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National Nuclear Security Administration
Nevada Site Office
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February 28, 2007

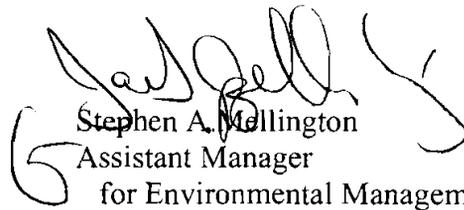
David Hermann, Chair
Community Advisory Board
for Nevada Test Site Programs
7710 W. Cheyenne, Building 3
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**RESPONSE TO COMMUNITY ADVISORY BOARD FOR NEVADA TEST SITE
PROGRAMS (CAB) LETTER DATED JANUARY 31, 2007**

I would like to thank the entire CAB for taking time during your bi-monthly Board meeting to discuss Revision 5 of the Public Involvement Plan (Appendix V) in the Federal Facility Agreement and Consent Order (see Enclosed). This is a very important document that guides the public involvement activities conducted by the U.S. Department of Energy National Nuclear Security Administration Nevada Site Office Environmental Management Program.

My staff members have included the majority of your recommendations into the revision. The comments that could not be exactly included due to grammatical or formatting reasons were revised and incorporated in an appropriate manner. By doing this, I feel all of your recommendations have been addressed.

Again, thank you for taking time to review and provide recommendations on the Public Involvement Plan. It is imperative that we receive stakeholder comments on documents that directly shape our public involvement efforts. If you have further questions please contact Kelly Snyder, of my staff, at (702) 295-2836.


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PSG:2846.KS

Enclosure:
As stated

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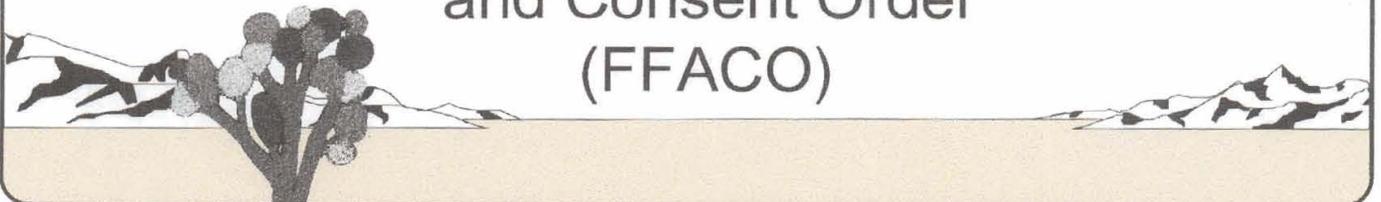
Appendix V

Public Involvement Plan

Revision No.: 5

January 2007

Federal Facility Agreement
and Consent Order
(FFACO)



Preface

The Environmental Management Public Involvement Plan (Plan) provides information on how the public can learn about, and become involved in, the U.S. Department of Energy (DOE), National Nuclear Security Administration Nevada Site Office (NNSA/NSO) Environmental Management (EM) Program. The Plan was developed to facilitate a strategy of broad public involvement in all EM activities, which include environmental restoration and waste management. Detailed in the Plan are the various communication mechanisms that were developed to assist the public in establishing a larger role in the EM Program and related activities.

The Plan serves two purposes: it provides a broad public involvement strategy for the EM Program; and fulfills requirements contained in the *Federal Facility Agreement and Consent Order* (FFACO) relating to public awareness and participation for EM activities. Under the FFACO, which was entered into by the NSO, the State of Nevada, and the U.S. Department of Defense (DoD), sites and facilities potentially contaminated by past DOE and DoD activities must be effectively investigated and corrective actions established to protect public health, safety, and the environment. The Plan, which is incorporated into the FFACO as Appendix V, is a key resource for gaining information on public participation options that relate to NSO environmental restoration and waste management activities.

The major goal of the EM public involvement program is to establish and maintain a two-way exchange of information and ideas between the public and EM regarding environmental management issues and priorities. The Plan is a "working document" and will be reviewed and revised periodically to reflect changing information and/or to incorporate new public involvement opportunities that arise as the EM Program evolves. Changes to the Plan will be communicated to the public and made available for review in the NSO Public Reading Facilities in Nevada. Reading facility locations and telephone numbers are included at the end of Section 4.4.

Section 1.0 of the Plan provides an overview of DOE's complex-wide EM Program and the EM Program activities that are specific to the NSO. Section 2.0 presents the EM Public Involvement Strategy, which includes descriptions of the various levels of involvement that can be applied to EM work and the participation opportunities that exist at each level. Section 3.0 gives an overview of the roles and responsibilities of the Environmental Restoration and Waste

Management Projects within the EM Program. The regulatory drivers and agreements that impact the EM Program are explored in Section 4.0 and Section 5.0.

Section 5.0 presents a summary of various public comments and requests that have helped shape EM's public involvement activities and, in turn, influenced the objectives of the Plan. Attachment 1 includes a brief description of the Nevada Test Site and a historical summary of activities conducted at the Nevada Test Site. An Information Request Form can be found in Attachment 2.

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List of Acronyms and Abbreviations

The Nevada Site Office commonly uses acronyms in its publications and operations. Acronyms are words formed from the first letter of each major part of a compound term. For example, the National Nuclear Security Administration is typically shortened to NNSA. Acronyms are an effective means of communication, but only when readers are familiar with the representative terms. Below is a list of acronyms used in this document:

| | |
|--------|---|
| CAB | Community Advisory Board |
| DoD | U.S. Department of Defense |
| DOE | U.S. Department of Energy |
| EA | Environmental Assessment |
| EIS | Environmental Impact Statement |
| EM | Environmental Management |
| FFACO | <i>Federal Facility Agreement and Consent Order</i> |
| FFCAct | <i>Federal Facility Compliance Act of 1992</i> |
| NEPA | <i>National Environmental Policy Act of 1969</i> |
| NSO | Nevada Site Office |
| NTS | Nevada Test Site |
| RCRA | <i>Resource Conservation and Recovery Act of 1976</i> |
| TTR | Tonopah Test Range |

1.0 EM Overview

In 1989, the U.S. Department of Energy (DOE) in Washington, D.C. created the Office of Environmental Restoration and Waste Management, now called the Office of Environmental Management (EM). The EM Program was instituted at DOE field offices around the country to address the environmental liabilities of 50 years of nuclear weapons production in the United States. The EM Program at the U.S. Department of Energy National Nuclear Security Administration Nevada Site Office (NSO), formerly known as the U.S. Department of Energy, Nevada Operations Office (DOE/NV), is part of that effort. It is the responsibility of EM to determine the risk and future cleanup costs associated with environmental contamination, including hazardous and radioactive materials and wastes, and contaminated buildings and facilities that are the result of past testing and research activities.

Most NSO EM projects are carried out at the Nevada Test Site (NTS) and the Tonopah Test Range (TTR) which is part of the Nevada Test and Training Range (formerly known as the Nellis Air Force Range). Located in Nye County, the NTS is a unique national resource (see Figure 1). The approximately 1,375-square mile site is located about 65 miles northwest of Las Vegas. It is larger than the state of Rhode Island, making it one of the largest restricted access areas in the United States. This remote, arid, and restricted site is predominantly surrounded by tightly controlled federal lands and facilities. The Nevada Test and Training Range provides a buffer zone on the east, north, and most of the west border of the NTS, and the U.S. Bureau of Land Management land provides a buffer zone on the south and southwest border (see Attachment 1 for an overview of the NTS).

