

DATE: July 3, 2024
TO: Jennifer Carr, Administrator
FROM: Christine Andres, Chief, Bureau of Federal Facilities
SUBJECT: Quarterly Report: April 1, 2024 to June 30, 2024

FEDERAL FACILITY AGREEMENT AND CONSENT ORDER

(FFACO) QUARTERLY REPORT

Industrial Sites Activity

At the end of June 2024, 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, all of which continue to undergo active D&D work by the Department of Energy's Environmental Management Nevada Program (EM NV).

The Nevada Division of Environmental Protection Bureau of Federal Facilities' (NDEP or BFF) staff continued document reviews, Use-Restrictions reviews, and post-closure inspections for a number of closed Industrial Sites on the Nevada National Security Site (NNSS), as described below:

Document Reviews and Letters:

CAU 5 – Landfills – Following a site visit on December 7, 2023, BFF staff responded to a November 1, 2023, Draft *Notification of Unauthorized Activity in the Corrective Action Unit (CAU) 5, Landfills, Corrective Action Site (CAS) 23-15-03, Disposal Site, Use Restriction (UR)* with a comment letter, including follow-up questions, dated January 4, 2024. This letter also provided formal documentation for the site visit and meeting conducted on December 7, 2023. On January 24, 2024, BFF staff received a *Response to the Nevada Division of Environmental Protection (NDEP) Regarding Unauthorized Activity in the Corrective Action Unit (CAU) 5, Landfills, Corrective Action Site (CAS) 23-15-03, Disposal Site, Use Restriction (UR)* (Response). On February 21, 2024, a meeting to discuss the Response was held between BFF staff and DOE personnel and their contractors. On March 6, 2024, BFF responded to the Response to document the meeting held on February 21, 2024, and provide BFF's requests regarding the unauthorized activity at CAU 5. The BFF was notified in May that a corrective action will be undertaken to address the unauthorized activity and requested coordination of a site visit once the corrective action is complete. Follow-up is in progress on this request as it was known the corrective action would take some time to fully implement.

CAUs 4000 and 5000 – On February 13, 2024, BFF staff provided comments on the preliminary draft *History Summaries of CAUs 4000 and 5000, Nevada National Security Site, Nevada, Revision 0, November 2023*. The BFF received notice on April 5, 2024, that NDEP's comments on the preliminary draft document were addressed and the comments were included as an appendix. The *History Summaries of CAUs 4000 and 5000, Nevada National Security Sites, Nevada, Revision No.:0, April 2024* has been posted to the FFACO

database for availability to all users.

Non-RCRA Post-Closure Inspection Report – On April 18, 2024, BFF received the *Draft Non-Resource Conservation and Recovery Act (RCRA) Corrective Action Unit (CAU) Post-Closure Inspection Report, Nevada National Security Site, for Calendar Year 2023, Revision 0, April 2024*. On May 14, 2024, BFF issued a response letter with comments. On May 30, 2024, BFF received the *Final Non-Resource Conservation and Recovery Act (RCRA) Corrective Action Unit (CAU) Post-Closure Inspection Report, Nevada National Security Site, for Calendar Year 2023, Revision 0, May 2024*. On June 3, 2024, BFF issued a letter accepting the above-referenced document.

CAU 114 – Area 25 Engine Maintenance, Assemble, and Disassembly (EMAD) Facility – On November 28, 2023, the NNSA/NFO and EM self-reported a potential noncompliance with waste management activities at EMAD. A follow-up meeting was held December 5, 2023, to obtain more information regarding the potential noncompliance. A follow-up email was sent to EM on December 13, 2023, requesting additional information and answers to questions that were not addressed during the December 5, 2023, meeting. An additional meeting was held on January 9, 2024, to discuss waste management issues. BFF issued a *Warning Letter Regarding Waste Management Activities Performed by the Environmental Management Nevada Program (EM NP), Tennant Organization to the National Nuclear Security Administration Nevada Field Office (NNSA/NFO), and their Environmental Program Services Contractor (EPS), Navarro Research and Engineering (Navarro), at the Nevada National Security Sites (NNSS)* to EM NP on February 1, 2024. A meeting to discuss the path forward for the corrective actions taking place was held on February 15, 2024. During this quarter, a number of discussions and email exchanges took place in order to make sure all parties understood expectations, paths forward, application of regulations, etc.

