



# Community Advisory Board for Nevada Test Site Programs

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January 25, 2006

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Kay Planamento

Mr. Stephen A. Mellington  
Assistant Manager for Environmental Management  
U.S. Department of Energy – Nevada Site Office  
PO Box 98518  
Las Vegas, NV 89193-8518

Dear Mr. Mellington:

At its most recent meeting, the Community Advisory Board was briefed on the drastic reduction to the U.S. Department of Energy's Nevada Site Office (DOE-NSO) Environmental Management (EM) budget. Although the federal budget as a whole is understandably impacted this year due to the ongoing war effort and the devastating effects of Hurricane Katrina, additional non-EM related earmarks to the budget have resulted in an unacceptable level of funding for the EM program.

As you are aware, the FY 2006 allocation had been set at ~\$86.6 million; however, the ~\$16.25 million in earmarks has resulted in a net DOE-NSO EM funding level of only \$70.4 million. Needless to say, this drastic cut will not only result in serious impacts to planned cleanup activities, but will also jeopardize the working relationship that has been established with Nevada's stakeholders and regulators.

Throughout the years, the DOE has made firm commitments with the State of Nevada to ensure that the Nevada Test Site (NTS) could support environmental restoration activities at the NTS as well as DOE sites throughout the country, as follows:

- In 1998 DOE negotiated an agreement with the State of Nevada that averted potential litigation challenging the Waste Management Programmatic Environmental Impact Statement Record of Decision, which named the Nevada Test Site as a key facility for disposal of low-level radioactive waste. In return for not pursuing the lawsuit, DOE committed to maintain an EM funding level of \$90 million per year and to prohibit shipment of low-level waste throughout the Las Vegas Valley and across the Hoover Dam.
- After much negotiation, in FY 2005, the State of Nevada agreed to allow disposal of offsite-generated mixed low-level waste at the Nevada Test Site. Once again, this agreement was based upon the understanding that DOE will continue to meet its commitments to the State of Nevada.

In addition, the Federal Facility Agreement and Consent Order specifically details the approach to cleanup, along with timelines and required regulatory milestones. The ability to reach those milestones and abide with the terms of the FFACO is

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directly linked to maintaining a budget that is adequate to complete the work. This cut will seriously impact EM's ability to honor the FFACO and will likely result in a violation of the FFACO as well as provisions of the Federal Facilities Compliance Act (FFCAAct).

These commitments to your stakeholders cannot be taken lightly. The Community Advisory Board has worked closely with the DOE EM program throughout the years and considers the State of Nevada to be a fellow stakeholder in this issue. We believe that it is essential to the State of Nevada and all stakeholders that funding be restored to the \$90 million level to ensure that all activities are managed safely and effectively, that DOE's commitments to the State of Nevada and all of Nevada's stakeholders are honored, and that the schedules established for cleanup at the NTS and other sites are maintained.

We would like the immediate support of those copied here to ensure that (1) the non-EM earmarks (~\$16 million) are removed from the DOE/NSO EM budget responsibility, and (2) the DOE/NSO EM budget is restored to the \$90 million level as committed to Nevada's stakeholders.

Sincerely,



Kathleen Peterson, Chairperson  
Community Advisory Board for Nevada Test Site Programs

cc: U.S. Senator John Ensign  
U.S. Senator Harry Reid  
U.S. Congresswoman Shelly Berkley  
U.S. Congressman Jim Gibbons  
U.S. Congressman Jon Porter  
J. R. Rispoli, DOE/HQ, (EM-1) FORS  
M. Nielson, DOE/HQ, (EM-30.1) FORS  
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