

DATE: July 13, 2023
TO: Jennifer Carr, Administrator
FROM: Christine Andres, Chief, Bureau of Federal Facilities
SUBJECT: Quarterly Report: April 1, 2023 to June 30, 2023

FEDERAL FACILITY AGREEMENT AND CONSENT ORDER

(FFACO) QUARTERLY REPORT

Industrial Sites Activity

At the end of June 2023, 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 work by the Department of Energy's Environmental Management Nevada Program (EM NP).

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 578 – Miscellaneous Inactive Sites – On March 16, 2023, BFF staff received the *Draft Streamlined Approach for Environmental Restoration (SAFER) Plan for Corrective Action Unit (CAU) 578: Miscellaneous Inactive Sites, Nevada National Security Site, Nevada, Revision 0, March 2023*. The BFF issued a comment letter to EM NP on April 11, 2023. BFF received *The Final Streamlined Approach for Environmental Restoration (SAFER) Plan for Corrective Action Unit (CAU) 578: Miscellaneous Inactive Sites, Nevada National Security Site, Nevada, Revision 0, June 2023* on June 15, 2023. All of BFF's comments on the draft SAFER were addressed in the final. As such, BFF issued a response letter on June 22, 2023 approving the SAFER for CAU 578: Miscellaneous Inactive Sites. This response letter also served as a Notice of Completion for the established Milestone Deadline.

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 2022, Revision 0, April 2023* on April 5, 2023. BFF sent a ten-comment response letter to EM NP on May 8, 2023. BFF staff received 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 2022, Revision 0, June 2023* on June 13, 2023. All BFF comments had been addressed in the final report and a Notice of Completion letter was issued to EM NP on June 22, 2023.

BFF staff received the *Fiscal Year (FY) 2023 – FY 2025 Planned FFACO Milestones and Due Dates* on April 11, 2023. BFF sent a response letter to EM NP on May 19, 2023, establishing the Milestones and Deadlines outlined in the response letter.

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 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 CAUs in the following ways:

Document Reviews and Letters:

CAU 97 – Yucca Flat; CAU 98 – Frenchman Flat; CAU 99 – Rainier Mesa/Shoshone Mountain – BFF staff received the *Final Calendar Year (CY) 2022 Post-Closure Monitoring Letter Report, Revision 0, March 2023* on March 22, 2023. A response letter was issued to EM NP on April 12, 2023 with two comments. BFF staff received the *Final Calendar Year (CY) 2022 Post-Closure Monitoring Letter Report, Revision 1, April 2023* on May 3, 2023. Revision 1 satisfactorily addressed BFF’s comments and a response letter was issued on May 19, 2023, approving the Final Letter Report.

CAU 101/102 – Pahute Mesa – On March 27, 2023, BFF staff received a *Response to the Report of the Peer Review Panel for the Pahute Mesa Groundwater Flow and Transport Model, NNSS, Revision 0, March 2023 and Request Completion of “Peer Review” of the UGTA Strategy*. A response letter was issued by BFF on April 11, 2023 and as a Notice of Completion for the “External Peer Review Panel Report to State” milestone, and also as concurrence that the “Peer Review” box of the UGTA strategy is complete for CAUs 101 and 102.

On April 17, 2023, BFF staff received *Request for Acceptance of the Groundwater Flow and Contaminant Transport Model of CAUs 101 and 102: Central and Western Pahute Mesa for CADD/CAP Studies*. BFF sent a response letter to EM NP on May 19, 2023, accepting the Flow and Transport Model and granted approval to proceed to the CADD/CAP stage for CAUs 101 and 102.

On April 26, 2023, BFF staff received *The Risk Evaluation of Radionuclides in Groundwater for Corrective Action Units (CAUs) 101 and 102: Central and Western Pahute Mesa, Nye County, Nevada, Revision 0, April 2023*. The Risk Evaluation was reviewed, and two comments were discussed with EM NP and their contractor at a meeting on June 20, 2023.

On June 28, 2023, BFF staff received *The Calendar Year 2022 Underground Test Area Annual Sampling Letter Report, Nevada National Security Site, Nevada, Revision 0, June 2023*. BFF staff will review and issue a response letter early next quarter.

General FFACO Business:

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. One Working Group meeting was held this quarter.

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.