Meetings and Site Visit:

On April 2, 2024, BFF staff accompanied Navarro and EM NV personnel at the NNSS to conduct a site visit of CAU 572 Test Cell C Ancillary Building and Structures.

It was agreed to by BFF and DOE and their contractors to hold a meeting every 4-6 weeks to discuss the current demolition processes at CAU 114 EMAD and CAU 572 Test Cell C Ancillary Building and Structures. These meetings also present the opportunity to discuss any new or emerging topics regarding this FFACO work. During this quarter, meetings were held on April 25, 2024, and May 23, 2024. The May 23, 2024, meeting was held at the NNSS, at which time tours of both EMAD and Test Cell C were given to the BFF chief, supervisor, and staff.

On June 10, 2024, a teleconference was held with BFF, EM NV, and Navarro personnel to discuss the removal of the chiller unit from the roof of the EMAD building.

A monthly FFACO meeting is held between BFF and DOE to discuss any relevant topics. Meetings were held on April 11, May 14, and June 13, 2024.

Soils Activity Sites

At the end of December 2019, all Soil CASs, a total of 144, had been closed.

Underground Test Area (UGTA) Activity

There are five (5) UGTA CAUs, all of which are either in the Corrective Action Decision Document/ Corrective Action Plan (Model Evaluation for UGTA sites) 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 the CAUs in the following ways:

CAU 97, Yucca Flat and CAU 99, Ranier Mesa/Shoshone Mountain – On April 9, 2024, the BFF received the *Records of Technical Change (ROTCs) for Corrective Action Units (CAUs) 97 and 99 in Support of the Use Restriction (UR) Update Effort*. The NDEP acknowledged receipt of the ROTCs in a May 14, 2024, letter.

Quality Assurance Report – On February 5, 2024, BFF sent a comment letter for the *Underground Test Area (UGTA) Calendar Year (CY) 2022 Quality Assurance Report, Nevada National Security Site, Nevada, Revision 0, November 2023*. On February 13, 2024, BFF staff received comment responses. On February 20, 2024, a meeting was held between BFF staff and DOE personnel and their contractors to discuss BFF's comments. On March 6, 2024, BFF staff received the *Underground Test Area (UGTA) Calendar Year (CY) 2022 Quality Assurance Report, Nevada National Security Site, Nevada, Revision 1, March 2024*. On March 26, 2024, BFF staff responded with a follow-up comment letter. The DOE issued an Errata Sheet on April 1, 2024, to address BFF's comment and on April 3, 2024, BFF issued a letter stating the comment was satisfactorily addressed.

Annual Letter Reports for all Closed Groundwater Corrective Action Units – BFF staff received the *Final Calendar Year (CY) 2023 Post-Closure Monitoring Letter Report, Revision 0, March 2024* on March 28, 2024. BFF issued a response letter on April 11, 2024, with six comments. The BFF received the *Final Calendar Year (CY) 2023 Post-Closure Monitoring Letter Report, Revision 1, May 2024* on May 21, 2024. The NDEP responded on June 3, 2024, stating that the Final Letter Report was approved as all comments were satisfactorily addressed.

Meetings and Site Visit:

BFF staff participated in an in-person meeting held on June 20, 2024, with EM NV and Navarro personnel to discuss: (1) Pahute Mesa data needs for model evaluation, and (2) planned wells and future additional wells.

General FFACO Business:

Fiscal Year 2024 – 2026 Planned (FFACO) Milestones and Due Dates – On April 16, 2024, BFF received the *Fiscal Year (FY) 2024 – FY 2026 Planned Federal Facility Agreement and Consent Order (FFACO) Milestones and Due Dates*. BFF issued a response letter on April 25, 2024, establishing Milestone Deadlines for FY 2024 – FY 2026 for all FFACO sites, including the Off-Sites and TTR sites.

Annual FFACO Meeting – The BFF received the *Federal Facility Agreement and Consent Order (FFACO) February 2024 Final Annual Meeting Minutes and Action Items* on June 20, 2024.

FFACO Transition – As the active investigation/remediation work under the FFACO nears completion, the Department of Energy (DOE) and NDEP have 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 by the addition of Appendix VII to the FFACO. The Bureau Chief represents NDEP on this working group. On February 22, 2024, the *Final Agreement to Modify the Federal Facility Agreement and Consent Order (FFACO)* was emailed to all Signatory Agencies, and it currently remains in the process of being routed to each Agency for signature.