The NSO EM Program consists of the Environmental Restoration and Waste Management Projects. These projects have separate yet interrelated roles and responsibilities which are detailed in Section 3.0 of this Plan. Under the NSO EM Program, the projects operate with the common goals of soliciting and incorporating public comments into the decision-making process, protecting human health and safety, emphasizing environmental responsibility for NSO activities, and complying with all applicable laws and regulations affecting program activities.

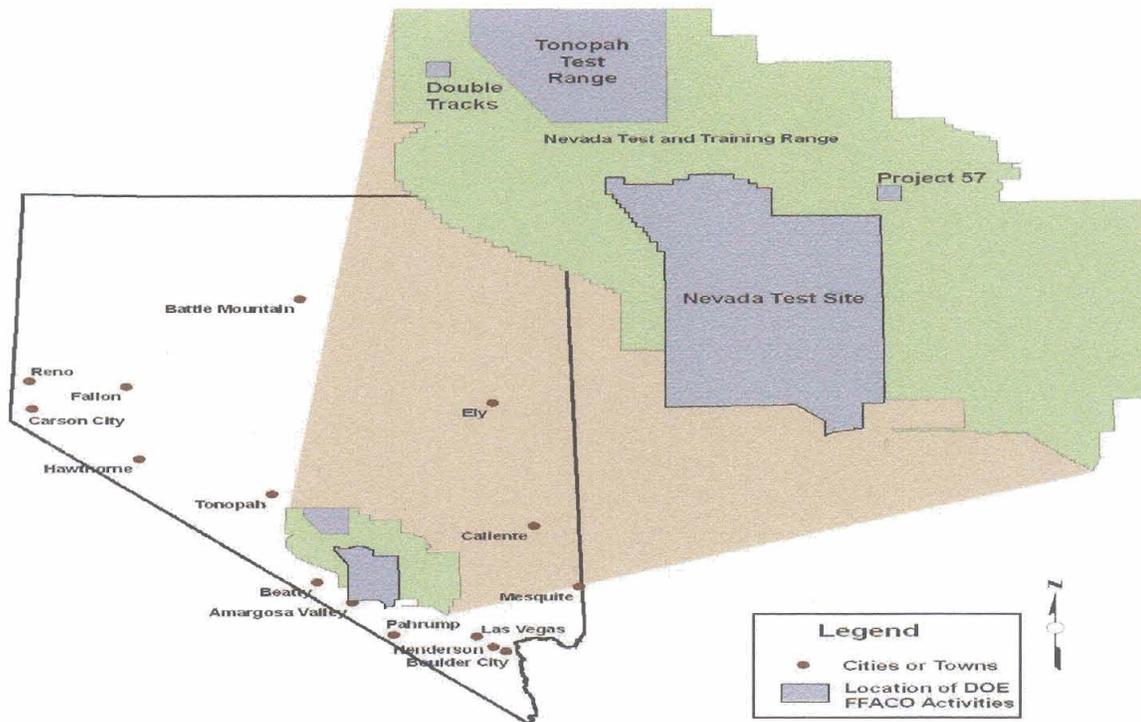


Figure 1 - Nevada Test Site and Surrounding Areas

The laws, regulations, and NSO/State of Nevada agreements with specific requirements for public interactions include the following:

- *National Environmental Policy Act (NEPA)*
- *Resource Conservation and Recovery Act (RCRA)*
- *Federal Facility Compliance Act (FFCAct)*
- *Federal Facility Agreement and Consent Order (FFACO)*

A more detailed description of environmental regulations is provided in Section 4.0.

2.0 Public Involvement Strategy

2.1 Strategic Overview

Public involvement has taken many forms since testing began at the NTS. From the publicity surrounding the atmospheric tests in the 1950s, to the protests that have occurred since, the public has expressed an ongoing interest in activities at the NTS. At a national level, the Openness Policy, enacted by the former Secretary of Energy, Hazel O'Leary, in December 1993, paved the way for the declassification and availability of information and materials. The policy inspired further changes at the local levels. In 1994, DOE/NV (now NSO) conducted formal community relations interviews to establish a dialogue with the public. The interviews helped identify participants' key concerns, attitudes, knowledge, and understanding of the EM Program at DOE/NV. The formation of the Community Advisory Board (CAB) for Nevada Test Site Programs and subsequent regular CAB meetings provided additional opportunities for public input. The public input was often candid and helpful, setting in motion a number of programs that would appeal to diverse audiences with different informational needs and interests.

2.2 Participation Levels

People have demonstrated varying levels of interest in NSO activities. Some individuals have specific interests and attend meetings or request materials only when the related topics address those interests. Others are satisfied to receive information through television coverage and newspaper articles. Still, there are others who take on a more active approach by joining an outreach effort and/or volunteering to serve on the CAB or on one of the Board's committees.

This public interest and involvement has been categorized at four basic levels (see Figure 2). These levels are divided as aware, informed, involved, and highly involved, and are defined as follows:

