

**REGULATORS COMMUNICATION PLAN
ON APPLICATION OF CLEANUP REQUIREMENTS FOR DECOMMISSIONING
THE WEST VALLEY SITE**

I SCOPE

On November 27, 2001, the US Environmental Protection Agency (EPA) Region 2, US Nuclear Regulatory Commission (NRC), New York State Department of Environmental Conservation (NYSDEC), and New York State Department of Health (NYSDOH) met to discuss applicable cleanup criteria and regulatory roles and responsibilities for the West Valley site. These agencies, together with New York State Department of Labor (NYSDOL), are herein referred to as the regulators. In this meeting, the regulators agreed to develop a communication plan that: 1) identifies applicable cleanup requirements and expectations that need to be addressed in decommissioning the West Valley site, and 2) describes the roles and responsibilities of involved regulatory agencies. While it may not represent consensus, compromise, or resolution of all differences between the regulatory agencies requirements or perspectives, the regulators intend to use this communication plan to foster a better understanding of cleanup requirements/expectations and roles/responsibilities related to decommissioning of the West Valley site. It is also intended to assist the scoping of issues that may need to be considered in the West Valley decommissioning Environmental Impact Statement (EIS) for the West Valley Development Project (WVDP).

II GOALS AND OBJECTIVES

- Identify applicable regulatory cleanup requirements and expectations.
- Identify roles and responsibilities of involved regulatory agencies.

III BACKGROUND

In October 2000, the regulators initiated a dialogue on the various cleanup standards that apply at West Valley. It was recognized that different Federal and State agencies have different cleanup standards that need to be addressed. The regulators agreed that it is a desirable goal to work together and present these requirements in a clear and coordinated way which will help facilitate planning and decision-making processes, eliminate redundancy, and make better use of resources.

A General Accounting Office (GAO) report on West Valley was made public on June 12, 2001. The report (GAO-01-314) includes several recommendations, one of these recommendations pertains to coordination among agencies on cleanup requirements. Specifically, GAO recommended that NRC and EPA, in coordination with New York State, agree on how their different regulatory cleanup criteria should apply to the site. On November 27, 2001, regulatory agencies met to discuss these and related issues on the decommissioning of the West Valley site. In this meeting, the regulators agreed to develop a communication plan that identifies

applicable cleanup requirements and expectations, and describes the roles and responsibilities of involved regulatory agencies.

IV PRINCIPAL POINTS OF AGREEMENT

Regulators agreed upon a number of general points, including:

- To work together in identifying cleanup criteria and expectations.
- To participate in a planned public meeting on NRC decommissioning criteria.
- To develop a communication plan that includes a description of roles and responsibilities of involved regulatory agencies, and a matrix of cleanup requirements and expectations.
- To address and resolve issues through the Decommissioning EIS.
- To consider respective roles as a cooperating agency for the decommissioning EIS.
- To address and resolve regulatory issues in a timely manner.
- To acknowledge that some waste may remain onsite.
- To acknowledge the possibility of partial site release and that some portion of the site may remain under license for the foreseeable future.
- To solicit stakeholder input on decommissioning and ability to meet site cleanup criteria.
- To agree in principle with cleanup to NRC dose limit of 25 mrem/yr with ALARA, for unrestricted release.

V REQUIREMENTS AND EXPECTATIONS

One objective of this plan is to identify the applicable cleanup requirements and expectations for decommissioning the West Valley site. Table 1 provides a matrix of requirements and expectations that all regulators endorse. Table 2 provides a matrix of requirements and expectations for individual regulators. Table 2 is intended to point out the various agencies clean-up standards and expectations resulting from the difference in the underlying statutes from which each agency has been charged with cleanup responsibility. It is designed to serve as a listing of applicable cleanup requirements and expectations that need to be addressed from the perspective of the listing agency. Together, these tables consolidate information in an effort to promote a common understanding among stakeholders involved in the West Valley site decommissioning.