Informal UGTA Discussion Meetings – A practice was begun in the beginning of 2022 of holding an “informal” Teams meeting with EM NP, Navarro, DRI and BFF staff about every six weeks to discuss present and upcoming UGTA documents or activities or any other outstanding UGTA subjects. This quarter’s meeting was held on June 20, 2024.

Use Restrictions (URs) and General FFACO Work – Several quarters ago, a proposal was made by EM NP staff to hold monthly meetings to discuss the ongoing project of updating Use Restrictions in order to keep the process moving forward. Monthly meetings continued to be held this quarter and also included general FFACO exchange of information and documents.

On April 17, 2024, BFF staff received the *Draft Federal Facility Agreement and Consent Order (FFACO) Nevada National Security Site (NNSS) Use Restriction Management Plan (URMP), Revision 0, April 2024*. The BFF issued a response letter on June 3, 2024, stating there were no comments on the Draft (as there had been a previous review and comment on a Preliminary Draft). On June 11, 2024, BFF received the *Final Federal Facility Agreement and Consent Order (FFACO) Nevada National Security Site (NNSS) Use Restriction Management Plan (URMP), Revision 0, June 2024*. The BFF issued a response letter approving the final URMP on June 14, 2024.

Affirmation Forms – As the active investigation/remediation work under the FFACO nears completion, in addition to the FFACO Transition project, a Closure Affirmation Form project was undertaken by EM NV and Navarro to ensure that the documentation for the closure of each CAU identified in the FFACO, inclusive of its associated corrective action sites, is complete in accordance with FFACO standards. Each Closure Affirmation Form requires acceptance through signature by the Bureau Chief. Last quarter, a path forward to complete this project by the end of June 2025 was also put in place and a large number of forms were reviewed and accepted this quarter.

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

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.

CAU 443 – Central Nevada Test Area (CNTA) Subsurface - On April 18, 2024, BFF received the *Draft 2023 Postclosure Groundwater Monitoring and Inspection Report, Central Nevada Test Area, Subsurface Corrective Action Unit 443*. BFF sent a comment letter on May 29, 2024.

CAU 447 – Project Shoal – On May 7, 2024, BFF received notification of the *June 2024 Environmental Sampling at Corrective Action Unit 447, Shoal, Nevada Site*. On May 14, 2024, the BFF responded with a letter acknowledging the sampling plan and notifying LM personnel that BFF planned to attend the sampling event.

CAU 443 – Central Nevada Test Area (CNTA) and CAU 447 – Project Shoal – Last quarter, the BFF received the *2024 Inventory of Federal Hazardous Waste Activities at Formerly Owned or Operated Federal Facilities Reports for the Central Nevada Test Area and Project Shoal Sites*. Upon review of the *Inventory*, the BFF submitted several clarifying questions to LM. On April 10, 2024, LM issued a response to NDEP addressing the questions.

Tonopah Test Range – On April 9, 2024, BFF received the *Request for Deadline Extension and Title Change for Post-Closure Inspection Reports for the Tonopah Test Range and Nevada Test and Training Range*. On April 11, 2024, BFF staff issued a response letter to this request, granting it. On April 25, 2024, BFF staff requested to rescind the above referenced approval for deadline and title change request. This request was made to correct some discrepancies with wording. An updated letter approving the request was issued on the same day.

On 4/25/2024, BFF received the *Draft Post-Closure Inspection Report for the Tonopah Test Range and Nevada Test and Training Range, Nevada, Sites for Calendar Year 2023*. On May 29, 2024, BFF issued a response letter with comments.

Site Visits/Inspections:

On April 23, 2024, the NDEP Administrator, bureau chief, supervisor, and staff attended the annual post-closure inspection at the Tonopah Test Range and Nevada Test and Training Range.

On June 5, 2024, the bureau chief, supervisor, and staff attended the groundwater sampling event at the Project Shoal Area.

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 Deputy Administrator either in person or via virtual meetings in April, May, and June 2024.