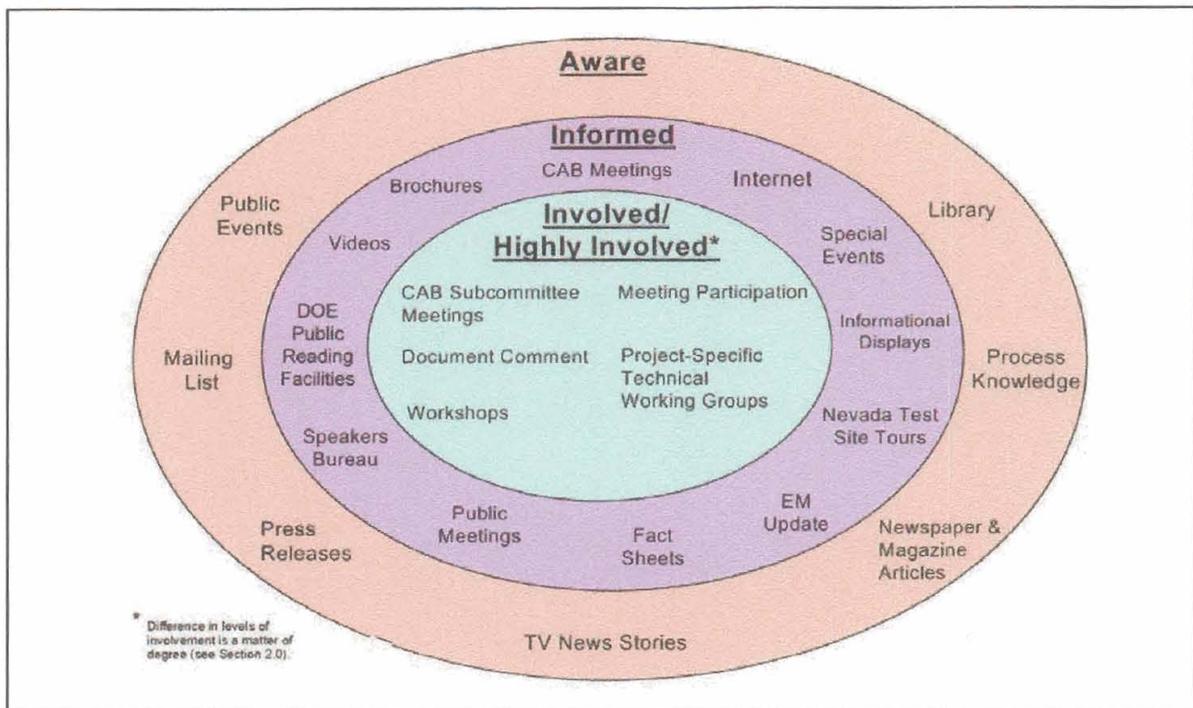


Figure 2 - Levels of Public Involvement

- **Aware** - Broadcast and print media are usually the first place people turn to get current, issue-oriented information. This helps increase awareness of events and activities taking place at the NTS. To facilitate this flow of information, personnel prepare news releases, schedule news conferences, conduct media interviews, and place advertisements in local newspapers. The CAB public outreach effort makes additional information available to the general public concerning topics that are covered at CAB meetings relating to various NSO EM Programs.
- **Informed** - Those individuals who actively seek out information on a particular topic, subject, or program fall into the category of wanting to become informed. Information can be attained by attending a public meeting; requesting to be added to the mailing list to receive notices of upcoming meetings or events, or to receive specific informational materials such as the EM Update publication; reading topical fact sheets, publications, and brochures; browsing NSO EM Internet sites; requesting displays for special events; touring the NTS; and requesting guest speakers for meetings, conferences, and luncheons.
- **Involved** - When attending meetings or reviewing written materials, a person is inspired to dig deeper or find answers to questions; he/she has entered the involvement phase of public participation. The search for more specific answers might result in people voicing their opinions at public meetings, participating in workshops, or serving on committees such as those offered by the CAB. Involvement requires a personal commitment and the willingness to devote free time to participate in meetings and read background materials.

- **Highly Involved** - When a stakeholder or organization invests the time and effort to attend public meetings and research projects in order to contribute to the decision-making process, this person or group is highly involved. This level of involvement typically requires researching, reviewing, and formally commenting on public documents; requesting more information or a briefing from key managers; and participating in public meetings to stay current with a project and its potential impact to the environment or public health and safety. People who are highly involved become conversant with the topic, time line, and the "language" of the program and are likely to interact frequently with NSO decision makers.

2.3 Opportunities to Become Aware and Informed

Those who are seeking general information regarding NSO EM can utilize a variety of resources. Some public awareness opportunities are available on an ongoing basis, while others are developed in response to a specific project or public demand. The activities are outlined below:

- Request to be added to the **NSO Environmental Management Mailing List**. NSO EM maintains a comprehensive mailing list to disseminate meeting notices and information on EM projects and activities. Names may be added to or deleted from the list by contacting the NSO EM Public Involvement Task Manager at (702) 295-2836. Individuals can also be placed on the CAB's mailing list for information on upcoming CAB meetings and/or events. Names may be added or deleted to the CAB's mailing list by contacting the CAB office at (702) 657-9088.
- Browse local and national EM **Internet sites** provided by the DOE. Visit the local NSO site at <http://www.nv.doe.gov/emprograms/environment/default.htm> or the national EM site at <http://www.em.doe.gov/>. Additional information may be found on the Nevada Division of Environmental Protection (NDEP) site at <http://ndep.nv.gov/>.
- Read **fact sheets** and **other materials** that provide information about specific projects and overviews of general NSO EM activities. Copies of these products are available on the Internet at <http://www.nv.doe.gov/library/default.htm>, at the Nuclear Testing Archive public reading facility, at select Nevada public libraries, or by contacting the NSO EM Public Involvement Task Manager at (702) 295-2836.
- Read the publication, **EM Update**, which describes NSO EM activities, programs, personnel changes, CAB recommendations, and other related information. The **EM Update** is available on the NSO Internet site at <http://www.nv.doe.gov/emprograms/environment/public/emupdate.aspx>. A notice of new publications is distributed to those on the NSO EM mailing list.
- Read and listen to **news releases** and **public service announcements** that describe achievements, events, workshops, meetings, personnel changes, and other items of interest.

- Request a speaker from the **NSO EM Speakers Bureau**. Community, academic, civic, and professional groups are encouraged to request a speaker from the NSO EM staff and/or contractors to learn more about any one of many environmental topics. To request a speaker, contact NSO EM's Public Involvement Task Manager at (702) 295-2836.
- Attend **public outreach** events that feature NSO EM exhibits and displays. EM displays can also be requested for use at schools, libraries, conferences, and other special events.
- Take part in an **NTS tour**. Monthly public tours of the NTS are conducted and provide a historical background and information about activities at the NTS. Additional information about the tour, registration and schedules can be found by visiting the NSO Internet site at <http://www.nv.doe.gov/nts/tours.htm> or by calling (702) 295-0944.
- **Low-Level and Mixed Low-Level Waste Transportation Routing Reports** are distributed on a quarterly basis and contain a variety of information including the number of shipments and routes taken to the Nevada Test Site. To receive this report, contact the NSO Transportation Coordinator at (702) 295-4800.

2.4 Opportunities to Become Involved

The following opportunities are available for people or organizations seeking to become involved in specific projects or activities:

- Visit and use the **Public Reading Facilities**. The facilities contain complete information on EM Program projects and activities. The reading room locations are provided in Section 4.4.
- Attend **CAB meetings** that highlight specific projects and subjects. Such meetings may also provide interested citizens with updates of ongoing issues, such as budget activities. Visit <http://www.ntscab.com> for meeting times, dates, and locations.
- Provide **public comment and review** of documents such as *National Environmental Policy Act* assessments and plans required by the *Federal Facility Agreement and Consent Order (FFACO)*. A list of FFACO Public Notices and information on how to review documents and submit comments is available on the NSO Internet site at <http://www.nv.doe.gov/emprograms/environment/restoration/ffaco.htm>.
- Request one-on-one or small **informal meetings and briefings** by EM to receive timely and ongoing information about such topics as the budget process, cleanup activities, or waste shipments to the NTS.

- Become involved in **educational outreach programs** in which NSO participates, such as Operation Clean Desert.

2.5 Opportunities to Become Highly Involved

NSO EM provides various opportunities for the public to become involved in the EM decision-making process, often seeking input from the public, where appropriate and feasible to incorporate feedback. Such opportunities arise through participation in workshops, NSO EM stakeholder groups (such as the CAB) and the development of topic-specific stakeholder plans. Whenever possible, NSO EM provides feedback to the public as to the manner in which its input has been used.

- **Community Advisory Board** - In 1994, the CAB for Nevada Test Site Programs was officially approved by the U.S. Secretary of Energy. The CAB operates under a national federal charter approved by the Office of Management and Budget and the General Services Administration. As such, it falls under provisions of the *Federal Advisory Committee Act*. The CAB, which is composed of 15 to 20 individuals, was established to enhance public involvement and input-related to NSO EM activities. Membership is open to all Nevada residents. All meetings are open to the public and the public is strongly encouraged to attend. Liaisons to the CAB include representatives from EM, the Defense Threat Reduction Agency, the State of Nevada, Nye County, and the U.S. National Park Service. Requests to be added to the CAB's mailing list should be sent to ntscab@nv.doe.gov or by calling (702) 657-9088.

The CAB provides a convenient and accessible way for individuals or organizations to explore public participation opportunities at all involvement levels. Those wishing to become aware or informed may attend without actively participating in discussions or question and answer sessions. However, those with a keen interest in specific activities or projects may take a more active role in meeting participation or volunteer to be on one of the CAB committees, which focus on such topics transportation, waste disposal, groundwater, and budget prioritization. To submit an application for membership on the CAB, please contact the CAB office at (702) 657-9088.

