

**TABLE 6.3.1–1.—Federal Environmental Statutes, Regulations, and  
Orders Applicable to Pantex Plant**

RESOURCE CATEGORY	STATUTE/REGULATION/ORDER	CITATION	RESPONSIBLE AGENCY	EIS-LEVEL POTENTIAL APPLICABILITY: PERMITS, APPROVALS, CONSULTATIONS, AND NOTIFICATIONS
Air Resources	<i>Clean Air Act</i> (CAA), as amended	42 U.S.C. §§7401 et seq.	EPA	Requires sources to meet standards and obtain permits to satisfy: National Ambient Air Quality Standards (NAAQS), Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants (NESHAP), and Prevention of Significant Deterioration (PSD).
	National Ambient Air Quality Standards/State Implementation Plans	42 U.S.C. §§7409 et seq.	EPA	Requires compliance with primary and secondary ambient air quality standards governing SO <sub>2</sub> , NO <sub>x</sub> , CO, O <sub>3</sub> , Pb, and PM <sub>10</sub> and emission limits/reduction measures designated in each State.
	Standards of Performance for New Stationary Sources	42 U.S.C. §7411	EPA	Establishes control/emission standards and record keeping requirements for new or modified sources specifically addressed by a standard.
	National Emission Standards for Hazardous Air Pollutants	42 U.S.C. §7412	EPA	Requires sources to comply with emission levels of hazardous air pollutants; may require a preconstruction approval, depending on the process being considered and the level of emissions that will result from the new or modified source.
	Prevention of Significant Deterioration	42 U.S.C. §§7470 et seq.	EPA	Requires comprehensive preconstruction review and the application of Best Available Control Technology to major stationary sources (emissions of 100 tons/year) and major modifications; requires a preconstruction review of air quality impacts and the issuance of a construction permit from the responsible State agency setting forth emission limitations to protect the Prevention of Significant Deterioration increment.
Acoustics	Noise Control Act of 1972	42 U.S.C. §§4901 et seq.	EPA	Requires facilities to maintain noise levels that do not jeopardize the health and safety of the public.
Water Resources	<i>Clean Water Act</i> (CWA)	33 U.S.C. §§1251 et seq.	EPA	Requires EPA or State-issued permits and compliance with provisions of permits regarding discharge of effluents to surface waters.

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Water Resources (cont'd)	NPDES Permit No. TX0107107	33 U.S.C. §1342	EPA Region 6	Authorizes Pantex Plant to discharge to the waters of the United States, under specified effluent limitations and monitoring requirements.
	Dredged or Fill Material-(section 404 of CWA)/ <i>Rivers and Harbors Appropriations Act of 1899</i>	33 U.S.C. §1344/33 U.S.C. §§401 et seq.	U.S. Army Corps of Engineers	Requires permits to authorize the discharge of dredged or fill material into navigable waters or wetlands and to authorize certain structures or work in or affecting navigable waters.
	<i>Safe Drinking Water Act</i> (SDWA)	42 U.S.C. §§300f et seq.	EPA	Requires permits for construction/operation of underground injection wells and subsequent discharging of effluents to ground aquifers.
	Executive Order 11988: Floodplain Management	3 CFR, 1977 Comp., p. 117	Water Resources Council, Federal Emergency Management Agency, Council on Environmental Quality (CEQ)	Requires consultation if project impacts a floodplain.
	Executive Order 11990: Protection of Wetlands	3 CFR, 1977 Comp., p. 121	U.S. Army Corps of Engineers/U.S. Fish and Wildlife (FWS)	Requires Federal agencies to avoid the long and short term adverse impacts associated with destruction or modification of wetlands.
	Compliance with Floodplain/Wetlands Environmental Review Requirements	10 CFR 1022	DOE	Requires DOE to comply with all applicable floodplain/wetlands environmental review requirements.