During this quarter, the bureau chief attended or participated virtually in: (1) numerous calls, 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) Planning Committee; (2) one ECOS FFA Managers meeting with BFF staff; (3) one Nevada Site-Specific Advisory Board meeting; (4) one general NDEP Budget Build meeting and one specific to the BFF with staff; (5) regular bureau staff meetings and meetings with individual staff; (6) one virtual meeting with the Deputy Administrator and BFF staff and the U.S. Government Accountability Office who had questions regarding the NNSS; (7) the quarterly Low-Level Waste Stakeholders meeting in Las Vegas; (8) a NDEP document management planning meeting; (9) the Annual FFTF Spring Meeting with the Administrator and BFF supervisor; and (10) a STGWG Pre-Meeting Orientation, followed by the Annual STGWG Spring Meeting, with a BFF staff member.

Tribal Interaction – On April 2, 2024, the Bureau Chief participated in the National Nuclear Security Administration/Nevada Field Office's Annual Tribal Update Meeting with tribes who have cultural ties to

the NNSS. Additionally, during several virtual meetings this quarter with the State, Tribal, Government Working Group, 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:

BFF staff completed the following:

- New Hire Orientation on May 28, 2024
- DCNR Computer Resource Policy
- 2024 Kevin Mitnick Security Awareness Training
- DOE Order 435.1 Radioactive Waste Management Overview Webinar

The BFF Supervisor attended:

- Nevada Certified Public Manager Classes on May 7 – 8, 2024

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 Nevada National Security Site Sewage Ponds, Water Pollution Control Permit GNEV93001, January 1, 2024, through March 31, 2024*, on April 15, 2024. BFF staff reviewed the report and sent a comment letter to the National Nuclear Security Administration/Nevada Field Office (NNSA/NFO) on April 25, 2024, acknowledging the limits set forth in the permit had been met for the quarter. BFF staff received a comment response letter *Response to the Nevada Division of Environmental Protection (NDEP) Comment Regarding the Discharge Monitoring Report for Nevada National Security Site Sewage Pond, Water Pollution Control Permit GNEV93001, January 1, 2024, Through March 31, 2024*, on May 7, 2024. A response letter was sent to NNSA/NFO on May 15, 2024, stating that all comments had been satisfactorily addressed.

Notification of the *2024 Annual Compliance Evaluation Inspection for WPC Permit GNEV 93001 at the Nevada National Security Site by the Nevada Division of Environmental Protection* was sent to NNSA/NFO on May 22, 2024. The annual inspection was performed on June 18, 2024. The inspection report will be issued next quarter.

Water Pollution Control Permit GNEV96021 – BFF staff received the *E-Tunnel Waste- water Discharge Permit Quarterly Monitoring Report for First Quarter 2024 for Permit NEV96021* on April 25, 2024. BFF reviewed the report and sent a comment letter to NNSA/NFO on May 15, 2024, acknowledging that the report was in compliance with the limits set forth in the permit. BFF staff received *Revision 1 of the E-Tunnel Wastewater Discharge Permit Quarterly Monitoring Report for First Quarter 2024 for Permit NEV96021*, on June 5, 2024. A response letter was sent to NNSA/NFO on June 11, 2024, requesting a meeting to discuss the calculations in the Quarterly Monitoring Report.

Notification of the *2024 Annual Compliance Evaluation Inspection for WPC Permit NEV 96021 at the Nevada National Security Site by the Nevada Division of Environmental Protection* was sent to NNSA/NFO on May 22, 2024. The annual inspection was performed on June 18, 2024. The inspection report will be issued next quarter.

Spill Report Number 231121-01 – BFF staff received Spill Report Number 231121-01 on November 21, 2023. The *Nevada Division of Environmental Protection Spill Report #231121-01* letter was sent to NNSA/NFO on December 4, 2023, requesting additional information about the spill. BFF staff received the *Nevada Division of Environmental Protection Spill Number 231121-01 Report* on January 2, 2024. On January 10, 2024, a comment letter was sent to NNSA/NFO requesting updates and analytical information when it becomes available. BFF staff received the *Response to the Nevada Division of Environmental Protection Request Regarding Spill Number 231121-01 Report, Final Report*, on May 7, 2024. After review, BFF staff had clarifying questions that were discussed with MSTs staff over a phone call. The decision was made to rescind the final report and resubmit the report with additional clarifying information. The rescinding letter for the above referenced final report was received by BFF staff on May 21, 2024.

Spill Report Number 240220-01 – BFF staff received Spill Report number 240220-01 on February 21, 2024. The *Nevada Division of Environmental Protection Spill Report #240220-01* letter was sent to

NNSA/NFO on February 26, 2024, requesting additional information about the spill. BFF staff received the *Nevada Division of Environmental Protection Spill Report Number 240220-01 Final Report* on March 21, 2024. A response letter was sent to NNSA/NFO on April 1, 2024, stating that all comments had been satisfactorily addressed and no further remedial action at the spill site is required at this time.