- **Public Workshops** provide a forum for information gathering and dialogue with key decisionmakers and other groups and organizations. Workshops that address specific issues, such as each fiscal year's scope of work, planning, budget, and project prioritization, provide mechanisms for the public to offer input regarding general programmatic decisions. Notification of such opportunities is sent to individuals who are included on the NSO EM and CAB mailing list.
- **Stakeholder Involvement Plans** are produced for specific sub-projects which have a potential to impact the public. These plans contain a description of the sub-project, key dates for project development, and specific opportunities for stakeholders to become highly involved in the issue. The "End State Vision" document is an

example of recent programmatic efforts that warranted project-specific stakeholder involvement plans.

3.0 EM Project Overviews

3.1 Environmental Restoration Project

The NSO EM Environmental Restoration Project addresses contamination from historical nuclear weapons programs at NSO facilities and sites. This contamination resulted from nuclear testing and related support operations, nuclear rocket experiments, and non-nuclear experiments. Contaminants include radioactive materials, unexploded ordnance, gasoline, oils, solvents, and heavy metals such as lead.

Environmental Restoration Project objectives are to identify the nature and extent of the contamination and assess the potential risk the contamination poses to the public and the environment. About 2,500 potential environmental restoration sites have been identified to date and range from locations where car batteries have been discarded to craters formed by underground nuclear tests. Major environmental restoration activities include:

- **Groundwater studies** – The goal of this sub-project is to generate models for groundwater flow and radionuclide transport, in order to characterize the effects of historic underground nuclear detonations at the NTS. The models will be used to determine contaminant boundaries and a future groundwater monitoring network. (see Figure 3).
- **Soils remediation studies** – This sub-project characterizes contaminated surface and shallow subsurface soils on the Nevada Test Site and the Nevada Test and Training Range, including the Tonopah Test Range. Depending on the results of the characterization, an appropriate remediation activity is then conducted. (see Figure 4).
- **Industrial Sites** --This sub-project characterizes and remediates historic nuclear testing support sites including disposal wells, inactive tanks, contaminated waste sites, inactive ponds, muck piles, spill sites, drains and sumps, and ordnance sites. (see Figure 5 and Figure 6). Industrial Sites activities also include the deactivation and decommissioning of NTS facilities that are no longer used, will not be used in the future, and are known or suspected to be contaminated. After contamination levels have been identified and contaminants stabilized, contained, or removed, the facilities are sealed, dismantled, or converted for non-nuclear uses. Industrial Sites are located on the NTS and TTR.

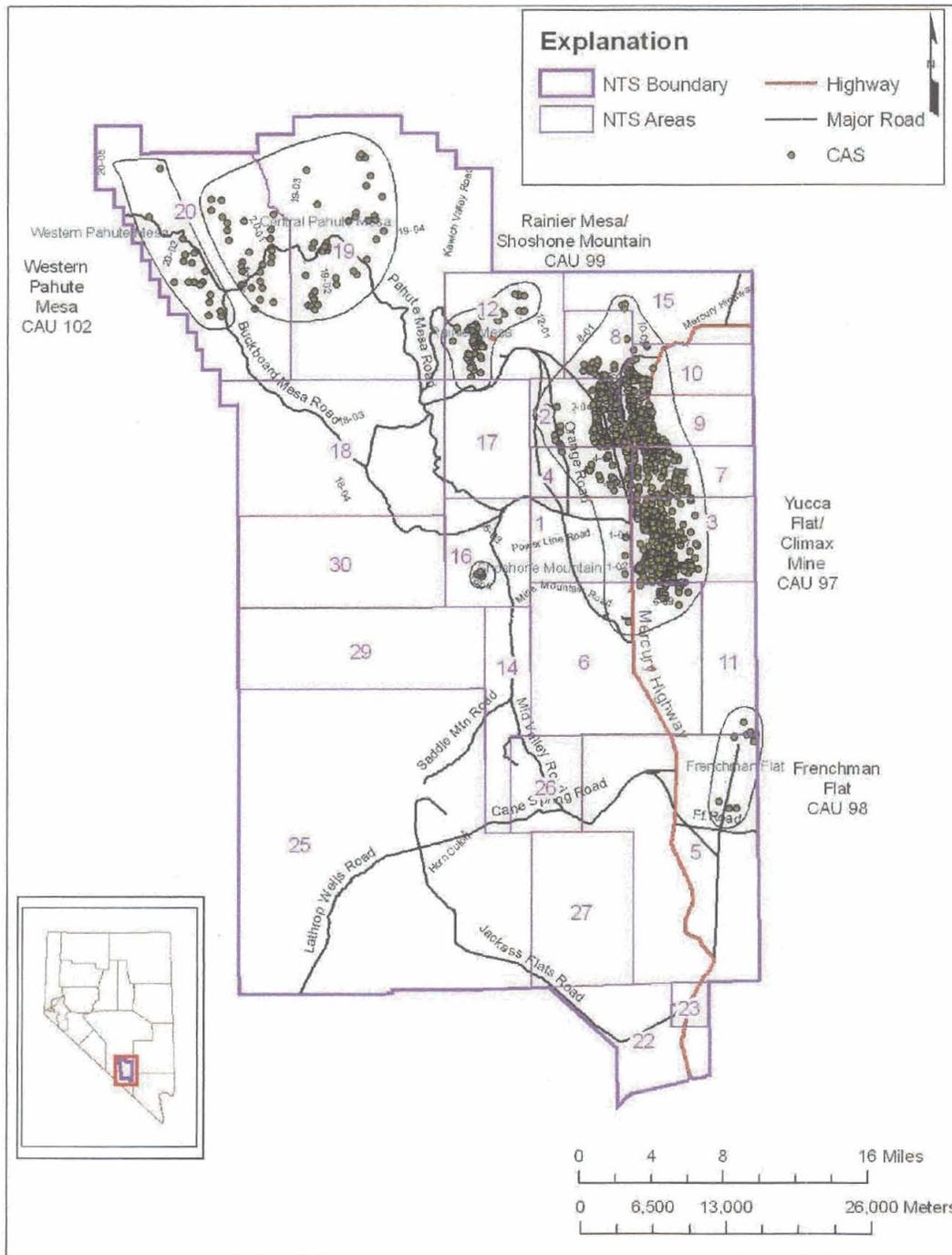


Figure 3 - Underground Test Area (UGTA) Corrective Action Sites (CAS) and Corrective Action Unit Boundaries

