

DATE: July 15, 2022
TO: Greg Lovato, Administrator
FROM: Christine Andres, Chief, Bureau of Federal Facilities
SUBJECT: Quarterly Report: April 1, 2022 to June 30, 2022

FEDERAL FACILITY AGREEMENT AND CONSENT ORDER

(FFACO) QUARTERLY REPORT

This quarter, the Nevada Division of Environmental Protection Bureau of Federal Facilities' (NDEP or BFF) staff performed both in-office and field work. The Department of Energy's Nevada Offices (Environmental Management Nevada Program (EMNP) and National Nuclear Security Administration/Nevada Field Office (NNSA/NFO)) continued to mostly telework this reporting period. Teleworking did continue to impact in-person meetings to a degree this quarter but needed field visits/in-person inspections were performed. However, submittal and review of documents, reports, letter, virtual meetings or teleconferences, as noted below, were not impacted.

Industrial Sites Activity

At the end of June 2022, there were 1962 historical Corrective Action Sites (CASs) (out of 1970 total) that have been closed, with three (3) CASs in Corrective Action Unit (CAU) 114 and five (5) CASs in CAU 572 undergoing active work.

The NDEP's BFF staff continued post-closure monitoring activities through report reviews, Use-Restrictions reviews, and post-closure inspections for a number of closed Industrial Sites on the Nevada National Security Site (NNSS), as well as the following activities:

Document Reviews and Letters:

CAU 114 – Newly-hired BFF staff continued to review past FFACO documentation for CAU 114 in order to gain knowledge about this historical site.

Closed Non-Resource Conservation and Recovery (RCRA) Sites – BFF staff received the Draft *Non-Resource Conservation and Recovery Act (RCRA) Corrective Action Unit (CAU) Post-Closure Inspection Report, Nevada National Security Site, Nevada, for Calendar Year 2021, Revision 0, April 2022* in early April. BFF staff provided comments in a letter dated May 23, 2022, and in an email dated June 7, 2022. Following receipt and review of the Final *Non-Resource Conservation and Recovery Act (RCRA) Corrective Action Unit (CAU) Post-Closure Inspection Report, Nevada National Security Site, Nevada, for Calendar Year 2021, Revision 0, June 2022* on June 14, 2022, BFF sent an approval letter for the report on June 15, 2022, as all comments were satisfactorily addressed.

Site Visits:

CAU 114 & CAU 572 – BFF staff visited the CAU 114 Engine Maintenance Assembly Disassembly (EMAD) Facility and the CAU 572 Test Cell C Ancillary Building and Structures on April 5, 2022. The exterior of the facilities & buildings was inspected, and some background of each site was discussed more thoroughly. Hazard reduction and site preparation activities were occurring at both sites at the time of the visit. Items were being examined, checked for radiation, and sorted to determine how they would be handled at the Test Cell C Ancillary Building and Structures site.

Conference Calls/Meetings:

CAU 111 – BFF staff discussed with EM NP staff a path forward for the revegetation of this entire CAU given that the DOE has determined that the Tribal Revegetation Committee test-plot project is complete.

Soils Activity Sites

At the end of December 2019, all Soil CASs, a total of 144, had been closed. Though all identified Soils Sites have been addressed under the FFACO, BFF staff continued post-closure monitoring activities through report reviews, Use-Restrictions reviews, and post-closure inspections for a number of closed Soil Sites on the NNSS.

Underground Test Area (UGTA) Activity

There are five (5) UGTA CAUs, all of which are either in the Corrective Action Investigation Stage or in long-term monitoring during the Closure Stage.

During this quarter, BFF staff participated in the process of document review, project evaluation, site visits, meetings and/or teleconferences for all five (5) CAUs in the following ways:

Document Reviews and Letters:

CAU 98 – Frenchman Flat – Last quarter, BFF staff received the *Draft Corrective Action Unit 98: Frenchman Flat Five-Year Evaluation, Nevada National Security Site, Nevada, Revision 0, February 2022* and submitted comments to the EM NP following review of the document. On May 9, 2022, BFF received the *Final Corrective Action Unit 98: Frenchman Flat Five-Year Evaluation, Nevada National Security Site, Nevada, Revision 1, May 2022*. The Final document was approved by NDEP in a May 19, 2022, letter after all comments were satisfactorily addressed.

CAUs 97, 98, and 99 – Yucca Flat, Frenchman Flat, and Rainier Mesa/Shoshone Mountain – BFF issued a comment letter on April 12, 2022, for the *Final Calendar Year (CY) 2021 Post-Closure Monitoring Letter Report, Revision 0, March 2022* for these three CAUs, which had been received on March 22, 2022. The *Final Calendar Year 2021 Post-Closure Monitoring Letter Report, Revision 1, May 2022* for these three CAUs was received by the BFF on May 25, 2022. As all comments were satisfactorily addressed in Revision 1, an approval letter was issued on June 3, 2022.

CAU 101/102 – Pahute Mesa – On March 24, 2022, BFF staff received the *Draft Groundwater Flow and Contaminant Transport Model of CAUs 101 and 102: Central and Western Pahute Mesa, Nye County, NV, Rev. 0, March 2022*. Following a 45-day review period, BFF issued a comment letter on May 6, 2022, to the EM NP.