Use Restrictions (URs) and General FFACO Work – A few 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 were held this quarter and also included general FFACO exchange of documents and information.

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 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.

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

BFF reviewed the *Federal Facility Agreement and Consent Order (FFACO), January 2023 Appendices Update*, received on May 8, 2023.

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 426 – Cactus Spring Waste Trenches (TTR) – On March 23, 2023, BFF staff received a Record of Technical Change (ROTC) pertaining to the Closure Report for CAU 426. BFF responded with comments on March 23, 2023. An updated ROTC for CAU 426 was received by BFF staff on March 29, 2023. After clarification was completed on some wording in the ROTC, the BFF signed the ROTC on April 10, 2023, and returned it to LM. A fully signed ROTC was received from LM on May 8, 2023.

CAU 443 – Central Nevada Test Area (CNTA) Subsurface - On May 15, 2023, BFF received the *May/June 2023 Environmental Sampling at the Central Nevada Test Area, Nevada, Site*. BFF send a

response letter on June 6, 2023, acknowledging the sampling approach outlined is in accordance with the NDEP-approved *Closure Report, Central Nevada Test Area, Subsurface Corrective Action Unit 443, Revision No. 1, October 2018*.

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 2022* on April 4, 2023. BFF reviewed and sent a Notice of Completion letter on April 11, 2023.

Site Visit:

The bureau chief took part in the annual site inspection by LM of the closed TTR sites with Post-Closure Monitoring requirements on May 31, 2023.

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/or June 2023.

The chief and supervisor conducted interview during April, May and June with the intent of filling two open positions. One new hire started on May 30, 2023. She has completed the initial NDEP new hire orientation on May 30, 2023, and started familiarizing herself with the history of the FFACO AIP areas at the NNSS. The second position that was unable to be filled, will be relisted next quarter.

During this quarter, the bureau chief and/or BFF supervisor attended/participated virtually in: (1) 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 (STGWWG), the Environmental Council of States (ECOS) and/or the Combined Intergovernmental Working Group (CIWG); (2) attended and participated on several panels at the 2023 STGWWG Spring Meeting held in Las Vegas, NV; (3) attended and participated in the 2023 FFTF Spring meeting held in Richland, WA; (4) one Nevada Site-Specific Advisory Board meeting; (5) regular bureau staff meetings and meetings with individual staff; (6) a meeting with EM NP's EM-2.

BFF staff attended a RIN Call held by the EPA for a memo regarding Lithium Battery Recycling Regulatory Status and Frequently Asked Questions.

Tribal Interaction – 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 supervisor completed the following:

- Risk Management Workplace Violence: Recognition and Prevention on April 26, 2023
- Nevada Certified Public Manager Classes on May 31, 2023 and June 27 – 29, 2023

BFF's new hire completed the following:

- DCNR Computer Resource Policy
- 2023 Kevin Mitnick Security Awareness Training
- Beginning Your QuickHelp Journey

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, 2023 through March 31, 2023*, on April 4, 2023. BFF staff reviewed the report and sent a response letter to the National Nuclear Security Administration/Nevada Field Office (NNSA/NFO) on April 11, 2023, acknowledging the limits set forth in the permit had been met for the quarter.

BFF staff received the *Acknowledgement of Certificate of Completion NNSS UIA Sewate Treatment Lagoons #1A/1B on May 26, 2023, issued by NDEP’s Bureau of Water Pollution Control*.

Water Pollution Control Permit GNEV96021 – BFF staff received the *Submittal of E-Tunnel Wastewater Discharge Permit Quarterly Monitoring Report for Water Pollution Control Permit NEV96021 – First Quarter Calendar Year 2023* on April 27, 2023. BFF reviewed the report and sent a response letter to NNSA/NFO on May 9, 2023, acknowledging that the report was in compliance with the limits set forth in the permit. BFF’s response letter also acknowledged the fact that the Second Quarter Calendar Year 2023 Quarterly Monitoring Report will need to meet the requirements of the renewed Water Pollution Control Permit NEV96021, dated February 24, 2023. BFF also requested a discussion of the water flow between, and ponding in, Pond 6b and Pond 6c at the next quarterly water meeting.

BFF staff received the draft *Permit NEV96021 E-Tunnel Discharge System and Monitoring Well ER 12-1 Operations and Maintenance Manual* on June 22, 2023. BFF staff will review and issue a response letter early next quarter.