VI AGENCY ROLES AND RESPONSIBILITIES

NRC Role and Responsibility

NRC has the regulatory responsibility under the Atomic Energy Act for the Western New York Nuclear Service Center (WNYNSC) which is the subject of the NRC license issued to NYSEDA pursuant to 10 CFR part 50, with the exception of the State-Licensed Disposal Area (SDA). The license is currently in abeyance pending the completion of the WWDPA.

The West Valley Demonstration Project Act (WVDPA) specifies certain responsibilities for NRC, including: 1) prescribing requirements for decontamination and decommissioning; 2) providing review and consultation to DOE on the project; and 3) monitoring the activities under the project for the purpose of assuring the public health and safety. In addition, NRC has agreed to provide support as a cooperating agency with US Department of Energy (DOE) and New York State

Energy Research and Development Authority (NYSERDA), under the National Environmental Policy Act (NEPA), on the West Valley Decommissioning EIS. NRC may adopt this EIS for determining that the preferred alternative meets NRC's decommissioning criteria, assuming that NRC will find it acceptable.

Notwithstanding the WVDP, NRC retains the regulatory responsibility for the non-DOE activity in the non-project area and non-SDA area to the extent Part 50 contamination exist both on and offsite. Following the completion of the WVDP and reinstatement of the license, NRC will have the regulatory responsibility for authorizing termination of the license, should NYSEERDA seek license termination.

EPA Role and Responsibility

EPA agrees to be a cooperating agency with DOE and NYSEERDA, under NEPA, on the West Valley decommissioning EIS. EPA will review the cleanup plan, EIS and other documents developed by DOE in conjunction with NYSEERDA to provide early input so the remediated site will also meet the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) risk range to avoid the potential need to list the WVDP on the National Priority List (NPL). Currently, the WVDP is not an NPL listed site. EPA will inspect and review West Valley's radionuclide air emissions for compliance with 40 CFR61 limit of 10 mrem/yr. Since a number of EPA programs have been delegated to New York State agencies, EPA will provide consultation and oversight for State implementation of the delegated Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA) and Resource Conservation and Recovery Act (RCRA) programs that are applicable to the West Valley site.

NYSDEC Role and Responsibility

Agreement State Authority

In 1962, pursuant to Section 274b. of the Atomic Energy Act of 1954, New York State entered into an agreement with the Atomic Energy Commission (AEC), the predecessor to the NRC, whereby the Commission discontinued certain of its regulatory authority over byproduct, source, and small quantities of special nuclear material within the State. The State and AEC also adopted a related Memorandum of Understanding in 1965 clarifying certain mutual obligations relating to the regulation of Commission licensed activities within the State. As a result, the regulation of radioactive materials, except as pertains to production and utilization facilities, and facilities under exclusive federal jurisdiction, generally falls within the State's responsibilities for protecting the public health and safety under its police powers. As part of these responsibilities, NYSDEC regulates environmental discharges and disposal of radioactive materials, and transportation of low level radioactive waste within the State for non-federal facilities. Thus, the NYSDEC regulates the State-Licensed Disposal Area (SDA) through issuance of permits under 6 NYCRR Part 380 Rules and Regulations for Prevention and Control of Environmental Pollution by Radioactive Materials, and the transportation of Low-Level Radioactive Waste (LLRW) under 6 NYCRR Part 381 Low-level Radioactive Waste Transporter Permit and Manifest System. (Please note that NRC relinquishes its regulatory authority to the State. This is fundamentally different than the delegation to the State approach used by the EPA.)

NYSDEC's role at the SDA is to ensure that the site owner/operator, NYSERDA, properly maintains the integrity of the SDA, minimizes discharges of radioactive materials to the environment, and properly closes the facility in a manner that is protective of the public health and environment and in compliance with Part 380. NYSDEC also has a broader mandate under the Environmental Conservation Law (ECL) § 3-301, 1. i., to protect the public health and environment from sources of radioactive materials contamination beyond the specific regulation of sites subject to Part 380 permitting.