On April 19, 2022, the EM NP submitted a request to the BFF for a *Notice of Completion on Corrective Action Unit (CAU) 101: Central Pahute Mesa and CAU 102: Western Pahute Mesa Phase II Flow and Transport Model Report, Revision 0, March 2022*. NDEP issued a Notice of Completion on April 29, 2022, for meeting the established milestone deadline.

Following a discussion with EM NP and Navarro staff on questions to be asked of the Pahute Mesa External Peer Review, BFF staff participated in a virtual mock peer review with a slide presentation outlining NDEP’s role in regulatory oversight of the CAUs. The in-person peer review is scheduled for mid-July 2022.

Underground Test Area (UGTA) Calendar Year (CY) 2020 Quality Assurance Report, Nevada National Security Site, Nevada, Revision 0, February 2022 – Comments on this Supplemental FFACO Report, which covers all UGTA CAUs, were sent to the EM NP on April 19, 2022. NDEP is awaiting a response.

Final Underground Test Area Activity Quality Assurance Plan, Nevada National Security Site, Nevada, Revision 0, May 2022 – This Supplemental FFACO Report was received by the BFF on May 19, 2022, mainly for awareness and will be reviewed as time allows.

Meetings and Presentations:

Informal UGTA Discussion Meetings – A practice was begun last quarter of holding an “informal” Teams meeting with EM NP, Navarro (EM NP’s EPS contractor), DRI and BFF staff about every six weeks to discuss present and upcoming UGTA documents or activities or any other outstanding UGTA subjects. The third and fourth meetings were held on April 7 and May 26, 2022.

CAU 101/102 – Pahute Mesa – A meeting was held on June 23, 2022, to discuss the responses to NDEP’s May 6, 2022, comments on the Draft Flow and Transport Model.

A meeting was held on June 29, 2022, to discuss several aspects of the Flow and Transport Model that were discovered by Navarro personnel during finalization of the document.

General FFACO Business:

Annual FFACO Meeting – Final meeting minutes and action items from the February 2, 2022 meeting were received on May 19, 2022 and reviewed.

FFACO Milestones – BFF staff received the *Fiscal Year (FY) 2022 – FY 2024 Planned Federal Facility Agreement and Consent Order (FFACO) Milestones and Due Dates* from the EM NP on April 20, 2022. BFF issued a letter on May 16, 2022, establishing FY 22 – 24 FFACO Milestones and Due Dates. These

established Milestones and Due Dates include FFACO sites under the purview of the DOE Office of Legacy Management, described below.

Affirmation Forms – As the active investigation/remediation work under the FFACO nears completion, a Closure Affirmation Form project was undertaken by EM NP and Navarro to ensure that the documentation for the closure of each CAU identified in the FFACO, inclusive of its associated correction action sites, is complete in accordance with FFACO standards. Each Closure Affirmation Form requires acceptance through signature by the Bureau Chief. As this project continues, a number of forms were reviewed, commented on and/or accepted this quarter.

FFACO Transition – As the active investigation/remediation work under the FFACO nears completion, in addition to the Closure Affirmation Form project, DOE and NDEP has undertaken the FFACO Transition Project to ensure that any future steward of the NNSS will be aware of all post-closure monitoring requirements on the NNSS. The Bureau Chief represents NDEP on this working group. Monthly meetings of the working group continued in this quarter in order to keep this project moving forward.

CAUs 4000 and 5000 FFACO Discussion – BFF staff participated in an April 20, 2022, meeting regarding the status of FFACO CAUs 4000 and 5000 (and the 157 CASs currently in these two CAUs) given that the active investigation/remediation work under the FFACO is nearing completion. Navarro staff have the task of ensuring appropriate documentation is in place to demonstrate all appropriate actions have been completed and the record is complete for all CASs. A path forward discussion concluded the meeting.

Use Restrictions (URs) – Staff continued to review and interact with the EM NP and their contractors on the *Federal Facility Agreement and Consent Order Nevada National Security Site Use Restriction Management Plan* (URMP; formally the: *Introduction for the Long-Term Monitoring Document*) and modifications to current URs, which are sent to NDEP by EM NP in “Groups” of various CAUs/CASs.

Comments on the latest draft of the URMP, received on April 27, 2022, were submitted to EM NP by BFF in a June 10, 2022, letter. NDEP noted in that letter that it is understood that a draft final of the URMP will not be issued until all use restrictions are revised using the updated form as these will then complete the document. As DOE EM is only partially through the use restriction update process, it will be some time until the URMP is submitted as a final draft for NDEP review and comment. The June 10, 2022, letter also contained a brief “history” of this project to date.

During this quarter, work was completed on the following “Groups”:

- As Draft Group 18 Use Restriction forms and Records of Technical Change (ROTCs) were received electronically by BFF on March 31, 2022, comments were emailed to EM NP this quarter on April 28, 2022.
- On May 19, 2022, BFF staff received Group 19 Use Restriction forms and ROTCs and sent comments electronically on May 25, 2022.