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Soil Resources	RCRA/ Hazardous and Solid Waste Amendments of 1984	42 U.S.C. §§6901 et seq./PL 98- 616	EPA	Requires proper management and, in some cases, permits for current operations involving hazardous waste and remediation of contamination from past activities (not addressed by CERCLA); changes to site hazardous waste operations could require amendments to RCRA hazardous waste permits involving public hearings.
	CERCLA/ <i>Superfund Amendments and Reauthorization Act of 1986 (SARA)</i>	42 U.S.C. §§9601 et seq./PL 99- 499	EPA	Requires cleanup and notification if there is a release or threatened release of a hazardous substance; requires DOE to pursue Interagency Agreements with EPA and State to control the cleanup of each DOE site on the National Priorities List (NPL).
	<i>Community Environmental Response Facilitation Act</i>	PL 102-426	EPA	Amends CERCLA (40 CFR 300) to establish a process for identifying, prior to the termination of Federal activities, property that does not contain contamination. Requires prompt identification of parcels that will not require remediation to facilitate the transfer of such property for economic redevelopment purposes.
	<i>Farmland Protection Policy Act of 1981</i>	7 U.S.C. §§4201 et seq.	Natural Resource Conservation Service	DOE shall avoid any adverse effects to prime and unique farmlands.
	<i>Federal Facility Compliance Act of 1992</i>	42 U.S.C. §6961	States	Eliminates RCRA waiver of sovereign immunity for Federal facilities and requires DOE to develop plans and enter into agreements with States as to specific management actions for specific mixed waste streams (e.g., New Mexico Unilateral FFC Order).
Biotic Resources	<i>Fish and Wildlife Coordination Act</i>	16 U.S.C. §§661 et seq.	FWS	Requires consultation on the possible effects on wildlife if there is construction, modification, or control of bodies of water in excess of 10 acres in surface area.
	<i>Bald and Golden Eagle Protection Act</i>	16 U.S.C. §§668 et seq.	FWS	Consultations should be conducted to determine if any protected birds are found to inhabit the area. If so, DOE must obtain a permit prior to moving any nests due to mission requirements.
	<i>Migratory Bird Treaty Act</i>	16 U.S.C. §§703 et seq.	FWS	Requires consultation to determine if there are any impacts on migratory bird populations due to mission requirements. If so, DOE will develop mitigation measures to avoid adverse effects.

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Biotic Resources (cont'd)	<i>Endangered Species Act of 1973</i>	16 U.S.C. §§1531 et seq.	USFWS/National Marine Fisheries Service	Requires consultation to identify endangered or threatened species and their habitats, assess DOE impacts thereon, obtain necessary biological opinions and, if necessary, develop mitigation measures to reduce or eliminate adverse effects of construction or operation.
Cultural Resources	<i>National Historic Preservation Act of 1966, as amended</i>	16 U.S.C. §§470 et seq.	Advisory Council on Historic Preservation	DOE shall consult with the State Historic Preservation Office (SHPO) prior to construction to ensure that no historic properties will be affected.
	<i>Archeological and Historical Preservation Act of 1974</i>	16 U.S.C. §§469 et seq.	DOI	DOE shall obtain authorization for any disturbance of archeological resources.
	<i>Archeological Resources Protection Act of 1979</i>	16 U.S.C. §§470aa et seq.	DOI	DOE shall obtain authorization for any excavation or removal of archeological resources.
	<i>American Indian Religious Freedom Act of 1978</i>	42 U.S.C. §1996	DOI	DOE shall consult with local Native American Indian tribes prior to construction to ensure that their religious customs, traditions, and freedoms are preserved.
	<i>Native American Graves Protection and Repatriation Act of 1990</i>	25 U.S.C. §3001	DOI	DOE shall consult with local Native American Indian tribes prior to, and during as necessary, construction to guarantee that Native American human remains are not disturbed.
	Executive Order 11593: Protection and Enhancement of the Cultural Environment	3 CFR 154, 1971-1975 Comp., p. 559	DOI	DOE shall aid in the preservation of historic and archeological data that may be lost during construction activities.
Worker Safety and Health	<i>Occupational Safety and Health Act (OSHA)</i>	5 U.S.C. §5108	OSHA	Agencies shall comply with all applicable worker safety and health legislation (including guidelines of 29 U.S.C. §660) and prepare, or have available, Material Safety Data Sheets.
	Hazard Communication Standard	29 CFR 1910.1200	OSHA	DOE shall ensure that its workers are informed of, and trained to handle, all chemical hazards in the workplace.