RCRA - Hazardous Waste and Mixed Waste

In 1990, the NYSDEC received authorization from the EPA to regulate Federal Facilities which contain Hazardous and Mixed Waste pursuant to 6 NYCRR Part 370 Series. This includes permitting activities under Interim Status for RCRA regulated units and Corrective Action Requirements for investigation and if necessary, remediation of hazardous constituents from Solid Waste Management Units.

RCRA Permitting

NYSDEC's role is to ensure compliance with applicable permitting requirements for RCRA regulated units storing or treating hazardous or mixed waste. This includes closure and if necessary, post-closure care of these units.

RCRA Corrective Action

NYSDEC's role is to ensure compliance with the 1992 joint NYSDEC/USEPA 3008 (h) [New York State Environmental Conservation Law, Article 27, Titles 9 & 13] Order issued to the USDOE and NYSERDA. The order required investigation of solid waste management units and to perform interim corrective measures, if necessary. A Corrective Measures Study (CMS), which evaluates selection of a remedial alternative(s) is required under the Order. NYSDEC has agreed to utilize the EIS process as a means to comply with the CMS requirements. NYSDEC's role is to ensure that the remedial option(s) and selection(s) under the EIS meet the requirements and standards for RCRA corrective action.

Protection of the Environment

NYSDEC is responsible for ensuring the protection of the State's environment under ECL and delegated federal responsibilities. This entails all aspects of the protection of natural resources, including the lands, streams, wetlands, groundwaters, mineral resources, and wildlife of the State not reserved by a federal agency.

In addition, NYSDEC program staff regularly consult with their counterparts in the NYSDOH to ensure that the DOH, in their role as lead agency for the protection of public health, is in concurrence with the remedial actions under review by the NYSDEC.

NYSDOH Role and Responsibility

As established in NYS Public Health Law, NYSDOH is the lead State agency for protection of public health from any public health threat, including ionizing radiation. However NYSDEC, under its responsibility as established in Environmental Conservation Law (ECL), will serve as the lead State agency for the decommissioning project. NYSDOH will ensure its responsibility for protection of public health via participation with NYSDEC staff in reviewing and concurring

with NYSDEC on any remedial actions. It is not expected that NYSDOH will routinely interact with DOE or NYSERDA. Additionally, NYSDOH regulates public water supply operators, including any that may be impacted by the site, to ensure compliance with the requirements of Part 5 of 10NYCRR.

NYSDOL Role and Responsibility

NYSDOL has issued regulations under Industrial Code Rule 38 (12 NYCRR 38) for the commercial and industrial use of radioactive materials, not subject to the regulatory powers and jurisdiction of the NYSDOH. Statutory authority for these regulations derives from Section 483 of the General Business Law, and Section 27 of the Labor Law. Pursuant to Industrial Code Rule 38, NYSDOL has issued radioactive materials license number 0382-1139, authorizing NYSERDA to possess and manage emplaced radioactive waste at the SDA. The license requires NYSERDA to conduct its operations in accordance with a radioactive safety program, reviewed and approved by the Department, to minimize radiation exposures to workers and the public resulting from SDA operations.

VII DECOMMISSIONING ISSUES

Significant issues exist that will need to be addressed in the West Valley Decommissioning EIS. The NEPA process will be used to address these issues, to the extent practical. Regulators have also agreed to consider working in the role of a cooperating agency to support the development of this EIS. The following issues are examples of the types of issues that will be addressed in the West Valley decommissioning EIS. If there are decommissioning issues that cannot be addressed through this EIS, these issues should be identified early in the NEPA process.