Meetings and Site Visits:

The quarterly water meeting was held on April 12, 2023.

BFF staff participated in a tour of E-Tunnel and the permitted sewage ponds on April 18, 2023.

Spills:

BFF received notification of a release of approximately 38 gallons of hydraulic oil at the Area 6 DAF construction yard on February 16, 2023. An “A through T” letter was issued to the NNSA/NFO on February 24, 2023. A response letter from the NNSA/NFO’s contractor was received on March 23, 2023. BFF issued a response letter on April 11, 2023, to NNSA/NFO with one comment. BFF staff received *Response to the Nevada Division of Environmental Protection (NDEP) Request Regarding Spill Report Number 230216-03, Final Report* dated April 19, 2023. BFF issued a response letter on May 9, 2023,

stating that BFF's comment was addressed and that NDEP is not requiring further remedial action at the spill site.

2. Ground Water Monitoring

BFF staff received the *2022 Data Report: Groundwater Monitoring Program Area 5 Radioactive Waste Management Site* on March 28, 2023. A letter with two clarification questions was issued by BFF on June 13, 2023. A response is expected next 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 2023. 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 in January 2023. As applicable, BFF staff reviewed and provided comments on LLW and MLLW profiles 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 necessary.

Documents Reviewed/Letters Issued:

BFF staff received and reviewed the following documents regarding low-level and mixed LLW during this quarter:

Lawrence Livermore National Laboratory (LLNL) Waste Certification Program (WCP), Audit Report A-3005, received on April 13, 2023.

North Wind Portage, Inc. (NWP)/Knolls Atomic Power Laboratory (KAPL) Project, Waste Certification Program (WCP) Audit Report No. A-3049, received on April 27, 2023.

RWAP Audit of Sandia National Laboratories (SNL) Waste Certification Program (WCP), Audit No. 3006, received on May 4, 2023.

RWAP Audit of Nuclear Fuel Services (NFS) Waste Certification Program (WCP), Audit No. A-3007, received on May 10, 2023.

Suspension of Shipments for West Valley Demonstration Project (WVDP) Low-Level Radioactive Waste Profile WVDP00000023, Revision 04, 05/15/2019, Asbestos Contaminated Low-Level Waste Debris, received on May 10, 2023.

Closure of Finding I-3363 for Portsmouth Gaseous Diffusion Plant (PORTS), received on May 25, 2023.

Oak Ridge National Laboratory (ORNL) Waste Certification Program (WCP) Surveillance Report, A-3009, received on May 25, 2023.

TRU Waste Processing Center (TWPC) Waste Certification Program (WCP) Surveillance Report, A-3008, received on May 31, 2023.

RWAP Audit of Portsmouth Gaseous Diffusion Plant (PORTS) Waste Certification Program (WCP), Audit No. A-3010, received on June 14, 2023.

Idaho National Laboratory – Battelle Energy Alliance (INL-BEA) Waste Certification Program (WCP) Audit Report A-3020, received on June 15, 2023.

Notification of USEPA Region 4 RBDA Extension for DOE Oak Ridge Environmental Management TRU Waste Processing Center EPA ID TN1 890 090 003, received on June 26, 2023.

Issuance of a Priority 1 (ONE) Finding I-3710 Associated with Shipment WVL23026, West Valley Demonstration Project (WVDP), Low-Level Radioactive Waste Profile WVDP000000023, Revision 04, May 15, 2019, Asbestos Contaminated Low-Level Waste Debris, received on June 29, 2023.

Profiles Reviewed:

BFF staff reviewed a total of ten (10) waste profiles this quarter and two (2) pre-treatment notifications. Seven (7) profiles were strictly for LLW requiring disposal in Department of Energy (DOE) Order 435.1 LLW landfills. Three (3) profiles were strictly MLLW requiring disposal in the NDEP permitted RCRA cell.

Meetings:

BFF staff participated in the 2023 NNSW Waste Generator Workshop the week of May 8, 2023, held in Las Vegas, Nevada. The workshop included topics covering updates from DOE Headquarters and NDEP, PFAS, lessons learned and upcoming waste streams. The bureau chief and ES IV – Non-Supervisory SME gave a presentation on BFF's current staff and work.