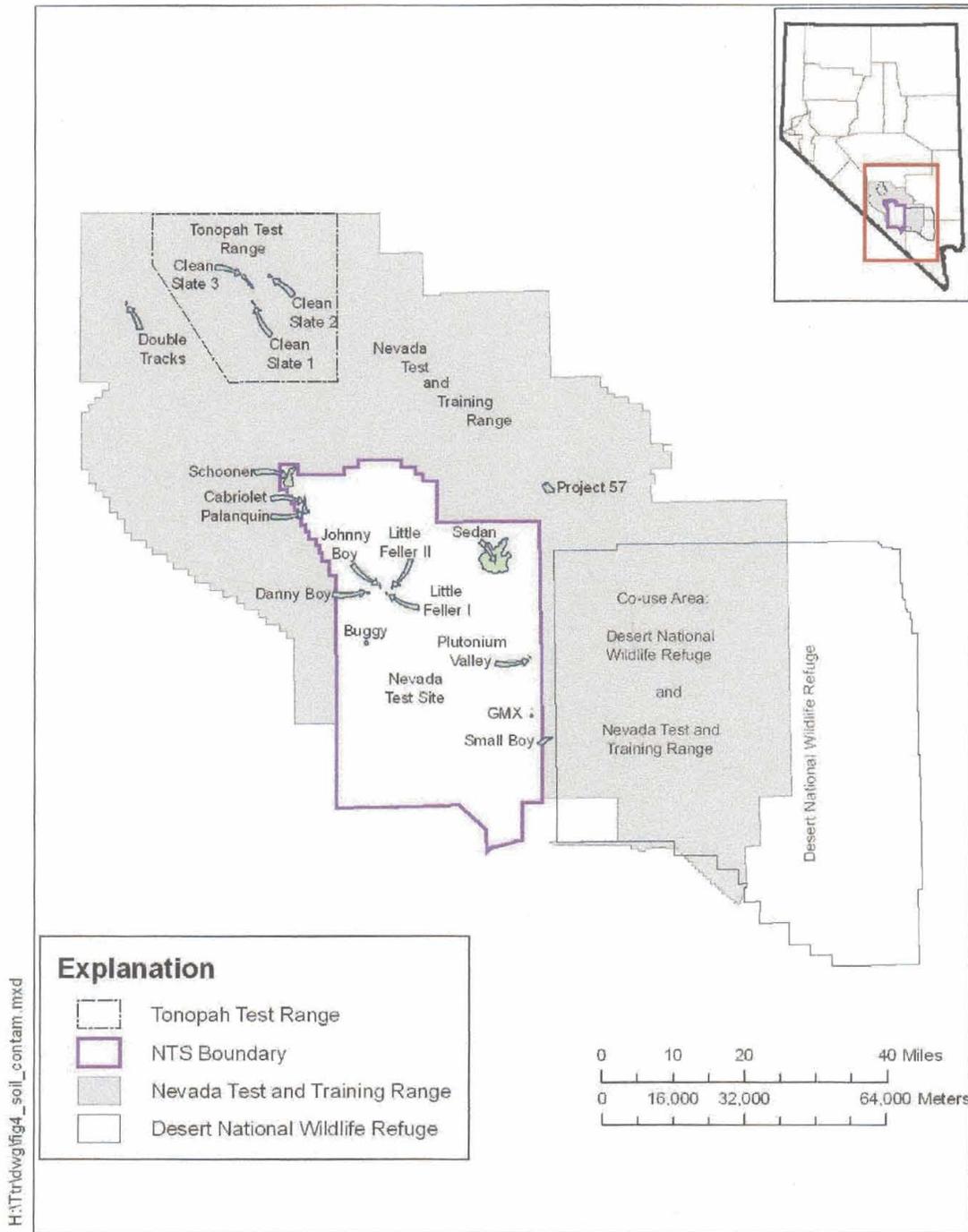


Figure 4 - Areas of Surface Soil Contamination

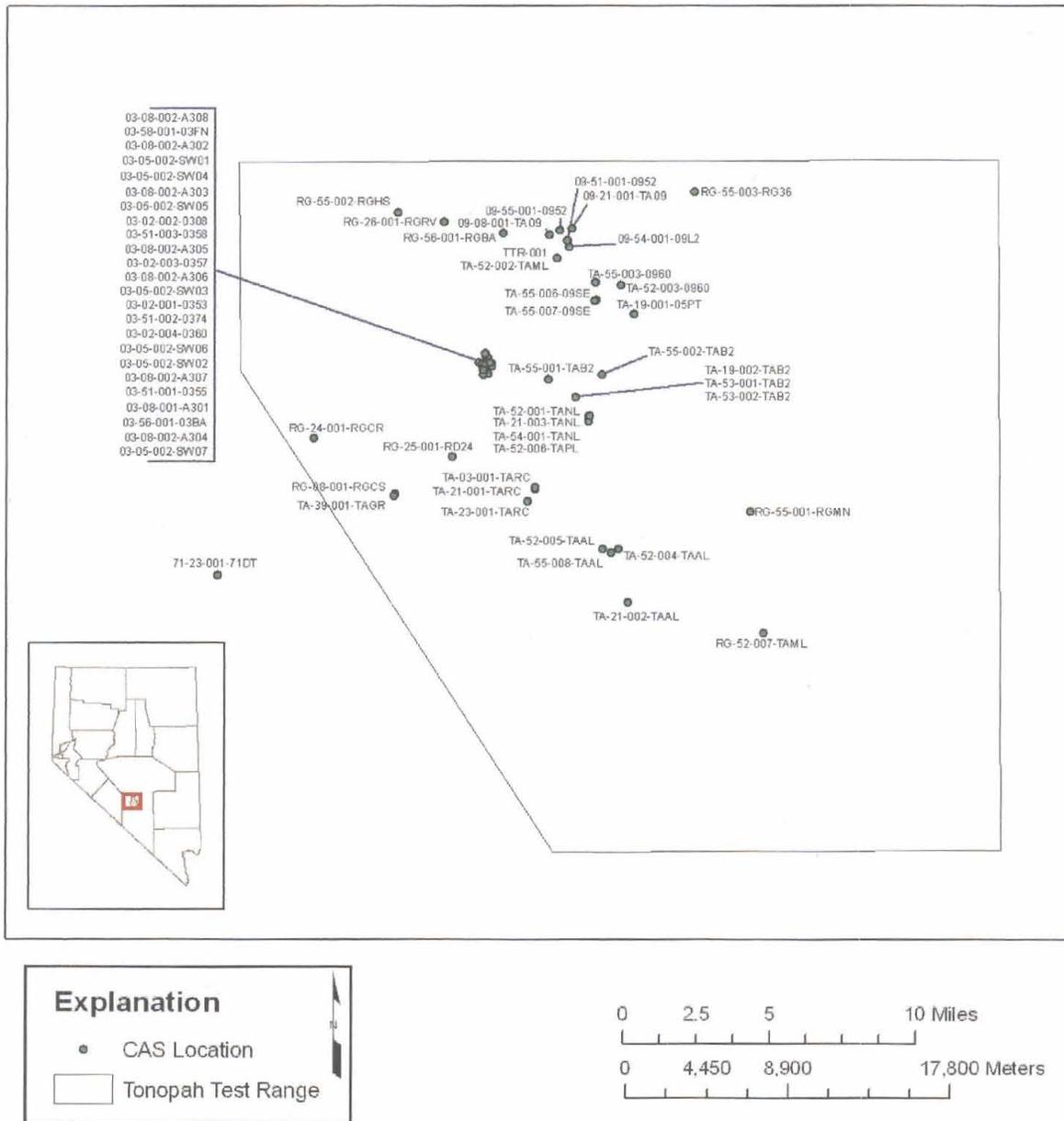


Figure 6 - Industrial Sites Corrective Action Sites at the TTR

3.2 Waste Management Project

The Waste Management Project is responsible for the management and disposal of low-level and mixed low-level radioactive waste from the NTS and other approved DOE and DoD facilities. The Waste Management Project also temporarily stores hazardous and transuranic waste prior to treatment and/or disposal. The objective is to protect the environment and the public's health while minimizing, treating, storing, and disposing of waste generated at DOE sites.

