

PART III – SECTION J, ATTACHMENT V

ENVIRONMENTAL REGULATORY
STRUCTURE AND INTERFACE PROTOCOL
FOR THE INL CONTRACTOR

ENVIRONMENTAL REGULATORY STRUCTURE AND INTERFACE PROTOCOL FOR THE INL CONTRACTOR

Purpose

The purpose of this protocol is to identify how the Department of Energy, Idaho Operations Office (DOE-ID), and the Idaho National Laboratory (INL) Contractor (the Contractor) will interface with environmental regulatory agencies (e.g., Idaho Department of Environmental Quality [DEQ], EPA Region 10, U.S. Fish and Wildlife Service) on issues covered by the INL contract for the Idaho National Laboratory (INL) Site, contract No. DE-AC07-05ID14517.

Overview

The Contractor is contractually obligated to manage and operate the Idaho National Laboratory (INL) in full compliance with applicable laws, regulations, and agreements. Further, in many cases, both the Contractor and DOE-ID are required to certify environmental documents that are submitted to regulators. Therefore, close coordination between the Contractor and DOE-ID prior to interfacing with regulators is essential for environmental compliance and to effectively meet milestones required by applicable agreements. Within DOE-ID, line-management is responsible for oversight of environmental compliance at the INL site with support from the DOE-ID Environment and Sustainability Division (ESD). Within the Contractor's organization, such compliance is the responsibility of the Contractor's line management with support from Environmental Support and Services (ES&S) for environmental and regulatory compliance and for environmental restoration under the Federal Facility Agreement/Consent Order (FFA/CO).

The majority of the interfaces with regulatory agencies occur on a day-to-day basis and this protocol addresses these interactions (excludes senior leadership and DOE policy discussions). ESD and the Contractor's environmental support and services (ES&S) organization are the principal organizations responsible for these communications outlined in this Protocol, except for CERCLA and FFA/CO items where the DOE-ID Environmental and Waste Programs CERCLA Lead is the principal DOE-ID interface.

Regulatory Interactions

Within the INL, all work scope will have a Contractor program environmental lead (PEL) who, together with the Contractor's ES&S organization is responsible for work scope coordination with the environmental regulatory agencies. Day-to-day interactions with the regulatory agencies will occur as follows:

- **Oral/Informal Communication:** For oral or informal communications initiated by a regulator with the Contractor, the Contractor will attempt to involve DOE-ID before continuing with a discussion. Failing that, the Contractor will notify DOE within 24 hours and provide DOE-ID a written synopsis of what was discussed within two working days. For oral or informal communications initiated by a regulator with DOE-ID, DOE-ID will attempt, as appropriate, to involve the Contractor before continuing with a discussion. Failing that, the Contractor will be notified of the conversation within 24 hours and provided a written synopsis of what was discussed within two working days. For oral or informal communications initiated by the Contractor, the Contractor will notify DOE-ID of the upcoming communication and obtain agreement that the communication can occur without DOE-ID involvement or obtain DOE-ID participation. For oral or informal communications initiated by DOE-ID, DOE-ID will notify the Contractor of the upcoming communication and obtain agreement that the communication can occur without the Contractor's involvement or obtain the Contractor's participation.

Commitments for Contractor or DOE-ID deliverables/actions will be made by the performing organization. The Contractor may not agree to changes to INL work scope or specific cleanup project baselines with the regulators without prior approval of the DOE-ID Contracting Officer or Contracting Officer Representative, as appropriate. DOE may not agree to changes to INL work scope with the regulators without prior approval of INL Contracting Officer or Contracting Officer Representative.

