

**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 Demonstration 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 NYSERDA 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 WVDP.

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 the preferred alternative, assuming that NRC will find it acceptable.

NRC expects DOE to submit a Decommissioning Plan (DP) for the WVDP portion of the site. While DOE is not a licensee, the use of the DP process will assist the staff in obtaining and analyzing information needed to evaluate the DOE proposal against the NRC decommissioning criteria. In February 2003, DOE agreed to submit a DP to NRC at approximately the same time it submits the draft Decommissioning EIS. NRC recognizes that the use of the preferred alternative in the DP, before the completion of the EIS, is preliminary and subject to change based on the final EIS.

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 NYSERDA seek license termination.

License termination is conducted under the Atomic Energy Act. If NYSERDA decides to terminate the license, NYSERDA will be required to submit a DP. NYSERDA's license is presently in abeyance. Therefore, NRC cannot perform a licensing action until DOE completes its obligations under the WVDP Act and the license is reinstated. However, NRC encourages NYSERDA to submit a proposed DP at approximately the same time as DOE's DP. This will assist the NRC in evaluating DOE's proposal and understanding the planned remediation for the entire site for dose modeling purposes. NYSERDA's proposed DP will be considered to be part of a pre-licensing action and will not be docketed or approved until after the license has been reinstated. After the license is reinstated, NRC expects NYSERDA to formally submit for docketing an updated DP to reflect the actions DOE has completed and any changes to NYSERDA's planned remediation activities. The NRC will review the DP in accordance with NRC's standard decommissioning review process and will take into account, as warranted, the previous information obtained during the review of DOE's DP. If NYSERDA pursues either license termination or partial site release, NRC will need to conduct an environmental review to determine if an EIS is necessary to support this licensing action.

### **EPA Role and Responsibility**

EPA agrees to be a cooperating agency with DOE and NYSERDA, under NEPA, on the West Valley decommissioning EIS. EPA will review the cleanup plan, EIS and other documents developed by DOE in conjunction with NYSERDA 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 CFR 61 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. (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.)

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.

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 manage Hazardous and Mixed Waste pursuant to 6 NYCRR Part 370 Series. This includes permitting activities under Interim Status for RCRA regulated units (storage areas and tanks involved with treating or storing hazardous or mixed waste) and Corrective Action Requirements for investigation and if necessary, remediation of hazardous constituents from Solid Waste Management Units (SWMU - any area or unit that has the potential or suspect for releases of hazardous waste or hazardous constituents into the environment.)

### **RCRA Permitting**

NYSDEC's role is to ensure compliance with applicable permitting requirements for RCRA regulated units storing or treating hazardous or mixed waste. For the USDOE and NYSERDA, this includes all tanks and storage areas identified on each of their respective Hazardous Waste Permit Application - Part A, and any subsequent addenda. It is required that the appropriate 6 NYCRR Part 370 regulations be followed for the operations, 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 purpose of the Order is to protect human health and the environment from releases of hazardous waste and/or constituents. To achieve such protection, DOE and NYSERDA were required, among other things, to (a) perform Interim Measures to reduce or eliminate immediate threats to human health and the environment; (b) perform a RCRA investigation to fully determine the nature and extent of any release of hazardous constituents into the environment; and (c) if any releases exceed action limits set by the NYSDEC/USEPA or it is necessary to reduce or eliminate potential threats, a Corrective Measures Study (CMS) will be performed to determine the most environmentally beneficial corrective measure(s) for each SWMU. 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. NYSDEC expects that the EIS will meet all of the CMS requirements set forth in the Order and its attachments for any and all SWMUs as described in (c) above.

### 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 completed the vitrification of liquid HLW in 2002. 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
DP	Decommissioning Plan
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
NYSDEL	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
<b>ALL AGENCIES</b>						
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 <sup>1</sup> .		*	*	*	*	✓
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 WVDP.		*	*	*	*	✓
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
<b>US ENVIRONMENTAL PROTECTION AGENCY (EPA)</b>						
Cleanup, for unrestricted release, to DCGLs developed consistent with NRC guidance to meet 10 CFR 20 Subpart E will meet CERCLA <sup>2</sup> 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 <sup>2</sup> 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		✓
<b>US NUCLEAR REGULATORY COMMISSION (NRC)</b>						
Preferred alternative for West Valley Decommissioning EIS will meet NRC decommissioning criteria for West Valley.			X			✓

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Requirement/Expectation Agency	EPA	NRC	NYSDEC	NYSDOH	ADDRESS IN EIS
<p>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.</p>		X			✓
<p>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.</p>		X			✓
<p>Calculated dose for incidental waste to be integrated with all other doses from remaining material at the NRC-licensed site.</p>		X			✓
<p>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.</p>		X			✓
<p>LTR is decommissioning criteria for NDA.</p>		X			✓

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Requirement/Expectation	Agency	EPA	NRC	NYSDEC	NYSDOH	ADDRESS IN EIS
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)		✓
<b>NEW YORK STATE DEPARTMENT OF HEALTH (DOH)</b>						
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	✓

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Requirement/Expectation Agency	EPA	NRC	NYSDEC	NYSDOH	ADDRESS IN EIS
<b>NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC)</b>					
<b>Radiological</b>					
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		✓
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		✓
<b>Part 380</b>					
SDA must remain in compliance with 6 NYCRR Part 380.			X		✓
<b>Parts 382 and 383</b>					

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

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Requirement/Expectation	Agency	EPA	NRC	NYSDEC	NYSDOH	ADDRESS IN EIS
<b>3008(h) RCRA Consent Order</b>						
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		✓
<b>Federal Facilities Compliance Act (FFCA)</b>						

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Requirement/Expectation	Agency	EPA	NRC	NYSDEC	NYSDOH	ADDRESS IN EIS
- Maintain compliance with the FFCA requirements during closure activities.		+		X		✓
<b>CWA</b>						
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		✓
<b>OTHER</b>						
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		✓

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Cleanup meets NYSDEC requirements for closure of abandoned oil and gas wells under 6 NYCRR Part 555.				X		✓
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.