- NRC Licensed Disposal Area (NDA) - This 5-acre disposal area was used from 1966 to 1986 and includes a variety of waste types, activities and packaging configurations. The NDA was used for the disposal of radioactive waste from fuel reprocessing and associated processing, such as decontamination and decommissioning. Wastes were placed in the NDA both during the NRC licensed commercial operation of the site by Nuclear Fuel Services and under the WVDPA during the initial cleanup of the former reprocessing facility by the DOE. The buried waste includes: reactor hardware (all components, including hulls), spent fuel from the Hanford Site's N-Reactor (which was not processed because of ruptured cladding), ion exchangers and sludges, filters, failed and discarded equipment, and contaminated soil. The decommissioning EIS may evaluate unrestricted and restricted release scenarios, the possibility that the NDA may remain under license for some period of time, and the extent of the DOE's responsibility for wastes which they placed there.
- State Licensed Disposal Area (SDA) - This 16-acre commercial disposal area was operated from 1963 to 1975. It received radioactive wastes from various government, commercial, medical, and academic facilities, including the reprocessing operations at West Valley. Since the type of disposal operation that took place at the SDA falls under Agreement State authority, it is licensed by the NYSDOL and permitted by the NYSDEC. Thus the NRC does not have regulatory authority to set decommissioning criteria for the

SDA. This responsibility is held by the NYSDEC and the NYSDOL. However, since the cleanup activities at the site are subject to both NEPA and SEQRA, the decommissioning EIS will include consideration of closure of the SDA in order for NYSERDA to fulfill its SEQRA obligations.

- High-Level Waste (HLW) Tanks - There are four underground tanks that were used for storing and processing over 600,000 gallons of liquid HLW generated during the reprocessing era. This liquid waste has been solidified via a vitrification process. Total Cs-137/Sr-90 radioactivity vitrified is approximately 11.7 million Curies. DOE expects to complete the vitrification of liquid HLW by 2003. Removal of HLW heels in these tanks is proceeding slowly. DOE is presently examining concentrations of residual contamination in these tanks. Regulators have stressed the need to remediate residual contamination associated with these tanks, to the extent practical, due to long term risk to public health posed by this contamination. The decommissioning EIS will evaluate options for decommissioning and closing these tanks in-place, or removing these tanks. The impacts of identifying the waste in the tanks as incidental to reprocessing, and not HLW, should be considered in the decommissioning EIS.
- Groundwater Plume - Radioactively contaminated groundwater, which emanated from the reprocessing building and migrated on-site, has probably existed since the late 1960s to early 1970s, but was not identified or characterized until the mid-1990s. Under the building, the plume consists of several isotopes, but beyond the building footprint it consists only of the isotope Strontium-90. The plume now covers an area that is approximately 300 feet by 900 feet. Groundwater in the main flow path of this plume is being pumped and treated, and a below-grade permeable wall intended to prevent further migration is being tested on an arm of this plume. The decommissioning EIS will evaluate options to remediate or monitor this plume.
- Partial Site Release - Partial site release, in the context of West Valley, refers to the situation where a portion of the site is released for unrestricted use, while other portions of the site's use may remain restricted or under license. Regulators acknowledge the reality of partial site release and that some portion of the site may remain under license for some period of time. The decommissioning EIS should evaluate the scenario of partial site release.

VIII AUDIENCE

This plan will help regulators communicate with both internal and external audiences. Internal audiences refer to the regulators with their respective management and staff. External audiences may include the following stakeholders and interest groups:

- DOE
- NYSERDA
- West Valley Citizen Task Force
- Seneca Indian Nation
- General public which include residents living near the West Valley site
- Environmental Organizations
- Community, professional, civic and public interest groups

- Business organizations and Chambers of Commerce
- Congressional representatives and their staff
- Media representatives
- Other Federal, State and Local Governments
- Canada