- BFF staff received responses for previously submitted comments on Groups 20 and 21 on March 10, 2022. While BFF did accept these responses via an April 22, 2022, email, the bureau did include two requests and two follow-up questions in the email. EM NP provided a response to the questions on May 3, 2022.

RBCA and FFACO Use Restriction Meeting – BFF staff attended a meeting on May 25, 2022, to address questions of recently hired BFF staff on the history of the Risk-Based Corrective Action (RBCA) document and Use Restriction modifications. Separate presentations were given by Navarro personnel on these subjects with respect to processes, documentation, and history over time.

File Management – This quarter, staff have continued to organize, complete, scan for electronic storage, and document files for FFACO sites.

Quality Assurance Project Plan – BFF received notice on May 16, 2022, that the *Nevada Environmental Restoration Project Industrial Sites Quality Assurance Project Plan (QAPP), Revision 3, February 2002, DOE/NV—372-Rev. 3* was cancelled and will be replaced by an internal Navarro document, *Navarro Industrial Sites Quality Assurance Project Plan, Rev. 0, May 2022, N/0002653---097*. It was requested that all NDEP controlled copies be destroyed. BFF is in the process of retrieving the documents from the State Records Center.

Quality Assurance Plan – Also on May 16, 2022, BFF received notice that the *Environmental Management Nevada Program Soils Activity Quality Assurance Plan (QAP), Revision 1, December 2017, DOE/NV—1478-Rev. 1* was cancelled and will be replaced by an internal Navarro document, *Navarro Soils Activity Quality Assurance Plan, Rev. 0, May 2022, N/0002653---0986*. As the cancelled plan had been scanned and ultimately sent to State Archives, the hard copy could not be destroyed by BFF. Electronic copies in BFF files have been deleted.

Nevada Off-Sites and the Tonopah Test Range

There are four (4) Nevada Off-Sites CAUs, two (2) Surface CAUs (CAU 416 and 417) and two (2) Subsurface CAUs (CAU 443 and 447). CAU 416 has been clean-closed. CAU 417 is in Post-Closure Monitoring. CAUs 443 and 447 are in the Closure Stage. On September 30, 2020, the Office of Legacy Management (LM) assumed responsibility for the long-term surveillance and maintenance of the Tonopah Test Range (TTR) FFACO sites. NDEP activities for the TTR sites are reported under this Section.

During this quarter, BFF staff participated in the process of document review and project evaluation with LM personnel in the following ways:

Document Reviews and Letters:

CAU 417 Central Nevada Test Area (CNTA) Surface – LM submitted a request to BFF in a letter dated April 15, 2022, to delete a milestone for the *2022 Post-Closure Inspection and Monitoring Report, Central Nevada Test Area: Surface Corrective Action Unit 417*. The request to delete this milestone, originally set for September 29, 2023, was approved by BFF in an April 28, 2022, letter given that the inspection and reporting frequency was changed to every six (6) years. This inspection and reporting frequency change was agreed to by NDEP in a letter to LM dated February 28, 2022.

CAU 447 Project Shoal Area - Subsurface – BFF received the *Draft 2021 Postclosure Groundwater Monitoring and Inspection Report, Project Shoal Area: Subsurface Corrective Action Unit 447* on March 16, 2022. Comments on the document were forwarded to LM on April 25, 2022, along with a Notice of Completion for the April 29, 2022, Milestone Deadline for submission of the Draft Report. Proposed comment responses by LM were accepted by BFF on June 14, 2022. The final document was received from LM in early July 2022 and will be reviewed and responded to next quarter.

Tonopah Test Range – BFF received the *Final Postclosure Inspection Report for the Tonopah Test Range and Nevada Test and Training Range, Nevada, for Calendar Year 2021* on April 18, 2022. As the Final Report satisfactorily addressed all of NDEP's comments on the Draft Report, an approval letter was sent on May 17, 2022. This letter also served as a Notice of Completion for the April 29, 2022, Milestone Deadline for submission of the Final Report.

BFF received *Proposed Revisions to the Standardized Federal Facility Agreement and Consent Order (FFACO) Outline for the Tonopah Test Range (TTR) Corrective Action Unit (CAU) Postclosure Report* on February 7, 2022. BFF reviewed and sent a comment response letter on the Outline on March 22, 2022. As the LM had not yet responded to that letter when the May 17, 2022, letter for the TTR Final Postclosure Report was issued by NDEP, one additional comment on the Outline was added to the letter. BFF awaits a response to the March 22 and May 17, 2022, letters on this topic.

Miscellaneous:

The chief participated in monthly NDEP Attorney General staff meetings, bi-weekly Division-Wide Chief's Staff Meetings and bi-weekly meetings with the Administrator either in person or via virtual meetings in April, May and June 2022.

During this quarter, the bureau chief attended/participated virtually in: (1) one NSSAB Intergovernmental Meeting and one full NNSAB meeting; (2) the annual Spring Meetings, numerous calls, Zoom Meetings and/or webinars as a member of the NGA's Federal Facilities Task Force (FFTF), the State, Tribal, Government Working Group (STGWG), the Environmental Council of States (ECOS) and/or the Combined Intergovernmental Working Group (CIWG); (3) meetings the NDEP fiscal staff; (4) regular bureau staff meetings; (5) the Annual RadWaste Summit; and, (6) a "check-in" meeting with the NNSA/NFO Field Manager.