Meetings and Site Visits:

The quarterly water meeting was held on May 1, 2024.

2. Ground Water Monitoring

There was no activity in this category during this quarter.

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) meetings via teleconference during April, May, and June 2024. 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), DOE/NV--325-22-00, which became effective a February 29, 2024. As applicable, BFF staff reviewed and provided comments on LLW, MLLW, classified non-radiological non-hazardous, and classified radiological hazardous waste profiles and reviewed all comment responses submitted by the currently approved waste generators.

Documents Reviewed/Letters Issued:

TRU Waste Processing Center (TWPC) Waste Certification Program (WCP) Surveillance Report, SRV-24-007-FWOR, received on April 17, 2024.

Reinstatement And Approval of the Suspended Profiles for West Valley Demonstration Project (WVDP), received on April 17, 2024

Y-12 National Security Complex (Y-12) Waste Certification Program (WCP) Audit Report, ADT-24-008-BWXT, received on May 2, 2024.

Paducah Gaseous Diffusion Plant (PGDP) Waste Certification Program (WCP) Assist Report, SRV-24-042-PGDP, received on May 15, 2024.

Idaho National Laboratory - Battelle Energy Alliance (INL-BEA) Waste Certification Program (WCP) Surveillance Report, SRV-24-010-NEID, received on May 21, 2024.

Closure of Finding FP2-24-001-DUF6 for Depleted Uranium Hexafluoride Conversion Project (DUF6-PORTSMOUTH), received on May 29, 2024.

Oak Ridge National Laboratory (ORNL) Waste Certification Program (WCP) Surveillance Report, SRV-24-009-ORNL, received on May 29, 2024.

Portsmouth Gaseous Diffusion Plant (PORTS) Waste Certification Program (WCP) Surveillance Report, SRV-24-014-PORT, received on June 17, 2024.

Closure of Finding FP2-24-004-BCLA for Lawrence Livermore National Laboratory (LLNL), received on June 17, 2024.

Profiles Reviewed:

BFF staff reviewed a total of nine (9) waste profiles and one (1) pre-treatment notification this quarter. Five (5) profiles were strictly for LLW requiring disposal in Department of Energy (DOE) Order 435.1 LLW landfills. Four (4) profiles were strictly MLLW requiring disposal in the NDEP permitted RCRA cell.

Meetings:

Bureau staff and a NDEP Deputy Administrator participated in a meeting with the U.S. Government Accountability Office on April 3, 2024.

BFF staff participated in DOE's quarterly LLW Stakeholder's Meeting on May 15, in Las Vegas, NV.

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 assessing the overall waste being disposed at the NNSS.

Low-Level and Mixed-Low Waste Training:

BFF personnel continue to develop and enhance training tools to assist new personnel in analyzing waste profiles for radiological data, regulatory status, and Nevada priorities.

Waste Generator Suspensions:

There is currently one (1) waste generator suspension.

Active Profiles:

There are currently 192 active profiles, comprised of 44 Mixed LLW/Hazardous non-rad profiles, 25 LLW/Non-Rad Solid Waste profiles and 123 LLW profiles.

Suspended Profiles:

There are currently seventeen (17) profiles under suspension.

Site Visits/Radioactive Waste Generator Facility Evaluations:

The Radioactive Waste Acceptance Program (RWAP) conducted five (5) surveillances, one (1) audit, and

one (1) split sampling event this quarter. NDEP participated in four (4) surveillances, and one (1) audit this quarter as described in the sections below

Surveillances:

Idaho National Laboratory - Battelle Energy Alliance (INL - BEA), Idaho Falls, ID - During the week of April 9, 2024, BFF personnel, along with staff from the EM NP contractor, participated in the surveillance of this waste generator. The surveillance was scheduled for DOE to verify programmatic and performance-based compliance to the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists specific to the elements being evaluated by conducting interviews, reviewing procedures and conducting field inspections. NDEP personnel were provided access to interviews, procedures and field inspections when requested. No findings and one (1) observation were issued by EM NP as a result of the surveillance.