IX ACRONYMS

| | |
|---------|---|
| AEC | Atomic Energy Commission |
| ALARA | As Low as Reasonably Achievable |
| CAA | Clean Air Act |
| CERCLA | Comprehensive Environmental Response Compensation and Liability Act |
| CMS | Corrective Measures Study |
| CWA | Clean Water Act |
| DCGLs | Derived Concentration Guideline Limits |
| DOE | US Department of Energy |
| ECL | Environmental Conservation Law |
| EIS | Environmental Impact Statement |
| EPA | US Environmental Protection Agency |
| FFCA | Federal Facilities Compliance Act |
| GAO | US General Accounting Office |
| HEAST | Health Effects Assessment Summary Tables |
| HLW | High-Level Waste |
| IRIS | Integrated Risk Information System |
| LLRW | Low-Level Radioactive Waste |
| LTR | License Termination Rule |
| MARSSIM | Multi-Agency Radiation Survey and Site Investigation Manual |
| MCL | Maximum Contaminant Level |
| NDA | NRC-Licensed Disposal Area |
| NEPA | National Environmental Policy Act |
| NESHAP | National Emission Standards for Hazardous Air Pollutants |
| NPL | National Priority List |
| NRC | US Nuclear Regulatory Commission |
| NYCRR | New York Code of Rules and Regulations |
| NYSDEC | New York State Department of Environmental Conservation |
| NYSDOH | New York State Department of Health |
| NYSDOL | New York State Department of Labor |
| NYSERDA | New York State Energy Research and Development Authority |
| RCRA | Resource Conservation and Recovery Act |
| SDA | State-Licensed Disposal Area |
| SDWA | Safe Drinking Water Act |
| SEQRA | State Environmental Quality Review Act |
| SPDES | State Pollutant Discharge Elimination System |
| SWMUs | Solid Waste Management Units |
| TAGM | Technical Administrative Guidance Memorandum |
| WNYNSC | Western New York Nuclear Service Center |
| WVDP | West Valley Demonstration Project |
| WVDPA | West Valley Demonstration Project Act |

TABLE 1 REGULATORY MATRIX

All Agencies Agreement on Requirement/Expectation

* = Agree

| Requirement/Expectation | Agency | EPA | NRC | NYSDEC | NYSDOH | ADDRESS IN EIS |
|---|--------|-----|-----|--------|--------|----------------|
| ALL AGENCIES | | | | | | |
| All actions and final status adhere to the ALARA principle. | | * | * | * | * | ✓ |
| Agree in principle with cleanup to NRC dose limit of 25 mrem/yr for unrestricted release ¹ . | | * | * | * | * | ✓ |
| Acknowledge different portions of site may be released for unrestricted use, restricted use with institutional controls, and portions likely to remain under license. | | * | * | * | * | |
| DOE EIS should identify and satisfactorily address applicable cleanup guidance for all relevant regulatory agencies; the preferred alternative needs to meet the applicable regulatory requirements for the WWDP. | | * | * | * | * | ✓ |
| Identify DCGL for unrestricted and/or restricted release scenarios. | | * | * | * | * | ✓ |
| Follow Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) guidance, or some other statistically valid and technically defensible approach, for the demonstration of compliance during the final status survey. | | * | * | * | * | |
| Solicit stakeholder input on decommissioning and ability to meet site cleanup criteria. | | * | * | * | * | ✓ |

TABLE 2 REGULATORY MATRIX

Individual Agency Requirement/Expectation

X = Lead Agency Requirement/Expectation; + = Agency with Statutory Oversight/Coordination

| Requirement/Expectation | Agency | EPA | NRC | NYSDEC | NYSDOH | ADDRESS IN EIS |
|--|--------|-----|-----|--------|--------|----------------|
| US ENVIRONMENTAL PROTECTION AGENCY (EPA) | | | | | | |
| Cleanup, for unrestricted release, to DCGLs developed consistent with NRC guidance to meet 10 CFR 20 Subpart E will meet CERCLA ² risk range. | | X | | | | ✓ |
| Cleanup, for restricted release with restrictions in place, to DCGLs developed consistent with NRC guidance to meet 10 CFR 20 Subpart E will likely meet CERCLA ² risk range. | | X | | | | ✓ |
| SDWA applies, and where applicable, must be met. State has primacy for determining compliance with SDWA. | | + | | + | X | ✓ |
| 40 CFR61 (rad-NESHAP) applies and must be met. | | X | | + | | ✓ |
| RCRA applies, and State has primacy for determining compliance with RCRA. | | + | | X | | ✓ |
| US NUCLEAR REGULATORY COMMISSION (NRC) | | | | | | |
| Preferred alternative for West Valley Decommissioning EIS will meet NRC decommissioning criteria for West Valley. | | | X | | | ✓ |