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Other	<i>Atomic Energy Act of 1954</i>	42 U.S.C. §2011	DOE	DOE shall follow its own standards and procedures to ensure the safe operation of its facilities.
	NEPA	42 U.S.C. §§4321 et seq.	CEQ	DOE shall comply with NEPA implementing procedures in accordance with 10 CFR 1021.
	<i>Toxic Substances Control Act (TSCA)</i>	15 U.S.C. §§2601 et seq.	EPA	DOE shall comply with inventory reporting requirements and chemical control provisions of TSCA to protect the public from the risks of exposure to chemicals; TSCA imposes strict limitations on use and disposal of PCB-contaminated equipment.
	<i>Hazardous Materials Transport Action Act</i>	49 U.S.C. §§1801 et seq.	DOT	DOE shall comply with the requirements governing hazardous materials and waste transportation.
	<i>Hazardous Materials Transportation Uniform Safety Act of 1990</i>	49 U.S.C. §1801	DOT	Restricts shippers of highway route-controlled quantities of radioactive materials to use only permitted carriers.
	<i>Emergency Planning and Community Right-To-Know Act of 1986</i>	42 U.S.C. §§11001 et seq.	EPA	Requires the development of emergency response plans and reporting requirements for chemical spills and other emergency release, and imposes right-to-know reporting requirements covering storage and use of chemicals which are reported in toxic chemical release forms.
	<i>Pollution Prevention Act of 1990</i>	42 U.S.C. 11001-11050	EPA	Establishes a national policy that pollution should be reduced at the source and requires a toxic chemical source reduction and recycling report for an owner or operator of a facility required to file an annual toxic chemical release form under section 313 of SARA.

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Other (cont'd)	Executive Order 12843: Procurement Requirements and Policies for Federal Agencies for Ozone-Depleting Substances	April 21, 1993	EPA	Requires Federal agencies to minimize procurement of ozone depleting substances and conform their practices to comply with Title VI of CAA Amendments reference stratospheric ozone protection and to recognize the increasingly limited availability of Class I substances until final phaseout.
	Executive Order 12856: Federal Compliance with Right-To-Know Laws and Pollution Prevention Requirements	August 3, 1993	EPA	Requires Federal agencies to achieve 50% reduction of agency's total releases of toxic chemicals to the environment and offsite transfers, to prepare a written facility pollution prevention plan not later than 1995, and to publicly report toxic chemicals entering any waste stream from Federal facilities, including any releases to the environment, and to improve local emergency planning, responses and accident notification.
	Executive Order 12873: Federal Acquisition, Recycling, and Waste Prevention	October 20, 1993	EPA	Requires Federal agencies to develop affirmative procurement policies and establishes a shared responsibility between the system program manager and the recycling community to effect use of recycled items for procurement.
	Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	February 11, 1994	EPA	Requires Federal agencies to identify and address as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.
	Executive Order 12088: Federal Compliance with Pollution Control Standards	3 CFR, 1978 Comp., p. 243	Office of Management and Budget (OMB)	Requires Federal Agency landlords to submit to OMB an annual plan for the control of environmental pollution and to consult with EPA and State agencies regarding the best techniques and methods.

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Other (cont'd)	Executive Order 11514: Protection and Enhancement of Environmental Quality	3 CFR, 1966-1970 Comp., p. 902	CEQ	Requires Federal Agencies to demonstrate leadership in achieving the environmental quality goals of NEPA; provides for DOE consultation with appropriate Federal, State, and local agencies in carrying out their activities as they affect the environment.
	<i>Nuclear Waste Policy Act of 1982</i>	42 U.S.C. §§10101 et seq.	EPA	DOE shall dispose of radioactive waste per standards of 40 CFR 191.
	<i>Low-Level Radioactive Waste Policy Act</i>	42 U.S.C. §§2021b-2021d	Nuclear Regulatory Commission	DOE shall dispose of LLW per compacts of the states in which it operates.

**TABLE 6.3.1–2.—Selected DOE Environment, Safety, and Health Orders**

DOE ORDER	ORDER TITLE
451.1	National Environmental Policy Act Compliance Program
5400.1	General Environmental Protection Program
5400.5	Radiation Protection of the Public and the Environment
5480.1B	Environment, Safety, and Health Program for Department of Energy Operations
5480.19	Conduct of Operations Requirements for DOE Facilities
5480.21	Unreviewed Safety Questions
5480.22	Technical Safety Requirements
5480.23	Nuclear Safety Analysis Reports
5482.1B	Environment, Safety, and Health Appraisal Program
5530.1A	Accident Response Group
5530.4	Aerial Measuring System
5630.11B	Safeguards and Security Program
5630.12A	Safeguards and Security Inspection and Assessment Program
5632.1C	Protection and Control of Safeguards and Security Interests
5700.6C	Quality Assurance
5820.2A	Radioactive Waste Management