The above mentioned waste types are currently managed at the Area 5 Radioactive Waste Management Site located on the NTS. Engineered and excavated cells are currently used for the disposal of low-level and mixed low-level radioactive waste. Under an agreement with the State of Nevada, transuranic waste is also stored at the Area 5 Radioactive Waste Management Site until it is shipped off-site. The ultimate disposal destination for the transuranic waste is the Waste Isolation Pilot Plant near Carlsbad, New Mexico. Hazardous waste is accumulated at the NTS and shipped off-site to a permitted treatment, storage, and disposal facility.

Related waste management activities include the following:

- **Radioactive Waste Acceptance Program** -- This program ensures that approved generators sending low-level and mixed low-level radioactive waste for disposal at the NTS are capable of characterizing, managing, and transporting radioactive waste in a compliant manner.
- **Performance Assessment** -- An assessment and characterization program determines the suitability of NTS sites for waste management activities. NTS waste management sites are closely monitored to make sure that wastes are properly contained within the disposal cells and that contamination is not released or spread beyond disposal site boundaries.
- **Emergency Response Training** -- Highway accident response training for radiological emergencies is conducted through specially designed courses for federal, state, and local emergency personnel.
- **Transportation** - The Waste Management Project is responsible for the safe, efficient, and cost-effective packaging and transportation of NSO EM materials, such as radioactive and hazardous materials and wastes. Other responsibilities associated with transportation include preparing and analyzing transportation data in support of local transportation and stakeholder outreach efforts. The NSO is not responsible for the transportation of waste to the NTS from off-site generators. In turn, NSO EM encourages approved low-level and mixed low-level radioactive waste generators and their contractors to use transportation alternatives that would further minimize

radioactive risk, enhance safety, and address public concerns. Other national decisions outside the scope of NSO are not covered by this Plan.

Specific waste types include the following:

- **Low-level radioactive waste**, which is the most common type of radioactive waste disposed at the NTS, typically consists of soil, rags, papers, equipment, solidified sludge, concrete, building materials, and discarded protective clothing contaminated with low levels of radioactivity. Low-level radioactive waste is currently disposed at the Area 5 Radioactive Waste Management Site located within the boundaries of the NTS (see Figure 7). From the early 1970s through fiscal year 2005, more than 33 million cubic feet of low-level radioactive waste have been disposed at the NTS.
- **Hazardous waste** consists of toxic, reactive, or ignitable substances. Hazardous waste is not radioactive and includes materials such as waste chemicals, fuels, and paints. Hazardous waste stored at the NTS is sent off-site to licensed, commercial facilities for recycling, incineration, or disposal. If the waste contains explosive materials, it is treated on-site at the Explosive Ordnance Disposal Unit.
- **Mixed low-level radioactive waste** contains both radioactive and hazardous components. NSO EM currently operates a Mixed Waste Disposal Unit at the Area 5 Radioactive Waste Management Site which is regulated by the State of Nevada Division of Environmental Protection under interim status. Conditions set forth in the December 2005 NTS Resource Conservation and Recovery Act Part B Permit require that this Unit be limited to the disposal of 20,000 cubic meters and close within five years, whichever comes first.
- **Transuranic waste** contains radioactive isotopes heavier than uranium, thus the term “trans” (or “beyond”) uranium. This type of waste is produced during reactor fuel assembly, nuclear weapons production, and fuel reprocessing operations. Transuranic (TRU) waste radioactivity decays very slowly and requires long-term isolation. The NTS temporarily stores legacy transuranic waste in the TRU Pad cover building. DOE disposes transuranic waste at the Waste Isolation Pilot Plant near Carlsbad, New Mexico. Through calendar year 2005, the NTS shipped 1,860 drums of transuranic waste, in 48 shipments, to the Waste Isolation Pilot Plant for permanent disposal.
- **Sanitary waste** contains no hazardous or radioactive components. The NTS handles its own solid and liquid wastes using landfills and water treatment facilities similar to those found in metropolitan areas.

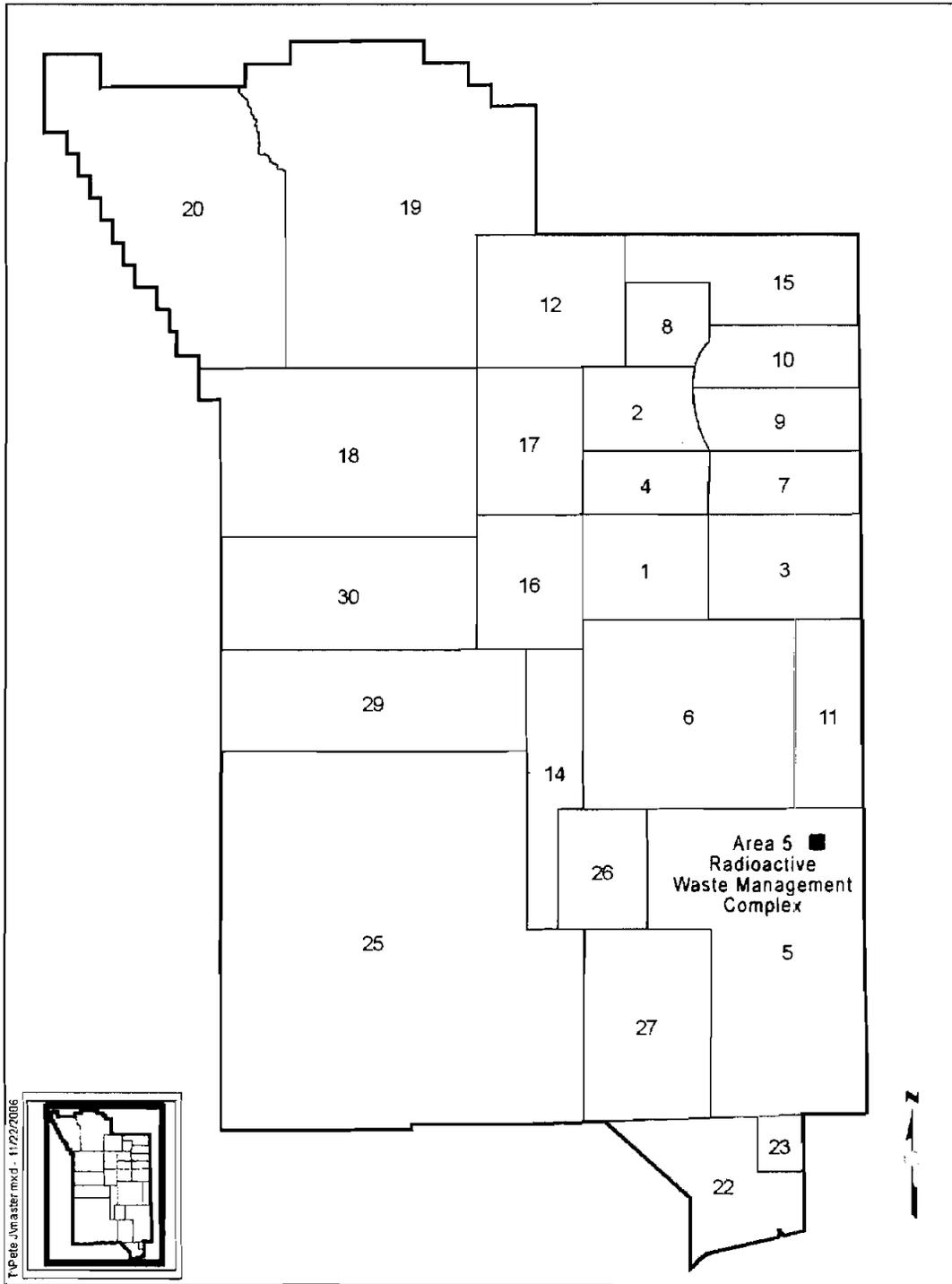


Figure 7 - Area 5 at the NTS

4.0 Regulatory Drivers and Agreements

An essential part of the public involvement strategy is to inform the public about laws, regulations, and agreements affecting environmental management. Whether entered into voluntarily or required by law, these agreements provide the basis for much of the work conducted by the NSO.