Tribal Interaction – During the State, Tribal, Government Working Group Spring Meeting held May 9-12, 2022, the bureau chief interacted with a number of Tribes throughout the United States who have ties to the actions of the Department of Energy.

Staff Training:

Newly hired BFF personnel completed mandatory online trainings.

BFF personnel completed Web Editor Training to keep the NDEP website up to date with new documents.

BFF personnel completed the Risk Management Defensive Driving Course.

NNSS/MSTS Annual Security Briefing and Counterintelligence Briefing mandatory online trainings were completed.

NNSS virtual training courses to qualify for NNSS access were also completed.

Agreement in Principle (AIP) Functional Areas Summary – Grant #DE-EM0005237 0003

1. On-Site Discharges

Water Pollution Control

Document Reviews and Site Inspections:

Water Pollution Control Permit GNEV93001 – The Nevada Division of Environmental Protection’s (NDEP) Bureau of Federal Facilities (BFF) staff received the *Discharge Monitoring Report for NNSS Sewage Lagoons, WPC Permit GNEV93001, January 1 through March 31, 2022*, on April 26, 2022. This report was the first discharge monitoring report (DMR) under the renewed permit that was issued by BFF on January 4, 2022. BFF staff reviewed the report and sent a response letter to the National Nuclear Security Administration/Nevada Field Office (NNSA/NFO) on May 5, 2022, acknowledging the limits set forth in the permit had been met for the quarter. However, BFF had two requested corrections to wording within the DMR for future submissions.

On January 27, 2022, the NNSA/NFO’s Management and Operation Contractor, Mission Support and Test Services, LLC (MSTS), submitted a letter to BFF, requesting a deadline extension of 60 days for the submittal of an updated Operations and Maintenance (O&M) Manual, as required by the renewed permit. BFF approved this request in a February 7, 2022, letter. The draft *Nevada National Security Site (NNSS) Wastewater Lagoons Operations and Maintenance Plan as per General Discharge Permit GNEV 93001* (O&M Plan) was received by BFF on April 4, 2022. Following review of the O&M Plan, BFF sent comments in a June 17, 2022, letter.

BFF staff received an April 27, 2022, letter from the manager of the NNSA/NFO titled, *Signatory Delegation for Groundwater Discharge Permit GNEV93001*, delegating signature authority to two named MSTS employees.

BFF staff received an email notification on May 5, 2022, that the wastewater flow that had been diverted to the septic tank system while performing maintenance on the DAF pond staff gages had been diverted back to the DAF lagoons as of May 5, 2022. Notice that the septic tanks would be pumped dry and returned to inactive status the following week was also contained in the email. However, at the July 6, 2022, Quarterly Water Meeting, the septic tanks had not yet been emptied and returned to standby status.

Water Pollution Control Permit GNEV96021 – BFF staff received the *E-Tunnel Wastewater Discharge Permit Quarterly Monitoring Report* for First Quarter 2022 on April 26, 2022. BFF reviewed the report and sent a response letter to NNSA/NFO on April 29, 2022, acknowledging that the report was in compliance with the limits set forth in the permit.

Permit GNEV96021 expired on September 21, 2018. The permit is currently administratively continued. BFF submitted a courtesy copy of the draft renewed permit, along with questions on the submitted permit application, to NNSA/NFO and MSTS personnel via email on April 21, 2022. MSTS personnel submitted comments on the draft permit, along with answers to the application questions, electronically on June 20, 2022. A comment resolution meeting between BFF, MSTS, and NFO personnel is scheduled for July 13, 2022. BFF staff have developed a schedule, which will be shared with participants during the July 13,

2022, meeting, to meet a goal of the week of October 31, 2022, for issuance of the permit for a 30-day public review period.

Site Visits:

Water Pollution Control Permit GNEV93001 – On April 27, 2022, recently hired BFF staff participated in a site visit of five of the six sewage treatment ponds included in this Permit and received some instruction on what information is to be noted during inspections of these wastewater treatment pond systems.

Water Pollution Control Permit GNEV96021 – Recently hired BFF staff participated in a site visit to the E-Tunnel Ponds on April 27, 2022, as an introduction to the location associated with this permit. Due to sampling activities being conducted at the E-Tunnel discharge location, BFF's site visit was limited to viewing only the discharge ponds.

Spills

On May 11, 2022, the NDEP spill hotline was notified by MSTs personnel of an Aqueous Film-Forming Foam (AFFF) release of one (1) quart onto the pavement at Fire Station #1 at the NNSS. On that same date, the BFF received an email from MSTs personnel that the "AFFF release" was reported in accordance with recently enacted NRS 459 requirements. BFF staff collaborated with staff from NDEP's Bureaus of Safe Drinking Water (BSDW) and Corrective Actions (BCA) regarding a proper response given the substance and quantity. Based on precedence of BCA, BFF issued a letter to the NNSA/NFO on June 3, 2022, stating that at the time, given the location, quantity, clean-up and containment of the released material, DOE would not be required to conduct further assessment at the spill site. However, it was also stated that NDEP/BFF may reevaluate the decision if information becomes available that demonstrates a potential detrimental impact on human health or the environment. As more information becomes available and/or additional requirements are enacted in regard to the larger PFAS topic, the on-going dialogues between the Nevada Field Office and the State of Nevada will include this subject as necessary.

