

DATE: January 13, 2023
TO: Greg Lovato, Administrator
FROM: Christine Andres, Chief, Bureau of Federal Facilities
SUBJECT: Quarterly Report: October 1, 2022 to December 31, 2022

FEDERAL FACILITY AGREEMENT AND CONSENT ORDER

(FFACO) QUARTERLY REPORT

Industrial Sites Activity

At the end of December 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, 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:

CAUs 114 and 572 – On September 22, 2022, BFF staff received *Notification of Activities Within Engine Maintenance, Assembly, and Disassembly (EMAD) Use Restricted (UR) Areas at the Nevada National Security Site (NNSS)* (CAU 114) and *Notification of Activities Within Test Cell C Ancillary Building and Structures Use Restricted (UR) Areas at the Nevada National Security Site (NNSS)* (CAU 572) letters from the EM NP. See previous quarterly report for details on this matter, including five additional CAUs that could potentially be affected by activities covered in the letter. BFF issued an acknowledgment letter on October 20, 2022, accepting the notification of planned activities within CAUs 114 and 572.

CAUs 168, 204, 370, 542, and 546 – On December 6, 2022, BFF staff received fully signed copies of the *Records of Technical Change (ROTCs)* for these five CAUs in support of the UR update effort.

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 NNSS 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. A *Final Addendum to the Closure Report (CR) for Corrective Action Unit 577: Area 5 Chromium Containing Waste Disposal Cells, Nevada National Security Site (NNSS), Nevada, September 2022* was received by BFF on September 27, 2022. BFF staff reviewed the report and sent a response letter on October 21, 2022, approving the Addendum for the closure of Cell 20. The response also included a Notice of Completion for meeting an established milestone deadline.

CAU 578 – Miscellaneous Inactive Sites – On November 30, 2022, BFF staff received a *Modification Request to Establish Corrective Action Unit (CAU) 578: Miscellaneous Inactive Sites, In Appendix III of the Federal Facility Agreement and Consent Order (FFACO)* letter from EM NP. Prior to this formal submission, BFF staff received responses to September 15, 2022, comments, via email, on October 1, 2022. BFF responded with follow-up comments, via email, on October 20, 2022, which were answered, via email, by EM NV on November 2, 2022. EM NP requested an additional meeting (see below) to discuss the modification request for CAU 578 and milestone deadlines. BFF will issue a response letter early next quarter.

Conference Calls/Meetings:

CAU 111 – 92 Acre Area – On November 17, 2022, BFF staff met with EM NP staff to discuss the CAU 111 Revegetation Plan.

CAU 578 – Miscellaneous Inactive Sites – As stated above, a meeting was held on December 15, 2022, following BFF's receipt of the modification request letter for CAU 578. EM NP presented Data Quality Objectives for CAU 578 at the December 15, 2022 meeting.

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 101 and 102 in the following ways:

Document Reviews and Letters:

CAU 101/102 – Pahute Mesa – On October 12, 2022, BFF staff received a *Submittal of Report of the Peer Review Panel Pahute Mesa Groundwater Flow and Transport Model, Nevada National Security Site, September 2022* letter. EM NP requested two additional meetings to discuss the Pahute Mesa Peer Review report.

On December 7, 2022, BFF staff received a *Request for Notice of Completion on Corrective Action Unit (CAU) 101: Central Pahute Mesa and CAU 102: Western Pahute Mesa Final Well Installation Presentation #2 Milestones* letter. BFF reviewed the request and issued a Notice of Completion letter on December 15, 2022, for meeting the established milestone deadline of December 15, 2022.

Site Visits/Inspections:

On October 31, 2022, BFF staff accompanied Navarro, EM NV and DRI personnel at the NNSS to view two locations for proposed UGTA Wells ER-20-1 and ER-20-13.

Meetings and Presentations:

A Microsoft Teams meeting was held on October 26, 2022, with EM NP and Navarro (EM NP's EPS contractor) personnel, in which Navarro presented their *Risk Evaluation Approach for Pahute Mesa*.

On November 11, 2022, BFF staff, Navarro and EM NP personnel participated in a Groundwater Open House held in Amargosa Valley.

A meeting was held on November 16, 2022, following BFF's receipt of the Peer Review Panel Report for Pahute Mesa. The peer review panel presented their findings on the Pahute Mesa Groundwater Flow and Transport Model. A follow-up meeting with EM NP was held on December 6, 2022, to discuss the Pahute Mesa Peer Review comments and EM NP's proposed responses.

