

Comments on Phase 1 Decommissioning Plan

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1. The Phase 1 Decommissioning Plan should state more clearly that it is only part of a decommissioning plan (DP), and that another part (or other parts) of the DP will need to be submitted in the future before it can be determined whether the combined parts of the DP meet the decommissioning requirements prescribed by NRC under the West Valley Demonstration Project Act and/or set forth in NRC's License Termination Rule.

2. Given the fact that the Phase 1 Decommissioning Plan is only part of a DP, it cannot yet be determined whether the combined DP ultimately submitted by DOE will meet the requirements for unrestricted release as opposed to restricted release.

3. In the event that the combined (Phase 1 and Phase 2) Decommissioning Plan ultimately submitted by DOE does not meet the requirements for unrestricted release, the current Phase 1 DP will immediately become deficient because it fails some of the decommissioning requirements (e.g., public consultation) set forth by NRC for restricted release. See 10 CFR 20 subpart E and the CTF letter dated November 19, 2008. The Phase 1 Decommissioning Plan should not take such an unconservative approach which, depending on future decisions, would curtail a crucial type of public consultation required by NRC.

4. Even within the context of the Phase 1 Decommissioning Plan itself, it is not clear whether the Phase 1 activities will meet the requirements for unrestricted release. DOE claims in the Phase 1 DP that such requirements will be met, but the claim is highly dependent on assumptions made by DOE. If these assumptions are not valid (e.g., if erosion modeling methods and modeling assumptions are invalid or unreliable), then DOE's exposure scenarios and derived concentration guideline levels (DCGLs) may underpredict exposures and the Phase 1 activities may fail to meet requirements for unrestricted release. Given this very real possibility, the Phase 1 Decommissioning Plan should conservatively provide the safeguards such as public consultation that are required by NRC for restricted release.

5. A disclaimer on the cover of the Phase 1 Decommissioning Plan states that the decommissioning approach is based on the preferred alternative and that the DP "will be revised as necessary" to reflect any changes in the event that the preferred alternative is not selected in the current EIS process. The DP should *not* be "revised as necessary" under those circumstances; it should be revised and resubmitted. As currently written, the DP cannot support the selection of other EIS alternatives such as in-place closure of wastes and facilities. Analyses in the DP are inadequate in several areas, including the assessment of long-term erosion and certain non-radiological impacts, as discussed below in more detail.

6. One problem with the methodology in the Phase 1 DP is its reliance on deterministic rather than probabilistic risk assessment. Probabilistic risk assessment offers well-known advantages at complex sites, as NRC itself recognizes. By using deterministic risk assessment and by creating a maze of claims that its underlying assumptions are "conservative," DOE makes it difficult to assess the plausibility or conservatism of its conclusions. DOE's "sensitivity analyses" rarely

offer a meaningful understanding of the full range of crucial assumptions. Probabilistic risk assessment methods are intended to create a more transparent and neutral framework for calculations and assumptions. Such methods should be required in the DP for this complex site.

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