§ 20.1403 Criteria for license termination under restricted conditions.

(d)...The licensee shall document in the LTP or decommissioning plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and incorporated, as appropriate, following analysis of that advice....

According to the Decommissioning Plan, page 1-9:

Although Phase 1 of the WVDP proposed decommissioning would not result in license termination under either restricted or unrestricted conditions, this plan does include derived concentration guideline levels (DCGLs) and associated cleanup goals to be used for remediation of surface and subsurface soil in the excavated areas on the project premises described previously that are based on the unrestricted release criteria of 10 CFR 20.1402.*

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*The DCGLs and cleanup goals for Sr-90 and CS-137 incorporate a 30-year decay period from 2011. That is, achieving residual radioactivity goals for these radionuclides would ensure that dose criteria of 10 CFR 20.1402 would be met in 2041 and any time thereafter...

Thus, DOE assumes that the cleanup criteria for UNRESTRICTED USE can be met for Phase 1 activities --

-- but this depends on a number of assumptions discussed in Chapter 5 of the Decommissioning Plan. *For example, DOE finds that the calculated dose from Iodine-129 is relatively sensitive to its assumptions about well depth and pump rate for a resident farmer. DOE also makes questionable assumptions about human and livestock exposure to contaminated streambed sediments.* If such assumptions are not valid, then the cleanup criteria for UNRESTRICTED use may not be met. We would then be dealing with cleanup criteria for RESTRICTED use.

Given the borderline distinction between meeting these two types of criteria in DOE's Decommissioning Plan, the community should be entitled to the formal procedures of 10 CFR 20.1403(d).

§ 20.1403 Criteria for license termination under restricted conditions.

(d)...The licensee shall document in the LTP or decommissioning plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and incorporated, as appropriate, following analysis of that advice....

Figure 6.8
Erosion estimates from the 1996 DEIS (left) and the 2005 DEIS (right). The orange area indicates the region which would have eroded significantly in 1000 years. In the 1996 DEIS, the estimates of erosion nearly completely expose both the NRC Disposal Area (NDA) and the State licensed Disposal Area (SDA), while in the 2005 DEIS most of the waste is estimated to remain intact. [211]

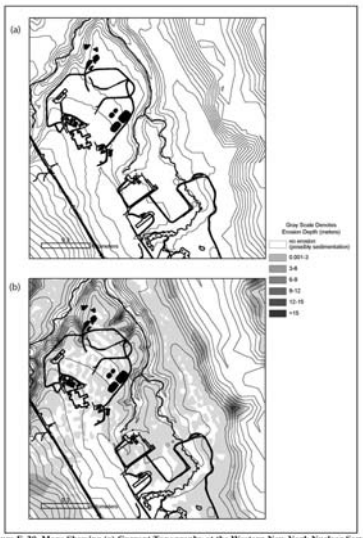

Figure F–20 Maps Showing (a) Current Topography at the Western New York Nuclear Service Center Site, and (b) Topography and Erosion Pattern Predictions at 10,000 Years as Computed by CHILD ([b] No Action Alternative No-Cap Scenario)

Figure F–21 Maps Showing (c-d) Topography and Erosion Pattern Predictions at 10,000 Years as Computed by CHILD for the Sitewide Close-In-Place Alternative ([c] Soft-Cap Scenario, [d] Hard-Cap Scenario)

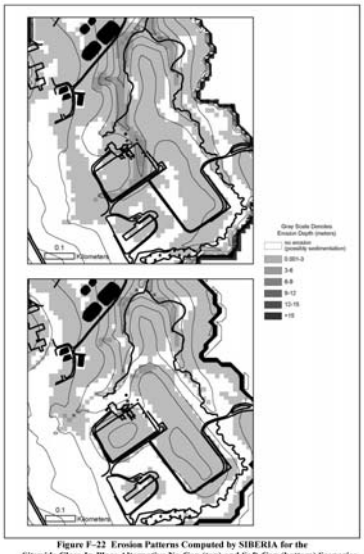

Figure F–22 Erosion Patterns Computed by SIBERIA for the Sitewide Close-In-Place Alternative No-Cap (top) and Soft-Cap (bottom) Scenarios