Meetings

Due to scheduling conflicts at the end of the quarter, the quarterly meeting was held early the following quarter on July 6, 2022.

2. Ground Water Monitoring

BFF staff reviewed the *2021 Data Report: Groundwater Monitoring Program Area 5 Radioactive Waste Management Site*, received on March 24, 2022. The Report satisfied the requirements set forth in both 40 CFR 164.98 and the RCRA Permit NEV HW0101. A response letter was sent to NNSA/NFO on May 18, 2022, acknowledging the information and data included in the report. Additionally, NDEP proposed a meeting be scheduled to discuss the groundwater monitoring program, investigation limits and other topics of interest given that the NNSS RCRA Permit is currently undergoing renewal. A meeting was held on June 16, 2022. NDEP followed up with a June 30, 2022, letter summarizing the topics discussed during the meeting and proposing a path forward to address and resolve topics and issues that arise during the permit renewal process.

3. Air Quality Monitoring

There was no activity in this category during this quarter.

4. Low Level and Mixed Low-Level Waste Oversight

Conference Calls:

Staff participated in weekly Waste Acceptance Review Panel (WARP) meeting via teleconference during April, May and June of 2022. Review panel members discussed waste profile comments and waste-specific compliance issues for generator-submitted low-level radioactive (LLW) and mixed low-level radioactive (MLLW) waste profiles, along with Pre-Treatment Notifications, as they pertain to Nevada National Security Site Waste Acceptance Criteria (NSSWAC), Rev. 16-00, which became effective in February 2017. As applicable, BFF staff reviewed and provided comments on LLW and MLLW profiles (for compliance with NNSSWAC, Rev. 16-00) and reviewed all comment responses submitted by the currently approved LLW and MLLW generators. BFF staff also continue to hold internal meetings to discuss comments before submission to WARP as a training tool for new staff members.

The revised NNSSWAC, DOE/NV--325-22-00 was issued and effective on March 22, 2022. Implementation of the revised NNSSWAC by all the approved DOE generators who send waste to the NNSS is expected within 210 calendar days (October 18, 2022). At that time, BFF staff will review and provide comments on LLW and MLLW profiles for compliance with NNSSWAC, DOE/NV--325-22-00.

Staff participated in a virtual meeting with staff from the NNSA HQ, NNSA/NFO, EM NP, and their contractor, Navarro, on June 14, 2022, to discuss the latest update to NNSA's Off-Site Recovery Project (OSRP) Five-Year Plan for sealed sources disposed of at the NNSS. Comments on the 2021 Plan from NDEP had been submitted to OSRP earlier in the year. Navarro personnel followed up with additional comments this quarter once they had reviewed the Plan. NDEP and Navarro are currently awaiting responses from NNSA.

Documents Reviewed:

BFF staff reviewed the following documents during this quarter:

Pantex Plant/Consolidated Nuclear Security, LLC Pantex (CNS Pantex) WCP Surveillance Report, A-1532, received on April 4, 2022.

Idaho Environmental Coalition, LLC (IEC)/Idaho Cleanup Project (ICP) Observation of Waste Profile INEL21MP8632Q Surveillance Report A-2894, received on April 5, 2022.

National Technology & Engineering Solutions of Sandia, LLC (NL Waste Certification Program (WCP), Surveillance Report, A-2895, received on April 18, 2022.

Radioactive Waste Acceptance Program (RWAP) Review of Lead Shielding Evaluation LS-22-005-INEL for Idaho Cleanup Project (ICP) Shipment INL22007, 26 Packages, Lot-11 Shielded Daughter Drums Under Waste Profile INEL21MP8632Q, R00, received on April 25, 2022.

Lawrence Livermore National Laboratory (LLNL) Waste Certification Program (WCP) Surveillance Report, A-1530, received on May 9, 2022.

Paducah Gaseous Diffusion Plant (PGDP)/Four Rivers Nuclear Partnership (FRNP) Waste Certification Program (WCP) Surveillance Report, A-1531, received on May 25, 2022.

Closure of Finding I-3305 for Mission Support and Test Services, LLC (MSTS), received on May 12, 2022.

Environmental Management (EM) Nevada Program Radioactive Waste Acceptance Program (RWAP) Finding I-3348 Issuance to URS/CH2M Oak Ridge, LLC (UCOR), received on May 18, 2022.

Radioactive Waste Acceptance Program (RWAP) Review of Lead Shielding Evaluation LS-22-006-INEL for Idaho Cleanup Project (ICP) Shipment INL22008, 27 PACKAGES, Under Waste Profile INEL21MP8632Q, R00, received on May 23, 2022.