On December 5, 2022, BFF staff attended the Final Well Installation Presentation #2 meeting, via Teams.

General FFACO Business:

FFACO Transition – The BFF supervisor participated in the Nevada Site Specific Advisory Board (NSSAB) Orientation Meeting on October 9, 2023.

FFACO Transition – As the active investigation/remediation work under the FFACO nears completion, 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. A check-in meeting was held November 3, 2022 to gain an understanding of the status of review within each organization of the DRAFT Appendix VII and any needed updates to the other Appendices.

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. The sixth meeting was held on October 27, 2022.

FFACO Fee Request for FY 2023 – The BFF still awaits an acknowledgement of the request for FFACO Fees for FY 2023 from the EM NP, though the requested funds were received on October 3, 2022.

Use Restrictions (URs) – Late last quarter, 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. Several meetings were held this quarter.

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.

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 and CAU 443 – CNTA Subsurface – Completing work begun last quarter, on October 5, 2022, BFF staff received the formal, fully signed Records of Technical Change (ROTCs): DOE/NV – 743-ROTC 4 and LMS/CNT/S12760-ROTC 1, pertaining to the Closure Reports for each of these CAUs. BFF sent an acknowledgement letter regarding the ROTCs on October 14, 2022.

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 October, November, and December 2022.

During this quarter, the bureau chief 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 (STGWG), the Environmental Council of States (ECOS) and/or the Combined Intergovernmental Working Group (CIWG); (2) a specific FFTF meeting held with DOE EM HQ personnel regarding Performance Assessments; (3) regular bureau staff meetings and meetings with individual staff; (4) along with the NDEP Administrator and BFF supervisor, attended the 2022 DOE EM Intergovernmental Meeting in New Orleans; and (5) the NV Minority Health and Equity Coalition Summit.

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 personnel completed the 2023 Kevin Mitnick Security Awareness Training

BFF staff participated in an NSSAB tour of the NNSS to visit and learn about the various areas and past activities on the site.

On December 8, 2022, BFF staff accompanied Navarro and NNSA/NFO personnel on a fieldtrip to various locations on the NNSS as a training opportunity.

BFF personnel completed the Annual Las Vegas Office Safety Training

The BFF supervisor completed the following:

- Alcohol and Drug Testing Procedures Training
- Developing Essential Functions Training
- Equal Employment Opportunity for Manager and Supervisors Training
- Evaluating Employee Performance Training
- Handling Grievances Training
- Interviewing and Hiring Training
- Progressive Disciplinary Procedures
- What Supervisors Need to Know about the ADA and Accommodation Requests Training
- What Supervisors Need to Know About the FMLA Training
- Work Performance Standards Training

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, July 1 through September 30, 2022*, on October 17, 2022. BFF staff reviewed the report and sent a response letter to the National Nuclear Security Administration/Nevada Field Office (NNSA/NFO) on October 25, 2022, acknowledging the limits set forth in the permit had been met for the quarter and requested that the topic of variances in Total Suspended Solids from one quarter to the next be added to the next quarterly water meeting agenda.

Following reviews, comments, and discussions on the *Nevada National Security Site (NNSS) Wastewater Lagoons Operations and Maintenance Plan as per General Discharge Permit GNEV 93001* during the last two quarters, on November 21, 2022, BFF staff received the *Revised Nevada National Security Site (NNSS) Operations and Maintenance Plan for the Wastewater Treatment Ponds and Drying Beds, Discharge Permit GNEV93001*. BFF staff reviewed the plan and issued an acknowledgement letter on December 16, 2022, stating that NDEP found the Plan compliant with the terms and conditions set forth in the Permit.

Water Pollution Control Permit GNEV96021 – BFF staff received the *E-Tunnel Wastewater Discharge Permit Quarterly Monitoring Report for Third Quarter 2022* on October 24, 2022. BFF reviewed the report and sent a response letter to NNSA/NFO on November 7, 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. A meeting was held between Mission Support and Test Services, LLC (MSTS) and BFF personnel on October 27, 2022, to discuss all changes to the proposed permit. On December 19, 2022, NNSA/NFO sent the final *NEV 96021 Renewal Application Oct 2022 with Attachments* to NDEP. BFF staff plan on issuance of the permit for a 30-day public review period at the beginning of the next quarter (the public review period actually began on January 10, 2023). On December 19, 2022, NNSA/NFO also sent the *Signatory Delegation for E Tunnel Groundwater Discharge Permit NV96021* letter to BFF.