4.1 Federal Facility Agreement and Consent Order

The FFACO of May 1996 is the dominant regulatory driver for NSO EM environmental restoration activities in Nevada. It sets the framework for prioritizing specific restoration projects based on risk, agency regulations, and public input. A list of corrective action sites with activities currently in progress can be found in Appendix III of the FFACO. The FFACO also establishes a technical strategy for cleanup activities, maximizes the opportunity to complete multiple corrective actions, and provides for public involvement activities.

Under the FFACO, the NSO and DoD propose priorities and discuss them with State of Nevada representatives who make recommendations. These recommendations are presented to the public and the CAB for review. Following public input, the State, NSO, and the DoD will develop a final prioritization of corrective action units for investigation and remedial action.

Throughout the corrective action process, documents are written to detail activities needed to ensure the completion of the corrective action, as illustrated in Figure 8. Figure 8 also describes the public involvement and/or information opportunities that arise during the FFACO corrective action process. The public, as shown in the figure, can learn about the availability of these FFACO documents by attending CAB meetings, by visiting the NSO EM Internet website at <http://www.nv.doe.gov/emprograms/environment/restoration/ffaco.htm>, or by contacting the NSO EM.

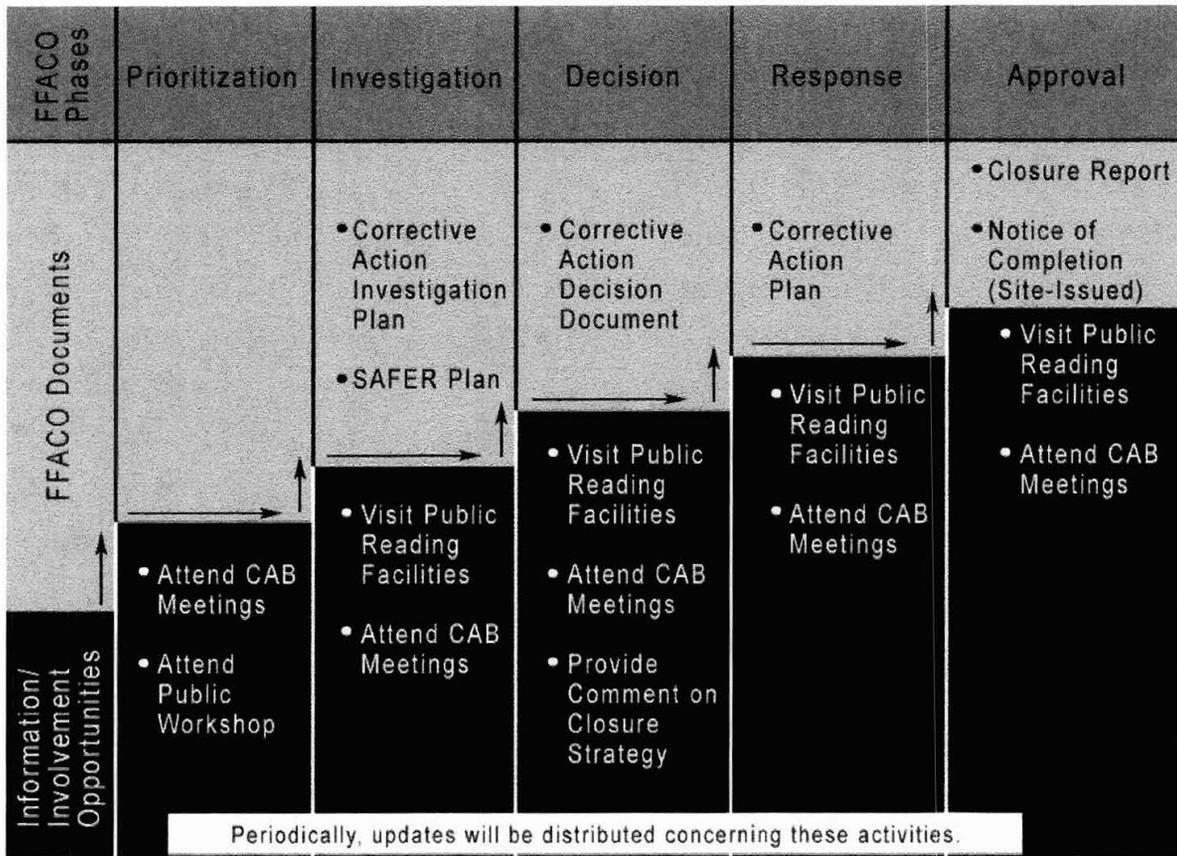


Figure 8 - FFACO Corrective Action Process

A brief description of each document in the above table is listed below:

- **Corrective Action Investigation Plan** - provides or references all specific information for planning investigation activities associated with corrective action units or sites. This document must include or reference the management, technical, quality assurance, health and safety, public involvement, field sampling, and waste management information needed to conduct the investigation.
- **Streamlined Approach for Environmental Restoration Plan** - provides a process for initiating and completing corrective actions at units where enough information exists to select the appropriate remedy before completing an investigation. The plan will incorporate the essential elements of the investigation plan, the decision document, and the action plan.

- ***Corrective Action Decision Document*** - provides a summary of the corrective action investigation and describes the selected remedy and the rationale for its selection, documenting remedial alternatives, ranging from no action to clean closure.
- ***Corrective Action Plan*** - prepared when the Corrective Action Decision Document requires a corrective action. The Corrective Action Plan outlines the method for implementing the selected corrective action alternative and explains how the action will be completed.
- ***Closure Report*** - verifies that the completed corrective action was conducted in accordance with the approved action plan and provides (to the State) all necessary support data to confirm the appropriate action took place.
- ***Notice of Completion*** - a State-issued document (usually in the form of a letter) signifying the completion of the corrective action in accordance with approved plans.

In addition to the documents listed above, the following documents may be used when conditions listed for each have been met. The use of these documents in place of the usual document flow listed in Figure 8 are done with the concurrence of the State of Nevada.

- ***Corrective Action Unit Work Plan*** - an optional planning document that provides information for a corrective action unit or collection of units where significant commonality exists. This plan may be developed to eliminate redundant Corrective Action Unit documentation and may contain management, technical, quality assurance, health and safety, public involvement, field sampling, and waste management information. Common information will be referenced in appropriate Corrective Action Investigation Plans.
- ***Corrective Action Decision Document/Corrective Action Plan (CADD/CAP)*** - a document that combines both the results of the Corrective Action Investigation (normally presented in the CADD), and the remediation plan (normally presented in the CAP). The document is developed as a time-saving method when the compliance boundary is well defined, and the remediation alternatives are limited.

- ***Corrective Action Decision Document/Closure Report*** - a document developed when results from the corrective action investigation indicate that contaminant concentrations are below the level of regulatory concern. The document provides the rationale for no further corrective action and may recommend closure with or without use restrictions or long-term monitoring.