UT Battelle, LLC - Oak Ridge National Laboratory (ORNL), Oak Ridge, TN - During the week of April 23, 2024, BFF personnel, along with staff from the EM NP contractor, participated in the surveillance of this waste generator. The surveillance was scheduled for DOE to verify programmatic and performance-based compliance to the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists specific to the elements being evaluated by conducting interviews, reviewing procedures and conducting field inspections. NDEP personnel were provided access to interviews, procedures and field inspections when requested. No findings observations were issued by EM NP as a result of the surveillance.

Nuclear Fuel Services, Inc. (NFS), Erwin, TN - During the week of June 4, 2024, BFF personnel, along with staff from the EM NP contractor, participated in the surveillance of this waste generator. The surveillance was scheduled for DOE to verify programmatic and performance-based compliance to the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists specific to the elements being evaluated by conducting interviews, reviewing procedures and conducting field inspections. NDEP personnel were provided access to interviews, procedures and field inspections when requested. One (1) Priority 2 finding, and one (1) observation were issued by EM NP as a result of the surveillance.

Idaho National Laboratory - Idaho Environmental Coalition (IEC), Idaho Falls, ID - During the week of June 24, 2024, BFF personnel, along with staff from the EM NP contractor, participated in the surveillance of this waste generator. The surveillance was scheduled for DOE to verify programmatic and performance-based compliance to the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists specific to the elements being evaluated by conducting interviews, reviewing procedures and conducting field inspections. NDEP personnel were provided access to interviews, procedures and field inspections when requested. No findings observations were issued by EM NP as a result of the surveillance.

Audits:

Consolidated Nuclear Security, LLC (CNS), Oak Ridge, TN - During the week of April 2, 2024, BFF personnel, along with staff from the EM NP contractor, participated in the surveillance of this waste generator. The surveillance was scheduled for DOE to verify programmatic and performance-based compliance to the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists specific to the elements being evaluated by conducting interviews, reviewing procedures and conducting field inspections. NDEP personnel were provided access to interviews, procedures and field inspections when requested. Two (2) Priority 2 findings and three (3) observations were issued by EM NP as a result of the audit.

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. Please see previous quarterly reports for a history of events. 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. On June 13, 2024, the BFF issued a response letter for the *Nevada National Security Site (NNSS) Radioactive Waste Acceptance Program (RWAP) Annual Report Specified in the June 22, 2021, Settlement Agreement Action 23*. This was the last item required by the SA. As such, the NNSA/NFO sent a *Notice of Completion of Work of Settlement Agreement and Administrative Order on Consent Between the State of Nevada and the U.S. Department of Energy (DOE) for Resolution of the Alleged Violation and Order, Dated June 15, 2020*, to the BFF on June 26, 2024. The BFF issued a *State of Nevada Finding of Alleged Violation Settlement Agreement and Administrative Order on Consent* letter on June 27, 2024, closing out the SA. As such, this will be the last quarterly report in which this topic is addressed.

5. Waste Management

Documents Reviewed/Letters Issued:

BFF staff reviewed the following documents and/or issued the following letters or reports during this quarter:

A request letter, *North Las Vegas Hazardous Waste Movement from Satellite Accumulation Area (SAA) NLV035 to Alternative Location Outside of Building A-1*, was received March 6, 2024. BFF issued a response on April 1, 2024.

BFF issued a *Warning Letter Regarding Waste Management Activities Performed by the Environmental Management Nevada Program (EM NP), Tennant Organization to the National Nuclear Security Administration Nevada Field Office (NNSA/NFO), and their Environmental Program Services Contractor (EPS), Navarro Research and Engineering (Navarro), at the Nevada National Security Sites (NNSS)*, on February 1, 2024. NDEP BFF received a response from EM NV on April 1, 2024, and issued an acknowledgement letter on April 29, 2024.

The *Transmittal of 2024 Soil Characterization Report for the Area 11 Explosives Management Unit, April 2024*, was received April 1, 2024. BFF issued a response on April 29, 2024.

The *Nevada National Security Site (NNSS) Area 5 Asbestos Waste Disposal Report for First Quarter of Calendar Year (CY) 2024 for Permit HW0101*, was received on April 9, 2024. BFF issued a response on April 25, 2024.

The *Nevada National Security Site (NNSS) Area 5 Asbestos Waste Disposal Report for First Quarter of Calendar Year (CY) 2024 for Permit SW532*, was received on April 9, 2024. BFF issued a response on April 25, 2024.

