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March 17, 2004

Ms. Jean Sulc, Chair
SRS Citizens Advisory Board
24 Harbor River Circle
St. Helena Island, SC 29920

SUBJECT: South Carolina Department of Health & Environmental Control response to the Citizens Advisory Board **Recommendation 181** – HLW Tank Longevity versus Expected Lifetime and **Recommendation 182** – WIPP Permit New Mexico Department-Initiated Modification.

Dear Ms. Sulc:

The South Carolina Department of Health and Environmental Control (DHEC) has received the Savannah River Site (SRS) Citizens Advisory Board (CAB) recommendations 181 and 182.

Enclosed please find DHEC's responses to the subject recommendations. We appreciate the Board's input and wish to encourage continued active participation in the challenging issues we face in the regulation and cleanup at the Savannah River Site. If you need further assistance, please contact Keith Collinsworth of my staff at (803) 896-8955.

Sincerely,

Robert W. King Jr., P.E.
Deputy Commissioner
Environmental Quality Control

cc: J. I. Palmer, Jr., EPA Region IV
Dawn Taylor, EPA Region IV
Jeffrey M. Allison, DOE-SRS
Alice C. Doswell, DOE-SRS
Charlie Hanson, DOE-SRS
Charles Gorman, EQC-BLWM
David Wilson, EQC-BLWM
Myra Reece, EQC-Edisto Savannah

DHEC RESPONSE TO THE SRS CITIZENS ADVISORY BOARD (CAB) RECOMMENDATION NO. 181

Citizens Advisory Board (CAB) Recommendation 181 pertains to the removal of high level waste from the high level waste tanks (HLWT) and their subsequent closure at the Savannah River Site (SRS). Throughout the recommendation, the CAB perceptively outlines the critical issues that impede the progress on waste removal and closure of the HLWT and requests DHEC and DOE to present their solutions to these impediments. DHEC has proposed to the SRS that we would continue to process high level waste tank closure plans through the authority of the Clean Water Act, which is consistent with the approach taken on the successful closure of Tanks 17 and 20. However, DOE is responsible for satisfying the requirements of the Nuclear Waste Policy Act (NWPA), and they have chosen not to pursue closure of Tanks 18 and 19 until the legal and legislative issues surrounding the NWPA are resolved. Therefore, until the legal and legislative issues have been addressed, the tank closure program cannot proceed and presentations to the CAB would not be meaningful.

DHEC has been meeting with both DOE and the Governors Nuclear Advisory Council to attempt to develop a comprehensive salt waste management strategy that would address stabilizing the tank space issue, and also would ensure adequate tank space to operate the Defense Waste Processing Facility (DWPF) uninterrupted into the future. However, DOE headquarters (DOEHQ) has not committed funds to the SRS salt waste management program. Until a funding commitment is made by DOEHQ, the management of salt waste at SRS will continue to be delayed and could have detrimental impacts on the operation of the DWPF and tank closure program as a whole. Therefore, until there is progress on the funding of the SRS salt waste management program, there is no need for DHEC to present to the CAB our permitting strategy for the saltstone vaults.

DHEC RESPONSE TO THE SRS CITIZENS ADVISORY BOARD (CAB) RECOMMENDATION NO. 182

Citizens Advisory Board Recommendation 182 pertains to the waste acceptance criteria of the Waste Isolation Pilot Plant near Carlsbad, New Mexico. The CAB is concerned that the New Mexico Environmental Department (NMED) is changing the WIPP waste acceptance criteria such that it would prevent 5,775 cubic meters of SRS transuranic (TRU) waste from going to WIPP. The recommendation requests "SRS and DHEC develop a long term storage and if possible, disposal alternatives for the 5,775 cubic meter of TRU waste that would remain at SRS if the permit modification by NMED is approved." Pursuant to Consent Order 95-22-HW, which requires the implementation of the SRS Site Treatment Plan, DOE is required to identify a disposition path for all TRU waste in the SRS inventory. Therefore, in the event NMED modifies their WIPP permit to exclude the 5,775 cubic meters of TRU waste from SRS, the referenced Consent Order would require DOE to identify a new disposition pathway for this material.