Radioactive Waste Acceptance Program (RWAP) Surveillance of Mid-America Conversion Services, LLC (MCS) Depleted Uranium Hexafluoride Conversion Project (DUF6) – Portsmouth Waste Certification Program (WCP), Surveillance No. A-1540, received on May 25, 2022.

Los Alamos National Laboratory/Triad National Security, LLC (LANL) Waste Certification Program (WCP) Surveillance Report, A-1533, received on May 26, 2022.

Nuclear Fuel Services (NFS) Waste Certification Program (WCP) Surveillance Report A-1536, received on June 23, 2022.

Idaho National Laboratory (INL)/Battelle Energy Alliance, LLC (BEA) Waste Certification Program (WCP), Surveillance Report, A-2903, received on June 9, 2022.

Profiles Reviewed:

Staff reviewed a total of ten waste profiles this quarter. Of those ten profiles, two were for MLLW and/or hazardous non-radiological requiring disposal in the NDEP-permitted RCRA landfill; one was non-radiological non-hazardous requiring disposal in the NDEP-permitted Solid Waste landfill and seven were strictly for LLW requiring disposal in DOE Order 435.1 LLW landfills.

Meetings:

TPH and Classified Matter – BFF staff participated in a meeting with NNSA/NFO and MSTS staff to discuss permitted TPH limits in waste, along with the topic of classified waste vs. classified matter, on April 13, 2022. The TPH topic was also discussed in an April 20, 2022, meeting.

Waste Generator Workshop – BFF staff attended EM NP's Waste Generator Workshop on May 3-5, 2022. BFF participated with a slide presentation detailing NDEP's role in the radioactive waste acceptance program (RWAP). Additional topics included presentations from RWAP members and various generators within the DOE complex that affect operations at the NNSS, including the revised NNSSWAC, the Y-12 Settlement Agreement and Per-(Poly)Fluoro-alkyl Substances (PFAS).

DRTK000000013, TVA Baseplates – On June 13, 2022, BFF and DOE Nevada staff discussed NDEP's concerns of potential disposal of waste at the NNSS with radionuclides at greater than Class C concentrations by Nuclear Regulatory Commission regulations. A follow-up meeting with DOE Nevada, DOE Headquarters and NDEP staff is scheduled for July 11, 2022.

Active Profiles:

There are currently 239 active profiles, comprised of 60 MLLW profiles, 25 LLW/Solid Waste profiles and 154 LLW profiles.

Suspended Profiles:

There are currently three active profiles under suspension pending completion of corrective actions at the generator sites.

Waste Profile Analysis:

NDEP personnel continued to update and develop tools to analyze radiological data, regulatory status, and waste profile lifecycle. These tools are being utilized in the development of a waste planning document and assessing the overall waste being disposed at the NNSS.

Site Visits/Radioactive Waste Generator Facility Evaluations:

Surveillances – BFF staff participated in in-person surveillances at Los Alamos National Laboratory, Los Alamos, NM; Lawrence Livermore National Laboratory, Livermore, CA; and, Nuclear Fuel Services, Erwin, TN.

Audits – BFF staff participated in an audit at Oak Ridge National Laboratory, Oak Ridge, TN. While on-site, staff were provided tours of the High Flux Isotope Reactor and the Spallation Neutron Source Accelerator to better understand the wastestreams generated from these devices. BFF staff also participated in audit at the TRU Waste Processing Center, Oak Ridge, TN.

Waste Generating Facility Visits – Los Alamos National Lab (LANL) – BFF personnel visited the waste generator at LANL, Triad Security, LLC (Triad), on April 19, 2022. BFF personnel had recently reviewed a profile submitted by Triad and requested a visit to better understand the waste generating and characterization processes prior to approval of the profile. BFF personnel, along with staff from the EM NP and their contractor, visited the facility and discussed in detail the characterization process. BFF personnel were also able to observe the waste generating process at the facility and ask questions regarding the process. All of BFF's comments and questions were resolved during this site visit.

Waste Generators Violation Statuses:

Y-12 National Security Complex – BFF and NDEP personnel continued to work on a waste issue originating at the Y-12 National Security Complex (Y-12), located in Oak Ridge. The NDEP was informed of a potential violation of RCRA Permit NEV HW0101 on July 3, 2019. Specific details of events that occurred between July 3, 2019, and June 30, 2022, are provided in the eleven previous quarterly reports. A Settlement Agreement and Administrative Order on Consent (SA) was signed by the NDEP,

NNSA/NFO and the EM NP on June 22, 2021, thereby initiating the implementation of 43 separate waste management improvements throughout the DOE complex. An updated status on deliverables required by the SA was provided to the bureau on June 29, 2022, in preparation for a meeting on July 6, 2022.

5. Waste Management

Documents Reviewed/Letters Issued:

BFF staff received the Updated Application for Renewal of Resource Conservation and Recovery Act (RCRA) Permit NEV HW0101, U.S. Environmental Protection Agency (EPA) ID Number NV3890090001, on January 18, 2022. BFF issued a response with comments and questions to NNSA/NFO on April 12, 2022.

BFF staff reviewed the *NNSS Area 5 Asbestos Waste Disposal Report for First Quarter of Calendar Year (CY) 2022 for Permit NEV HW0101* received on April 7, 2022. BFF issued a response to NNSA/NFO on April 12, 2022, acknowledging that NNSA/NFO satisfied the permit and regulatory requirement.