BFF staff participated in a meeting on May 9, 2023, with the NNSA and EM (headquarters and local staff), Navarro, and MSTs. The purpose of the meeting was to discuss updates to the unique waste stream slides for the upcoming semi-annual waste coordination leadership group meeting.

BFF staff participated virtually in DOE's quarterly LLW Stakeholder's Meeting on May 16, 2023.

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.

Low-Level and Mixed-Low Waste Training:

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

Active Profiles:

There are currently 231 active profiles, comprised of 57 Mixed LLW/Hazardous non-rad profiles, 26 LLW/Non-Rad Solid Waste profiles and 148 LLW profiles.

Suspended Profiles:

There is currently 1 active profile under suspension.

Site Visits/Radioactive Waste Generator Facility Evaluations:

The RWAP conducted four (4) audits, five (5) surveillances, five (5) mixed-waste verifications and one (1) split sampling event this quarter. NDEP participated in three (3) surveillances and four (4) audits this quarter and are described in the sections below.

Surveillances:

TRU Waste Processing Center, Oak Ridge, TN - During the week of April 24, 2023, 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 field inspections. NDEP personnel were provided access to interviews, procedures and field inspections when requested. No findings or observations were issued as a result of the surveillance.

Paducah Gaseous Diffusion Plant, Paducah, KY – During the week of June 26, 2023, BFF personnel, along with staff from the EM NP contractor, participated in the surveillance of this waste generator. The surveillance was scheduled by the DOE to verify programmatic and performance-based compliance with the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists specific to the elements being evaluated by conducting interviews, reviewing procedures, and performing field inspections. NDEP personnel were granted access to interviews, procedures, and field inspections upon request. Additionally, NDEP requested and was provided a tour of the facility to gain a better understanding of the facility and its waste program. No findings or observations were issued as a result of the surveillance.

Perma-Fix, Gainesville, TN - During the week of June 26, 2023, 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 field inspections. NDEP personnel were provided access to interviews, procedures and field inspections when requested. One (1) finding and five (5) observations were issued as a result of the surveillance.

Audits:

Knolls Atomic Power Laboratory (KAPL), KAPL, Niskayuna, NY- During the week of April 11, 2023, BFF personnel, along with staff from the EM NP contractor, participated in the audit of this waste generator. The audit was scheduled by 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 field inspections. NDEP personnel were provided access to interviews, procedures and field inspections when requested. No findings or observations were issued as a result of the audit.

Idaho National Laboratory, Idaho Falls, ID – During the week of May 15, 2023, BFF personnel, along with staff from the EM NP contractor, participated in the audit of this waste generator. The audit was scheduled by the DOE to verify programmatic and performance-based compliance with the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists that were specific to the elements being evaluated, conducting interviews, reviewing procedures, and performing field inspections. NDEP personnel were granted access to interviews, procedures, and field inspections upon request. Additionally, NDEP requested and received a site visit to the Advanced Test Reactor. No findings or observations were issued as a result of the audit.

Sandia National Laboratory (SNL), Albuquerque, NM – During the week of June 5, 2023, BFF, NNSA Headquarters, and EM NP personnel, along with staff from the EM NP contractor, participated in the audit of this waste generator. The audit was scheduled by the DOE to verify programmatic and performance-based compliance with the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists that were specific to the elements being evaluated, conducting interviews, reviewing procedures, and performing field inspections. NDEP personnel were granted access to interviews, procedures, and field inspections upon request. Additionally, appropriately cleared NDEP personnel participated in classified briefings on several potential waste streams. One (1) finding and two (2) observations were issued as a result of the audit.

Nuclear Fuel Services, Inc. (NFS), Erwin, TN – During the week of June 13, 2023, BFF and EM NP personnel, along with staff from the EM NP contractor, participated in the audit of this waste generator. The audit was scheduled by the DOE to verify programmatic and performance-based compliance with the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists that were specific to the elements being evaluated, conducting interviews, reviewing procedures, and performing field inspections. NDEP personnel were granted access to interviews, procedures, and field inspections upon request. Additionally, NDEP personnel participated in viewing waste packaging of a waste stream destined for the NNSS. One (1) observation was issued as a result of the surveillance.