A *Request for Concurrence with Disposal of North Las Vegas (NLV) Industrial Solid Waste in the Nevada National Security Site (NNSS) Area 9 Solid Waste Disposal Site (SWDS) - Permit Number SW 13 097 03*, was received on April 10, 2024. BFF issued a response on May 14, 2024.

The *NNSS Quarterly Hazardous Waste Volume Report and Fee: Fourth Quarter Calendar Year 2022*, on April 11, 2024. It was forwarded to BFF fiscal staff for proper disbursement.

A *Clarification Request for the Establishment of Central SAAs at the Nevada National Security Site (NNSS), EPA ID NV3890090001, and the North Las Vegas (NLV) Facility, EPA ID NVD097868731*, was received April 15, 2024. BFF issued a response May 14, 2024.

A Nevada National Security Site (NNSS) Area 23 SW 13 097 04 Revision 7, Friable and Non-Friable Asbestos Summary Report, First Quarter 2024, was received on April 25, 2024. BFF issued a response on May 14, 2024.

A Nevada National Security Site (NNSS) Area 9 Solid Waste Disposal Site (SWDS) Permit SW 13 097 03 Revision 13, Friable and Non-Friable Asbestos Report, First Quarter 2024, was received on April 30, 2024. BFF issued a response on May 14, 2024.

A *Response to the Nevada Division of Environmental Protection (NDEP) Comments on 2024 Soil Characterization Report for the Area 11 Explosives Management Unit (DOE/NV/036241921)*, was received on May 21, 2024. BFF issued a response on June 3, 2024.

BFF staff issued separate *Nevada National Security Site (NNSS) Path Forward for Request to Transport Asbestos Waste (NAC 444.972)*, letters to the EM NV and NNSA/NFO on May 22, 2024.

BFF staff issued a *Nevada National Security Site (NNSS) Path Forward for Record of Asbestos Waste Transportation (NAC 444.972)*, to NNSA/NFO on May 22, 2024.

A *Submittal of the Environmental Monitoring and Post-Closure Report for Permitted Sites on the Nevada National Security Site for Calendar Year 2023 (DOE/NV/03624--1969)*, was received on May 29, 2024. BFF will issue a response in the next quarter.

On June 12, 2024, NDEP submitted two comments to the EPA on the *Proposed Standards for the Open Burning/Open Detonation of Waste Explosives*.

A *Revision to the “2020 Soil Characterization Report for the Area 11 Explosive Ordnance Disposal Unit”*, was received on June 18, 2024.

Permit SW532 Modification:

On January 18, 2022, the NDEP’s BFF received the *Modification Request for Class III Solid Waste Disposal Site Permit SW 532 and Application for a Permit Modification to Class III Solid Waste Disposal Site Permit SW 532, Nevada National Security Site, Area 5 Asbestiform Solid Waste Disposal Site, January 2022, Revision 6*. The NDEP Submitted comments to the NNSA/NFO in a letter dated March 1, 2022. Following several meetings and correspondence exchanges, the NNSA/NFO submitted a revised application dated April 8, 2024. On April 18, 2024, the NDEP BFF posted the draft Solid Waste Permit SW532 for public comment. NDEP BFF issued Solid Waste Permit SW532 on May 29, 2024.

Site Visits/Inspections:

BFF staff conducted the annual Compliance Evaluation Inspection for permitted units covered under RCRA Permit NEV HW0101 at the NNSS on November 13 and 14, 2023, with MSTs and NNSA/NFO personnel in attendance. BFF staff requested, through a letter dated September 12, 2023, required documentation (daily/weekly/monthly inspection checklists, training records and manifests) from MSTs to prepare for the inspection. The requested records were received and reviewed by BFF staff prior to the November 13, 2023, inspection. BFF issued the *2023 Annual Inspection Report and Permit Compliance Determination of the RCRA Permitted Units at the Nevada National Security Site*, on February 8, 2024. BFF staff received a response letter, *2023 Annual Inspection Report and Permit Compliance Determination of the RCRA Permitted Units at the Nevada National Security Site*, on March 19, 2024. BFF issued a response on April 29, 2024.

BFF staff visited the NNSS to observe the results of the First Quarter RCRA Post Closure inspections on April 2, 2024.