- **Submission of Environmental Documents:** DOE-ID wishes to streamline the submittal of documents to regulatory agencies as much as possible while fulfilling its responsibilities. Documents are expected to be submitted by the Contractor with a few exceptions as noted in Section J-I of the M&O Contract. Prior to the Contractor's submittal of environmental documents to a regulatory agency, the Contractor will first submit them to DOE-ID for review and comment or certification as appropriate. Documents shall be provided to DOE-ID a minimum of 30 calendar days prior to submittal to the agency to allow for substantive review and comment with the exception to those that have been specifically identified in the Contract Data Requirements List (CDRL) for a shorter review period. These time frames can be modified on a case- by-case basis with prior agreement between DOE-ID and the Contractor. Documents submitted to the agencies by the Contractor shall contain the following statement in the transmittal letter: "This document is submitted by Battelle Energy Alliance, as authorized by, the U.S. Department of Energy." When DOE-ID is responsible for transmitting a document to the regulatory agency, DOE-ID will give the Contractor an adequate opportunity to review and comment on those documents or changes made to documents drafted by the Contractor, before they are submitted.
- **Inspections by Regulatory Authorities:** Once regulatory agency inspectors are on-site, the Contractor's ES&S organization is responsible for overall coordination activities, including coordination with other site contractors for all inspections with the exception of RCRA and CERCLA inspections. For regulatory inspections involving RCRA and CERCLA, the INL contractor is responsible for coordination. Any site contractor first contacted by inspectors is required to notify the other site contractor(s) and DOE when

inspectors first arrive onsite for an inspection. The PEL(s) (or designee(s)) will accompany regulators during inspections of the INL facilities. Area project personnel may also accompany the inspectors at their specific areas. DOE-ID participation shall be DOE-ID's option in coordination with regulatory agency expectations. The Contractor will inform DOE-ID ESD (DOE-ID FFA/CO Project Manager for FFA/CO related inspections) and affected DOE facility/program personnel of inspections immediately upon regulator arrival and will provide DOE-ID with an assessment of each day's activities normally by the end of the inspection day but always by the close of the next business day.

Technical Meetings/Enforcement Conferences: The Contractor's ES&S organization, in conjunction with the applicable PELs and DOE-ID, will prepare for and run technical meetings held with regulatory authorities. Representatives from both the Contractor and DOE-ID will attend technical meetings unless they elect not to and may work together to develop presentations, strategy, etc. The Contractor and DOE-ID shall cooperate, coordinate, and provide each other relevant information related to any enforcement action which could affect their respective interests. For those enforcement actions for which allowable costs will be incurred by the Contractor, at DOE's request the Contractor will lead development and preparation of the response to the enforcement action.

Federal Facility Agreement/Consent Order (FFA/CO) Specific Protocol: The Contractor organization will coordinate with the ICP environmental restoration organization for FFA/CO related actions specific to the Contractor responsibilities. The ICP, under the FFA/CO, will take the lead on FFA/CO issues by facilitating implementation of the FFA/CO and Action Plan in conjunction with DOE-ID and the Contractor. Typically, the Contractor will prepare meeting agendas and provide them to ICP for submittal to EPA, IDEQ, and DOE-ID. To the extent requested by DOE-ID, the Contractor will assist DOE-ID in negotiations or discussions related to FFA/CO compliance issues. DOE-ID personnel participate in all interactions with the regulatory agencies, unless they are unavailable and have authorized the Contractor to proceed. Written memorandums are provided to DOE-ID personnel when they cannot participate in regulator interactions.

Contractor Internal Coordination for Environmental Matters: The Contractor's ES&S organization coordinates with INL work scope on cross-cutting interpretations and decisions, cross-cutting resource needs, and specialized expert support. Issues, interpretations, and decisions that cross-cut other INL contractors and DOE must be coordinated with DOE-ID and the other affected site contractors.

Stakeholder Communications: Stakeholder and public communications are maintained by the DOE-ID Stakeholder Communications Lead in the DOE Office of Public Affairs. The Contractor ES&S organization will ensure their Communications organization is informed of all communications managed by the Contractor that are planned with the public and stakeholders related to regulatory actions.