Waste Generators Violation Statuses:

CAU 577 – Area 5 Chromium-Contaminated Waste Disposal Cells – This CAU was created in March 2019 to address the closure of five (5) cells at the Radioactive Waste Management Complex (RWMC) at the NNSA that had received trivalent chromium-bearing waste in the past from Nuclear Fuel Services, located in Erwin, TN. Please see previous quarterly reports for a history of events.

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 December 31, 2022, are provided in the fifteen 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. The EM NP has completed all required deliverables to date.

5. Waste Management

Documents Reviewed/Letters Issued:

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

BFF staff received the *Proposed Revisions for Closed Disposal Units at the Area 5 Radioactive Waste Management Site (RWMS), Nevada National Security Site (NNSA)*, on March 27, 2023. BFF issued a response to NNSA/NFO on April 11, 2023, stating that NDEP had no comments and that the proposed path forward was acceptable to implement.

[NNSA Quarterly Hazardous Waste Volume Report and Fee: First Quarter Calendar Year, received on April 11, 2023.](#)

BFF staff issued an *Issuance of Permit NEV HW0101* letter on April 17, 2023, stating that the Permit enclosed is authorized and effective April 17, 2023 to April 17, 2033 provided all the permit conditions are followed.

BFF staff received the *NNSA Area 5 Asbestos Waste Disposal Report for First Quarter of Calendar Year (CY) 2023 for Permit HW0101*, on April 11, 2023. BFF issued a response to NNSA/NFO on May 9, 2023, acknowledging that the NNSA/NFO satisfied the permit and regulatory requirements.

BFF staff received the *NNSA Area 5 Asbestos Waste Disposal Report for First Quarter of Calendar Year (CY) 2022 for Permit SW532*, on April 11, 2023. BFF issued a response to NNSA/NFO on May 9, 2023, acknowledging that the NNSA/NFO satisfied the permit and regulatory requirements.

BFF staff received the *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*, on May 18, 2023. BFF issued a response to NNSA/NFO on June 5, 2023, acknowledging the responses provided.

BFF staff received the Application for Modification of Area 23 Solid Waste Disposal Site (SWDS), Permit Number SW 13 097 03, on April 5, 2023. Following review, BFF issued a response to NNSA/NFO on June 5, 2023, with five comments on the Permit Application and nine comments on the Operating Plan.

BFF Staff received the *Response to the March 23, 2023, Letter from the Nevada Division of Environmental Protection (NDEP) on the Disposal of North Las Vegas Industrial Waste at the Area 9 Solid Waste Disposal Site (SWDS)* on May 18, 2023. BFF issued a response to NNSA/NFO on June 6, 2023, acknowledging the action items and changes stated in the May 18, 2023, letter.

BFF staff received the *Application for Modification of Area 6 Solid Waste Disposal Site (SWDS) Permit Number 13 097 02* on March 7, 2023. BFF issued a response to NNSA/NFO on June 22, 2023, with three comments on the Permit Application and four comments on the Operating Plan.

BFF staff received the *Submittal of Post-Closure Report for Closed Resource Conservation and Recovery Act (RCRA) Corrective Action Units (CAUs), Nevada National Security Site, Nevada, for Calendar Year 2022, Revision 0, May 2023* on May 30, 2023. BFF issued a response to NNSA/NFO on June 22, 2023, with seven comments to be addressed in the final document.

BFF Staff received the *Soil Moisture Monitoring Reports for the Nevada National Security Site (NNSS) Area 6 Hydrocarbon Landfill and Area 9 Class III Solid Waste Disposal Site (SWDS) for the Reporting Period November 2020 through November 2022*, on June 27, 2023. BFF will issue a response to NNSA/NFO in the next quarter.

Permit NEV HW0101 Renewal:

The 45-day comment period ended March 20, 2023, with no public comments received. The Notice of Decision was issued on April 4, 2023. No requests for appeal were filed and on April 17, 2023, the NDEP issued the Hazardous Waste Permit, NEV HW0101, for the Nevada National Security Site. The permit is effective April 17, 2023, until the permits expiration date at midnight on April 17, 2033.

BFF staff received access to RCRA info to input compliance monitoring and any enforcement actions, as well as permit updates.

