.