



Community Advisory Board for Nevada Test Site Programs

January 31, 2008

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SUBJECT: Comments and recommendations pertaining to the: *Federal Facility Agreement and Consent Order (FFACO) Appendix V Public Involvement Plan, Revision No. 6, January 2008*

The Community Advisory Board (CAB) maintains that the Public Involvement Plan does a good job of defining the FFACO and describing the process for State oversight involving investigations, and oversight for hazardous pollutants. However, there are a number of areas within the document that the CAB would like to submit comments on. They are as follows:

- 1) On page 10, the list of waste types is confusing. Low-level radioactive waste, mixed low-level radioactive waste, Transuranic (TRU), and sanitary waste are included with a description of hazardous waste. This creates confusion between State oversight of hazardous waste and waste types described. The CAB recommends that the wastes specifically covered by the FFACO be grouped together first, then add a sentence to the effect that: *for completeness, the following wastes that occur on the Nevada Test Site (NTS) are listed below;* even though they are not explicitly covered by the FFACO. Then list the bullets for hazardous and sanitary waste.
- 2) The Nevada Test Site (NTS) is a Resource Conservation Recovery Act (RCRA) site. It is not clear how or if the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) affects environmental management decisions at the NTS. CERCLA is described on page 20 (see pages 19 and 20), but it is not clear why it is mentioned in this document. If CERCLA is left in the document, then add the acronym after the title of the second paragraph and explain why CERCLA is included. Additionally, if the description is kept in this section, it needs to be added to the list on page 3.
- 3) In the third paragraph on page 21, the CAB recommends defining "certain predefined classes of action" and/or "categorical exclusions." The CAB believes that this paragraph is very important, yet it does not provide enough detail to fully understand the information.
- 4) Although the NTS CAB has been instructed not to cover Legacy Management, we recommend providing a clearer description of what Environmental Management does to prepare a site before transfer to Legacy Management, and how the public is involved in this process.
- 5) The CAB would like to know whether or not the FFACO only addresses clean up of hazardous contamination from past U.S. Department of Energy (DOE) and U.S. Department of Defense (DoD) activities. If so, what is the public involvement plan for the potential of future waste disposal activities at the NTS, such as the Greater Than Class C (GTCC) low-level waste disposal issue, which appears to fall under NEPA rather than the FFACO? A recommendation would be to expand the preface to include the NEPA public involvement as well.

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- 6) On page 16, first paragraph (which begins on page 15) the Defense Threat Reduction Agency no longer has a CAB Liaison position. Therefore, the Defense Threat Reduction Agency should be removed from the CAB Liaison list.
- 7) On page 21, the CAB recommends that the third paragraph be expanded to define “predefined classes” and give a couple of examples.

The following are editorial comments:

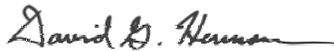
- 1) Why are both FFACO and FFCAct-CO being used? If they are different, the CAB recommends giving dates with the acronym to differentiate, as well as provide, different definitions on page vi. (Refer to the first sentence in Section 2.3.2.)
- 2) On page 1, after “Legacy Management (DOE/LM), add: “(see section 3.1).”
- 3) In the second paragraph on page 2, the fourth sentence should begin with: “The NTS.” The sentence will then read: “The NTS is larger than the state of Rhode Island, making it one of the largest restricted access areas in the United States.” In the fifth sentence, the CAB recommends removing the word “restricted” since it is stated in the sentence before this one. The sentence should read: “This remote and arid site is predominantly surrounded by tightly controlled federal lands and facilities.”
- 4) On page 4, second line under “Groundwater Studies,” the word “generate” works better than “produce.” On the third line, under “Soils Remediation Studies,” after “characterization” add: “and planned land use scenarios.” This sentence will then read: “Depending on the results of the characterization and planned land use scenarios, an appropriate remediation activity is then conducted (see Figure 3).”
- 5) On page 9, second paragraph, second sentence: insert “temporarily” between “also” and “stored.” The sentence will then read: “Under an agreement with the State of Nevada, Transuranic waste is also temporarily stored at the Area 5 Radioactive Waste Management Site until it is shipped off-site.”
- 6) Also on page 9, second paragraph, last sentence, add “RCRA” to the sentence so that it reads: “Hazardous waste is accumulated at the NTS and shipped off-site to a RCRA-permitted treatment, storage, and disposal facility (see paragraph 2.3.4).”
- 7) In the “Transportation” paragraph on page 9, the fourth sentence should begin with “However,” instead of “In turn.” Also, add an “s” to “encourage.” The last sentence in this section can be omitted, unless specific examples are listed.
- 8) In Section 2.2.1 on page 12, the last sentence should be moved up, to follow sentence number 5. Therefore, the two sentences will read: “The interviews helped identify participants’ key concerns, attitudes, knowledge, and understanding of the EM Program at DOE/NV (now the NSO). This information was candid and helpful, setting in motion a number of programs that would appeal to diverse audiences with different informational needs and interests.”
- 9) Also on page 12, Section 2.2.2, in the last sentence of the first paragraph, change the word “or” to “and.” The sentence will then read: “Still, there are others who take on a more active approach by joining an outreach effort and/or volunteering to serve on the CAB and on one of the Board’s committees.”
- 10) On page 13, in the first sentence of the “Highly Involved” section, add “reviews the result of” in front of “research projects.” The sentence will then read: “When a stakeholder or organization invests the time and effort to attend public meetings and reviews the results of research projects in order to contribute to the decision-making process, this person or group is highly involved.”
- 11) On page 16, the first sentence in the second bullet should be changed, to read: “Stakeholder Involvement Plans are produced when specific sub-projects are identified and have been determined to have a greater potential to impact the public.”

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- 12) On page 17, a bullet should be added to the front of the bulleted list, that defines a “Corrective Action Unit (CAU).
- 13) On page 19, in the first sentence, the acronym for Federal Facility Agreement and Consent Order should be changed to (FFACO), instead of (FFCAct-CO). Also on this page, in Section 2.3.4, (this was mentioned previously in this letter) the CAB is asking why CERCLA is mentioned in this document.
- 14) On page 20, top paragraph, in the second sentence, the word “wasted” should be changed to “waste.”
- 15) On page 25, under “Public Reading Facilities,” indent the next two bullets that give the locations of the public reading facilities.
- 16) On page 26, in the fourth sentence of the second paragraph, remove the apostrophe after the word “parties,” and take the “s” out of the word “strives.” The sentence will then read: “As FFACO parties strive to accommodate the perspectives of both technical and non-technical audiences, further efforts are being made to include easy-to-read summaries in all documents.”

We appreciate the opportunity to review and comment on changes, revisions, and updates to the FFACO Appendix V Public Involvement Plan, Revision 6, dated January, 2008, and will continue working to help improve Environmental Management’s efforts to communicate with the public.

Sincerely,



David Hermann, Chair
Community Advisory Board
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