Site Visits/Inspections:

BFF staff completed the Annual Compliance Evaluation Inspections of the Industrial Solid Waste Landfills on June 12, 2023, for Solid Waste Permits:

- Area 6 Class III Permit no. SW 13 097 02
- Area 9 U10C Landfill Class III Permit no. SW 13 097 03
- Area 23 Class II Permit no. SW 13 097 04

BFF staff requested, through a letter dated May 10, 2023, required documentation of Bill of Lading or Load Verification documentation, Landfill Daily Access Registers, Inspection Checklists, and training records for Operators from MSTs to prepare for the inspection. The requested records were received and reviewed by BFF staff prior to the June 2023 inspection. The NDEP found the NNSA/NFO in compliance

with all associated permits and regulatory requirements. BFF staff is currently working on the official inspection reports with an anticipated completion date by the second week of August 2023.

BFF staff completed the Annual Inspection of the Area 5 Class III Solid Waste Disposal Site Permit SW 532, on June 13, 2023. BFF staff requested, through a letter dated May 10, 2023, required documentation of Bill of Lading or Load Verification documentation, Low-level Waste Pre-Start Checklist, Area 5 Weekly Permitted Cell Checklist, RTR documentation for packages disposed in SW-532 Cells, and Area 5 training records for Operators from MSTs to prepare for the inspection. The requested records were received and reviewed by BFF staff prior to the June 2023 inspection. The NDEP found the NNSA/NFO in compliance with permit SW 532. BFF staff is currently working on the official inspection reports with an anticipated completion date by the second week of August 2023.

BFF staff completed the quinquennial inspection of the Remote Sensing Laboratory at Nellis Air Force Base and North Las Vegas Facility Satellite Accumulation Areas and Universal Waste Areas on June 14, 2023. BFF staff requested, through a letter dated May 9, 2023, that each of the generators provide a list of the current satellite accumulation areas, 90-Day accumulation areas, universal waste collection centers as well as associated waste logs and training records to prepare for the inspection. The NDEP found both facilities to be in compliance with the applicable regulations. BFF staff is currently working on the official inspection reports with an anticipated completion date by the end of July 2023

BFF staff visited the NNSS to observe the inspection results for the RCRA Post-Closure Inspections of CAU 111 - 92-acre Area on June 22, 2023.

Conference Calls/Meetings:

BFF staff participated in a TEAMS meeting on June 26, 2023, with MSTs, to discuss questions to solid waste permit application comments made by NDEP.

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

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) April 2023 NNSW Water Hauling Coliform Results
- b) April 2023 NNSW Coliform Results PWS NV0000360, PWS NV0004098, Water Trucks 84846 & 84847
- c) May 2023 NNSW Coliform Results PWS NV0000360, PWS NV0004098, Water Trucks 84846 & 84847
- d) May 2023 NNSW Water Hauling Coliform Results
- e) PWS NV0000360 2023 1st Quarter Chlorine Residual Report

Meetings:

The quarterly water meeting was held on April 12, 2023.

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 \$143,401.39 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/or June 2023.

The chief and supervisor conducted interview during April, May and June with the intent of filling two open positions. One new hire started on May 30, 2023. She has completed the initial NDEP new hire

orientation on May 30, 2023, and started familiarizing herself with the history of the FFACO AIP areas at the NNSS. The second position that was unable to be filled, will be relisted next quarter.

During this quarter, the bureau chief and/or BFF supervisor attended/participated virtually in: (1) 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 (STGWWG), the Environmental Council of States (ECOS) and/or the Combined Intergovernmental Working Group (CIWWG); (2) attended and participated on several panels at the 2023 STGWWG Spring Meeting held in Las Vegas, NV; (3) attended and participated in the 2023 FFTF Spring meeting held in Richland, WA; (4) one Nevada Site-Specific Advisory Board meeting; (5) regular bureau staff meetings and meetings with individual staff; (6) a meeting with EM NP's EM-2.

BFF staff attended a RIN Call held by the EPA for a memo regarding Lithium Battery Recycling Regulatory Status and Frequently Asked Questions.

Tribal Interaction – 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 supervisor completed the following:

- Risk Management Workplace Violence: Recognition and Prevention on April 26, 2023
- Nevada Certified Public Manager Classes on May 31, 2023 and June 27 – 29, 2023

BFF's new hire completed the following:

- DCNR Computer Resource Policy
- 2023 Kevin Mitnick Security Awareness Training
- Beginning Your QuickHelp Journey