Various documents associated with the corrective action process are made available in the public reading facilities.

4.2 *Federal Facility Compliance Act-Consent Order*

The *Federal Facility Compliance Act-Consent Order* (FFCAct-CO), an amendment to the *Resource Conservation and Recovery Act* (RCRA), requires preparation of a Site Treatment Plan for the treatment of legacy mixed-radioactive waste. Legacy mixed-radioactive waste streams are subject to the Land Disposal Restrictions standards contained in the RCRA. The State of Nevada signed the *Federal Facility Compliance Act-Consent Order* and approved the *NTS Site Treatment Plan* in March 1996. This Consent Order contains schedules derived from the Site Treatment Plan and identifies specific treatment facilities for treating the identified mixed-waste streams on the NTS. If the NTS complies with the Site Treatment Plan and Consent Order, then it is exempt from fines and penalties for mixed-waste storage prohibitions under the RCRA.

4.3 *Agreement in Principle/Joint Low-Level Waste Oversight Agreement*

The NSO and the State of Nevada entered into an *Agreement in Principle* which is intended to assure the citizens of the State of Nevada that NSO protects the public health and safety as well as the environment through existing programs and commitments. State of Nevada officials validate this effort through a program of independent monitoring and oversight of NSO daily operational activities. An appendix to the Agreement in Principle is the *DOE/NV-State of Nevada Joint Low-Level Waste Oversight Agreement*, establishing a cooperative oversight arrangement between the NSO and the State of Nevada allowing the State an increased role in monitoring the management of low-level and mixed low-level radioactive wastes generated and disposed at the NTS. By entering into the agreement, the NSO and the State agree to share information concerning waste types and quantities in addition to any general information that allows the State to conduct detailed oversight of waste disposal operations.

4.4 Other Regulatory Drivers

Throughout EM processes, the NSO is bound by various federal and state laws. Three of these laws (the *Resource Conservation and Recovery Act*, the *Comprehensive Environmental Response, Compensation, and Liability Act*, and the *National Environmental Policy Act* [NEPA]) are highlighted below.

The *Resource Conservation and Recovery Act* (RCRA) of 1976 is a comprehensive program for regulating and managing hazardous wastes, nonhazardous solid wastes, underground storage tanks, and for promoting the use of recycled and recovered materials. RCRA sets a federal policy of limiting land disposal of wastes in favor of other disposal methods, and encourages solid waste management practices that promote environmentally sound disposal methods, maximizes the reuse of recoverable resources, and fosters resource conservation. Federal agencies are required to comply with all applicable federal, state, and local RCRA regulations. The NTS RCRA Part B Permit was renewed by the State of Nevada Division of Environmental Protection in December 2005. This permit regulates the Hazardous Waste Storage Unit, Explosive Ordnance Disposal Unit, and Mixed Waste Disposal unit, all of which are located within the boundaries of the NTS. In 2005, the Mixed Waste Disposal unit section of the permit was changed to allow acceptance of off-site Mixed Low-Level Waste.

The *National Environmental Policy Act* (NEPA) was passed in 1969 and requires federal agencies to fully consider and document all environmental consequences before beginning new programs or constructing new facilities. This applies to any activity which affects the government and is funded or approved by a federal agency. The depth of analysis and level of documentation under NEPA are dependent upon the potential for significant environmental impacts resulting from a proposed action and may range up to an environmental impact statement (EIS). An EIS presents a very detailed consideration of a proposed action or program and its potential impacts. For an EIS, NEPA requires a significant amount of public involvement, including public input during the scoping process and public hearings associated with the Draft EIS.

Preparation of the *Environmental Impact Statement for the Nevada Test Site and Other Off-Site Locations in the State of Nevada* (NTS EIS), which examines alternatives for current and future missions at the NSO sites in Nevada, was initiated in August 1994. Approval of the final NTS EIS occurred in the fall of 1996. The Record of Decision for the NTS EIS was issued on December 9, 1996, and describes in detail the decisions reached for operation of the NSO sites

and facilities in Nevada. A supplement analysis of the NTS EIS was completed in July 2002 and found that current EM activities were consistent with the 1996 NTS EIS descriptions and analyses. The NSO is currently evaluating the existing NTS EIS and other NEPA documentation to determine future required actions. A determination and any subsequent analysis will be made in fiscal year 2007.

Generally, for proposed actions for which the severity of environmental impacts are unknown but thought to be insignificant, the agency may prepare a less rigorous level of documentation than the EIS, the environmental assessment (EA). The EA is a concise public document used to determine if a proposed action would, in fact, have significant impacts. If the analyses in the EA demonstrate that potential impacts would be insignificant, the agency may prepare a "Finding of No Significant Impact" and proceed to implement the project. If the EA identifies potentially significant environmental impacts, the agency must then prepare an EIS before implementing an action. Public review requirements for an EA are generally less stringent than for an EIS, and no public hearings are necessary. Final EAs and "Findings of No Significant Impact" are made available to the public and are placed in public reading facilities.

Proposed actions that fit within certain predefined classes of action and meet other rigorous requirements may be considered categorically excluded from further consideration under NEPA. If a project is categorically excluded, no further analyses or documentation would be required for purposes of NEPA.

Under NEPA, information must be made available to state and federal agencies, potentially affected American Indian tribes, and the public before decisions are made. The NEPA process depends on public involvement which impacts decision making more directly as people take a more hands-on interest in environmental issues.

For more detailed information regarding laws and regulations, contact the librarian at the **Nuclear Testing Archive Public Reading Facility** at (702) 295-1628. Reading rooms are currently located at Southern Nevada Public Reading Facility, c/o Nuclear Testing Archives, 755 East Flamingo Road, Las Vegas, Nevada, 89119 (telephone [702] 295-1628), and at the Northern Nevada Public Reading Facility, Nevada State Library and Archives, 100 N. Stewart Street, Carson City, Nevada, 89701-4285 (telephone [775] 684-3326). Web site information may also be obtained through the reading facilities.

5.0 Conclusion

This Plan details the various mechanisms that interested individuals, organizations, and stakeholders can use to gain knowledge about EM activities conducted by the NSO. Furthermore, the Plan offers communication techniques that will appeal to people with varying levels of interest. The overall goal of the Plan is to reflect the NSO EM's commitment to involve the public as projects are developed and decisions are made.

The Plan represents a culmination of comments and suggestions offered by the public and attempts to satisfy those that are most relevant. For the most part, the public is asking for clear, understandable summaries of technical data as well as general background information. Responding to this request, the Plan not only offers clear, concise descriptions of projects, but also details public involvement opportunities and communication channels that can enhance the learning process for the layperson. As NSO EM strives 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. In keeping with public requests, the Plan also makes available crucial background data, such as historical and regulatory information, to help the audience relate to the "big picture" or overall program, project, or sub-project objectives.

Public participation, which often provides NSO EM with the insight needed to develop programs and prioritize work, is important at every level of the decision-making process. The Plan describes a number of opportunities for the public to become part of that process. NSO EM updates the plan as programs change and as the public identifies ways to make our programs and activities more effective. Please take the time to share your comments with us so that the Plan can continue to reflect your needs.

6.0 References

U.S. Department of Energy, Nevada Operations Office. 1996. *Final Environmental Impact Statement for the Nevada Test Site and Off-Site Locations in the State of Nevada*, DOE/EIS 0243, August. Las Vegas, NV.

For more information on any of these topics, please contact:

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