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|--|--------|-----|-----|--------|--------|----------------|
| NRC's LTR is the criteria for the WVDP, reflecting the fact that the applicable decommissioning goal for the entire NRC-licensed site is compliance with the requirements of the LTR. The criteria of the LTR shall apply to decommissioning of: HLW tanks and other facilities in which HLW was stored; facilities used in solidification of waste; and any material and hardware used in connection with the WVDP. | | | X | | | ✓ |
| The following criteria should be applied to incidental waste determinations: (1) the waste should be processed (or should be further processed) to remove key radionuclides to the maximum extent that is technically and economically practical; and (2) the waste should be managed so that safety requirements comparable to the performance objectives in 10 CFR Part 61 subpart C, are satisfied. | | | X | | | ✓ |
| Calculated dose for incidental waste to be integrated with all other doses from remaining material at the NRC-licensed site. | | | X | | | ✓ |
| Allow consideration of long-term or perpetual license or other approaches for parts of the site where cleanup to LTR is prohibitively expensive or technically impractical. | | | X | | | ✓ |
| LTR is decommissioning criteria for NDA. | | | X | | | ✓ |

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|---|--------|-----|---------|---------|--------|----------------|
| The decommissioning EIS will consider analysis of impacts beyond 1000 years. | | | X | | | ✓ |
| Coordinated approach with State in applying LTR criteria to NDA and SDA. | | | X | | | ✓ |
| LTR applies to termination of NRC license after the license is reactivated. NRC's intent is that any exemptions or alternative criteria authorized to meet provisions of WVDPA will also apply to termination of NRC license. | | | X | | | ✓ |
| Site-specific analysis of impacts and costs in deciding on whether or not to exhume previous burials. | | | X (NDA) | X (SDA) | | ✓ |
| Allow consideration of exemptions for unique past burials on case-by-case basis. | | | X (NDA) | X (SDA) | | ✓ |
| | | | | | | |

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|---|--------|-----|-----|--------|--------|----------------|
| NEW YORK STATE DEPARTMENT OF HEALTH (DOH) | | | | | | |
| State regulates public drinking water supplies and sets Maximum Contaminant Levels (MCLs) for man-made beta and gamma emitters based on a 4 mrem/yr dose limit. Limit applies to community water systems, including any that might utilize waters from West Valley site. | | + | | + | X | ✓ |
| NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) | | | | | | |
| Radiological | | | | | | |
| Groundwater and surface water standards are based on State drinking water standards and includes Sr-90 and H-3 concentrations and a 4 mrem/yr dose limit. NYSDEC considers that best usage for all Class GA (fresh) groundwater is as source of potable drinking water (Part 701.15). | | | | X | | ✓ |

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| Requirement/Expectation | Agency | EPA | NRC | NYSDEC | NYSDOH | ADDRESS IN EIS |
|--|--------|-----|-----|--------|--------|----------------|
| TAGM-4003 Soil cleanup guidance of 10 mRem/year should be considered. Differences in modeling approaches generally make NYSDEC's 10 mRem/year equivalent to NRC's 25 mRem/year plus ALARA. | | | | X | | ✓ |
| Part 380 | | | | | | |
| SDA must remain in compliance with 6 NYCRR Part 380. | | | | X | | ✓ |
| Parts 382 and 383 | | | | | | |
| Any closure alternative for the SDA must make every reasonable effort to meet the Performance Objectives of 6 NYCRR Part 382. | | | | X | | ✓ |
| Any option requiring a new LLRW disposal facility, or expansion of an existing facility, would have to comply with the performance and dose objectives of Parts 382 and 383. | | | | X | | ✓ |
| NYSDEC expects that concentration averaging for the high-level radioactive waste tanks will conform to Part 382.80 (h)(2). | | | | X | | ✓ |
| Any residual waste left in place would fall under Agreement State authority. | | | | X | | ✓ |