BFF staff reviewed the *NNSS Area 5 Asbestos Waste Disposal Report for First Quarter of Calendar Year (CY) 2022 for Permit SW532* received on April 7, 2022. BFF issued a response to NNSA/NFO on April 12, 2022, acknowledging that NNSA/NFO satisfied the permit and regulatory requirement.

BFF staff reviewed the *National Nuclear Security Administration/Nevada Field Office (NNSA/NFO) Responses to "2021 Annual Inspection Report and Permit Compliance Determination of the RCRA Permitted Units at the Nevada National Security Site"* received on April 7, 2022. Following review, BFF issued a response on April 29, 2022, accepting the responses provided.

BFF staff received and reviewed the *NNSS Quarterly Hazardous Waste Volume Report and Fee: First Quarter Calendar Year 2022*, on April 11, 2022, and forwarded it to BFF fiscal staff for proper disbursement.

BFF staff reviewed the *Request for Disposal of a North Las Vegas Facility Bullard 64" Vertical Lathe at the NNS U10C Landfill*, received on April 12, 2022. Following review, BFF sent a letter on April 14, 2022, granting approval for disposal at the U10C landfill.

BFF staff received the *Additional Groundwater Sample Results at the Area 5 Radioactive Waste Management Complex, NNS*, on April 18, 2022. Following review, BFF issued a response to NNSA/NFO on April 29, 2022, acknowledging that NNSA/NFO satisfied the permit and regulatory requirement.

BFF staff reviewed the *Resumption of Real-Time Radiography Operations at the Area 5 Radioactive Waste Management Complex*, received on April 20, 2022. BFF issued a response to NNSA/NFO on April 29, 2022, acknowledging the resumption of Real-Time Radiography.

BFF staff reviewed the *U.S. Department of Energy, National Nuclear Security Administration Nevada Field Office (NNSA/NFO) Responses to Comments on the Annual Summary/Waste Minimization Report*,

Calendar Year 2021, Resource Conservation and Recovery Act (RCRA) Permit Number NV HW0101, received on April 26, 2022. BFF issued a response on April 29, 2022, accepting the responses provided.

BFF staff reviewed the *Recertification for Conditional Exclusion for Chromium Dated May 8, 2019*, received on May 9, 2022. BFF issued a response to Nuclear Fuel Services on June 7, 2022, granting the recertification for one year.

BFF staff reviewed the *Post-Closure Report for Closed Resource Conservation and Recovery Act Corrective Action Units, Nevada National Security Site, Nevada for Calendar Year 2021, Revision 0, May 2022*, received on May 9, 2022. The BFF provided comments to Environmental Management Nevada Program (EM NP) in a letter dated June 10, 2022.

BFF personnel received the *NNSS Contract DE-NA0003624, Application for Modification of Area 9 Solid Waste Disposal Site (SWDS), Permit Number SW 13 097 03* on May 16, 2022. BFF issued a response with comments and questions to NNSA/NFO on June 13, 2022.

BFF staff received the *Alert: Addressing Per-and Polyfluoroalkyl Substances at The Department of Energy*, on May 24, 2022, from the EM NP office.

NDEP reviewed *U.S. Department of Energy, National Nuclear Security Administration Nevada Field Office (NNSA/NFO) Response to Nevada Division of Environmental Protection (NDEP) Compliance Evaluation Inspection (CEI) of the Resource Conservation and Recovery Act (RCRA) Permitted Units – Recommendations*, received on June 1, 2022. BFF issued a response on June 23, 2022, acknowledging the responses provided for the Recommendations.

Profiles Reviewed:

Staff reviewed a total of ten waste profiles this quarter. Of those ten profiles, two were for MLLW and/or hazardous non-radiological requiring disposal in the NDEP-permitted RCRA landfill, one was non-radiological non-hazardous requiring disposal in the NDEP-permitted Solid Waste landfill and seven were strictly for LLW requiring disposal in DOE Order 435.1 LLW landfills.

Conference Calls/Meetings:

Permit NEV HW0101 – Following internal BFF meetings, an in-person meeting was held with MSTs, NNSA/NFO, and BFF personnel on June 16, 2022, to discuss proposed comment responses to the RCRA Permit Application.

BFF staff participated in a meeting with NNSA/NFO and MSTs on June 16, 2022, to discuss several topics including groundwater monitoring, neutron logging and RCRA CAUs as described in Section 2.0, above.

Waste Planning and Forecasting – BFF personnel continue development of a waste planning and forecasting document outline to be discussed with the EM NP. No meetings were held this quarter due to scheduling conflicts and resources. It is anticipated that BFF personnel and EM NP will meet in the Fall to further discuss the outline and begin gathering data for the document.

Permits SW13 097 02 and SW13 097 03 - A Webex meeting with MSTs and BFF personnel was held on April 13, 2022, to discuss acceptance of TPH contaminated soil, followed by internal BFF meetings/discussions.