Conference Calls/Meetings:

It was agreed to by BFF and DOE and their contractors to hold a meeting every 4-6 weeks to discuss the current demolition processes at CAU 114 EMAD and CAU 572 Test Cell C Ancillary Building and Structures. These meetings also present the opportunity to discuss any new or emerging topics regarding this FFACO work. During this quarter, meetings were held on April 25, 2024, and May 23, 2024. The May 23, 2024, meeting was held at the NNSS, at which time tours of both EMAD and Test Cell C were given to the BFF chief, supervisor, and staff.

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

BFF staff received the *Nevada National Security Site Nevada Field Office (NNSA/NFO) Area 23 and 6 Public Water System NV0000360, Area 25 Public Water System NV0004098, Area 12 Public Water System NV0004099, Modification of Operations and Maintenance Manual*, on April 24, 2024. BFF sent an approval letter on May 14, 2024.

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

- a. PWS NV0000360 First Quarter 2024 Disinfectant Residual
- b. April 2024 NNSS Water Hauling Coliform Results
- c. April 2024 Coliform Results NNSS PWS NV0000360, NV0004098 and Water Trucks 84846 & 84847
- d. May 2024 Coliform Results NNSS PWS NV0000360, NV0004098 and Water Trucks 84846 & 84847
- e. May 2024 NNSS Water Hauling Coliform Results
- f. June 2024 NNSS Coliform Results PWS NV0000360, NV0004098 & Water Truck 84846

BFF staff received the *Response to 2022 Sanitary Survey of NNSS A25 (NV0004099): Rejoinder to NDEP 2023 Response Comments* on February 19, 2024. As part of this letter, the corresponding January 8, 2024, letter was issued with a corrected title on February 19, 2024: *Response to 2022 Sanitary Survey of NNSS A12 (NV0004099); Rejoinder to NDEP December 2023 Responses*. BFF issued a response April 3, 2024.

BFF staff received the *response to 2022 Sanitary Survey of NNSS A23 and 6 (NV0000360); Rejoinder to NDEP 2023 Response Comments* on February 26, 2024. BFF issued a response on April 3, 2024.

BFF staff received the *Response to 2022 Sanitary Survey of NNSS A25 (NV0004098); Rejoinder to NDEP 2023 Response Comments* on February 26, 2024. BFF issued a response on April 3, 2024.

BFF staff issued notice of the *2024 Annual Compliance Evaluation Inspection for Water Hauler 84846 and Water Hauler 84847 at the Nevada National Security Site by the Nevada Division of Environmental Protection* on June 3, 2024. The inspections will occur early next quarter.

Meetings:

The quarterly water meeting was held on May 10, 2024.

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 \$141,925 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 Deputy Administrator either in person or via virtual meetings in April, May, and June 2024.

During this quarter, the bureau chief attended or participated virtually in: (1) numerous calls, 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) Planning Committee; (2) one ECOS FFA Managers meeting with BFF staff; (3) one Nevada Site-Specific Advisory Board meeting; (4) one general NDEP Budget Build meeting and one specific to the BFF with staff; (5) regular bureau staff meetings and meetings with individual staff; (6) one virtual meeting with the Deputy Administrator and BFF staff and the U.S. Government Accountability Office who had questions regarding the NNSS; (7) the quarterly Low-Level Waste Stakeholders meeting in Las Vegas; (8) a NDEP document management planning meeting; (9) the Annual FFTF Spring Meeting with the Administrator and BFF supervisor; and (10) a STGWG Pre-Meeting Orientation, followed by the Annual STGWG Spring Meeting, with a BFF staff member.

Tribal Interaction – On April 2, 2024, the Bureau Chief participated in the National Nuclear Security Administration/Nevada Field Office's Annual Tribal Update Meeting with tribes who have cultural ties to the NNSS. Additionally, during several virtual meetings this quarter with the State, Tribal, Government Working Group, 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:

BFF staff completed the following:

- New Hire Orientation on May 28, 2024
- DCNR Computer Resource Policy
- 2024 Kevin Mitnick Security Awareness Training
- DOE Order 435.1 Radioactive Waste Management Overview Webinar
- DOT/NRC Radioactive Waste Packaging, Transportation and Disposal Training, held by Energy Solution in San Diego, California June 10-13, 2024.
- NP 632 Fundamentals of Nondestructive Assay at Oak Ridge National Laboratory on June 17-21, 2024.

The BFF Supervisor attended:

- Nevada Certified Public Manager Classes on May 7 – 8, 2024