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| Requirement/Expectation | Agency | EPA | NRC | NYSDEC | NYSDOH | ADDRESS IN EIS |
|---|--------|-----|-----|--------|--------|----------------|
| Any LLRW facility considered for siting under the ECL, Title 3 Section 29, can not be considered for placement at West Valley. | | | | X | | ✓ |
| RCRA | | | | | | |
| Operation, storage, closure and post-closure of RCRA Regulated Units must comply with all applicable NYCRR Part 370 series regulations. | | + | | X | | ✓ |
| 3008(h) RCRA Consent Order | | | | | | |

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| Requirement/Expectation | Agency | EPA | NRC | NYSDEC | NYSDOH | ADDRESS IN EIS |
|--|--------|-----|-----|--------|--------|----------------|
| - A CMS, remedial activities and long-term monitoring and maintenance of Solid Waste Management Units (SWMUs) must comply with the Order and utilization of appropriate NYSDEC Technical Administration Guidance Memorandums, including TAGM-4046, "Contained-In" TAGM-3028, and other such pertinent documents including, but not limited to the NYS Groundwater standards 6 NYCRR Part 703, ASTM Risk-Based Corrective Action, USEPA Risk Assessment Guidance for Superfund utilizing the Integrated Risk Information System (IRIS) and Health Effects Assessment Summary Tables (HEAST), etc. | | X | | X | + | ✓ |
| - Interim Measures may be required if EPA/NYSDEC determines that they are necessary under the terms of the Order. | | X | | X | | ✓ |
| - A public participation program shall include the RCRA components to be addressed in the EIS (CMS). | | X | | X | | ✓ |
| Federal Facilities Compliance Act (FFCA) | | | | | | |
| - Maintain compliance with the FFCA requirements during closure activities. | | + | | X | | ✓ |
| | | | | | | |

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|--|--------|-----|-----|--------|--------|----------------|
| CWA | | | | | | |
| All actions at the site are subject to State Pollutant Discharge Elimination System (SPDES) requirements under 6 NYCRR Part 750 - 758. | | + | | X | | ✓ |
| Surface and Groundwater Standards 6 NYCRR Part 700-705. | | + | | X | | ✓ |
| Cleanup complies with NYSDEC 208 planning objectives. | | | | X | | ✓ |
| Cleanup meets requirements for 401 certification under CWA. | | | | X | | ✓ |
| OTHER | | | | | | |
| Air discharges subject to the CAA, including Title V. | | + | | X | | ✓ |
| Endangered species laws under 6 NYCRR Part 182 must be complied with. | | | | X | | ✓ |
| Cleanup activities that would leave solid waste on the site must comply with 6 NYCRR Part 360. | | | | X | | ✓ |
| Cleanup meets NYSDEC requirements for closure of abandoned oil and gas wells under 6 NYCRR Part 555. | | | | X | | ✓ |

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| Requirement/Expectation | Agency | EPA | NRC | NYSDEC | NYSDOH | ADDRESS IN EIS |
|---|--------|-----|-----|--------|--------|----------------|
| Cleanup meets ECL Article 15 stream protection requirements. | | | | X | | ✓ |
| Cleanup complies with Storage Tank closure requirements under 6 NYCRR Part 613. | | + | | X | | ✓ |
| Federal and State wetlands protection requirements (33 CFR Part 320 and 6 NYCRR Parts 608 and 663) must be met. | | + | | X | | ✓ |
| Use of WNYNSC soils for caps and erosion controls on the WVDP have to comply with Mined lands regulations in 6 NYCRR Parts 420 - 425. | | | | X | | ✓ |

1. Assumes issues (such as, modeling methods and assumptions) related to application of this dose limit are resolved.

2. DOE Decommissioning EIS must demonstrate that DCGLs based on 10 CFR 20 Subpart E dose limits meet CERCLA risk range consistent with EPA Risk Assessment Guidance for Superfund.