NEPA Reviews:

Final Versatile Test Reactor Environmental Impact Statement (DOE/EIS-0542) May 2022 – BFF staff reviewed the *Final Versatile Test Reactor Environmental Impact Statement*. The NDEP submitted six (6) comments during the public commenting period which were addressed in the final impact statement. The NNSS and commercial disposal facilities remain the primary pathway for up to 31,077 ft³ (880 m³) of low-level radioactive waste generated per year from the operation of the Versatile Test Reactor, Feedstock Preparation, and Fuel Fabrication. Additionally, NDEP's request for the evaluation of waste disposal at the Hanford site as an alternative to the NNSS is currently pending.

Site Visits and Inspections:

Post-Closure Inspections of Closed RCRA CAUs – BFF personnel visited the closed RCRA CAUs at the NNSS on June 30, 2022, to observe the results of a full second calendar year quarter inspection of these CAUs by Navarro personnel on June 15, 2022. The CAUs that were visited were CAU 91, CAU 92, CAU 110, and CAU 577.

6. Major Program Proposals

There was no activity in this category during this quarter.

7. Historic Preservation

Funding has been provided to the SHPO for historic reviews at DOE and/or the NNSS during the year.

8. Environmental Monitoring Program and Report

There was no activity in this category during this quarter.

9. Sampling

No sampling activities were conducted by the Bureau during this quarter.

10. Safe Drinking Water

Document Reviews and Site Inspections

Site inspection – BFF staff participated in a site visit of the NNSS drinking systems located on the NNSS on April 27 and May 18, 2022. Locations for PWS NV0004099 were visited on April 27 and locations for PSWs NV0000360 and NV00004098 were visited on May 18, 2022.

BFF was copied on the following BSDW reports submitted by NNSA/NFO contractors. BFF reviewed the reports referenced below and had no comments.

- a) April 2022 Coliform Results PWS NV0000360, PWS NV0004098, Water Truck 84846 & 84847
- b) April 2022 Water Hauling Plan: Water Hauling Trucks 84846 and 84847
- c) May 2022 Coliform Results PWS NV0000360, PWS NV NV0004098, and Water Truck 84846 & 84847
- d) May 2022 Water Hauling Plan: Water Hauling Trucks 84846 and 84847
- e) June 2022 Coliform Results PWS NV0000360, PWS NV0004098, PWS NV0004099, and Water Truck 84847
- f) June 2022 NNSS Water Hauling Plan: Water Hauling Truck 84847
- g) PWSNV0000360 Second Quarter 2022 Disinfectant Residual

Meetings:

Due to scheduling conflicts at the end of the quarter, the quarterly meeting was held early the following quarter on July 6, 2022. It was stated during this meeting that while there were no main breaks during the previous quarter, there was a service line break in Mercury with in a line that will feed a new building. The break had been repaired prior to the April 6, 2022, meeting.

It was also stated during the July 6 meeting that on June 30, 2022, there was a problem with the Well 4A pump and motor, which is part of PWS NV0000360. The Well 4A location went out of service the previous week because of low voltage. The site had power, but the pump was not engaging. A new pump and motor had been ordered to replace it. It was planned to remove the pump early next quarter. The reason for the outage will be investigated, but reduced water use requests had been issued for the U1a construction project and in other areas of the NNSS.

Spills/Line Breaks

See above.

Fiscal Analysis:

Estimate of personnel resources used (FTE or hours)

The bureau of Federal Facilities is made up of a Bureau Chief, one supervisor, one subject matter expert, three technical staff and an administrative assistant. The AIP grant funds activities for each of these individuals. For the quarter, that represents approximately 4.0 FTEs based on a review of grant related activities.

Total expenditures for each task area

A total of approximately \$168,466 was spent during this quarter for AIP work. This is the most current figure available at this time and includes personnel, operating, information services, DOE oversight and purchasing costs.

Comparison of estimate to budgeted expenses:

Expenses this quarter were within the legislatively approved spending limits.

Miscellaneous:

The chief participated in monthly NDEP Attorney General staff meetings, bi-weekly Division-Wide Chief's Staff Meetings and bi-weekly meetings with the Administrator either in person or via conference calls in April, May and June 2022.

During this quarter, the bureau chief attended/participated virtually in: (1) one NSSAB Intergovernmental Meetings and one full NNSAB meetings; (2) the annual Spring Meetings, numerous calls, Zoom Meetings and/or webinars as a member of the NGA's Federal Facilities Task Force (FFTF), the State, Tribal, Government Working Group (STGWG), the Environmental Council of States (ECOS) and/or the Combined Intergovernmental Working Group (CIWG); (3) meetings the NDEP fiscal staff; (4) regular bureau staff meetings; (5) the Annual RadWaste Summit; and, (6) a "check-in" meeting with the NNSA/NFO Field Manager.

Staff Training:

Newly hired BFF personnel completed mandatory online trainings.

BFF personnel completed Web Editor Training to keep the NDEP website up to date with new documents.

BFF personnel completed the Risk Management Defensive Driving Course.

NNSS/MSTS Annual Security Briefing and Counterintelligence Briefing mandatory online trainings were completed.

NNSS virtual training courses to qualify for NNSS access were also completed.