Meetings

Due to scheduling conflicts at the end of this quarter, the quarterly water meeting was postponed until the beginning of the next quarter.

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 October, November, and December 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 NNSWAC, 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 necessary.

The revised NNSWAC, DOE/NV--325-22-00 was issued and effective on March 22, 2022. Implementation of the revised NNSWAC by all the approved DOE generators who send waste to the NNS was expected within 210 calendar days (October 18, 2022). At the request of the DOE generators, the implementation of the revised NNSWAC was extended to January 1, 2023. After that time, BFF staff will review and provide comments on LLW and MLLW profiles for compliance with NNSWAC, DOE/NV--325-22-00.

Documents Reviewed/Letters Issued:

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

Closure of Observation I-3362 From University of Tennessee/Battelle, LLC (UT-Battelle)/Oak Ridge National Laboratory (ORNL) Waste Certification Program Audit A-1538, received on October 3, 2022.

RWAP Audit, Perma-Fix Environmental Services, Inc. (Perma-Fix) Diversified Scientific Services Inc. (DSSI) Waste Certification Program (WCP), Audit No. A-1541, received on October 6, 2022.

Los Alamos National Lab-NNSA (LANL) WCP Surveillance Report, A-3021, received on October 12, 2022.

Rescission of the Y-12 NSC (Y-12) Weapons Material/Weapons Related Material (WM/WRM) Certification Program Suspension, received on October 26, 2022.

Brookhaven National Lab (BNL) WCP Surveillance Report, A-1544, received on October 27, 2022.

On-Site Assessment/Surveillance to Package TVA Baseplates at Watts Bar Nuclear Plant, Spring City, TN Report, A-2913, received November 8, 2022.

West Valley Demonstration Project (WVDP) WCP Surveillance Report, A-1545, received on November 8, 2022.

Depleted Uranium Hexafluoride Conversion Project (DUF6-Paducah) WCP Surveillance Report, A-2994, received on November 9, 2022.

Nuclear Fuel Services (NFS) WCP Surveillance Report, A-2993, received on November 15, 2022.

Depleted Uranium Hexafluoride Conversion Project (DUF6-Portsmouth) WCP Surveillance Report, A-2995, received on November 21, 2022.

Closure of Observation I-3440 from Advanced Mixed Waste Treatment Project (AMWTP) Audit A-1537, received on December 1, 2022.

EnergySolutions - ISOTEK Project (ISOTEK) Waste Certification Program (WCP) Surveillance Report, A-2996, received December 1, 2022.

RWAP Review of Lead Shielding Evaluation LS-23-001-ORNL for Oak Ridge National Lab (ORNL), Shipment OLL23004, One Package, Under Waste Profile ORNLACTMETAL1, Revision 08, received December 15, 2022.

Profiles Reviewed:

Staff reviewed a total of five (5) waste profiles this quarter. Of those five (5) profiles, three (3) were for MLLW and/or hazardous non-radiological waste requiring disposal in the NDEP-permitted RCRA landfill and two (2) were strictly for LLW requiring disposal in DOE Order 435.1 LLW landfills.

Meetings:

On November 10, 2022, BFF staff participated in a meeting with EPA Region 9 to discuss the draft RCRA Permit NEV HW0101 and provide updates on EPA Settlement actions delegated to NDEP for enforcement.

On December 14, 2022, BFF staff participated in a meeting with EPA Headquarters, Y-12 National Security Complex, NNSA/NFO and EM NV to discuss the Y-12 National Security Complex Treatability Variance for Process Solids.

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 Spring to further discuss the outline and begin gathering data for the document.

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 MLLW/Hazardous non-rad profiles, 26 LLW/Non-Rad Solid Waste profiles and 148 LLW profiles.

Suspended Profiles:

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

Waste Volume

A total of 121,722 ft³ of low-level waste, 32 ft³ Classified Non-Radioactive, 163 ft³ of Classified Non-Radioactive Hazardous, and 121,722 ft³ of Mixed low-level waste was received at the NNSS this quarter.

Site Visits/Radioactive Waste Generator Facility Evaluations:

The RWAP conducted five (5) surveillances and one (1) audit this quarter. NDEP participated in the following:

Surveillances

BFF staff participated in in-person surveillances at Nuclear Fuel Services, Irwin, TN and EnergySolutions – Isotek Project (Isotek), Oak Ridge, TN. One surveillance at Depleted Uranium Hexafluoride (DUF6), Paducah, KY was participated in via teleconference. Pre-surveillance meetings were attended by appropriate BFF staff.

Audits

BFF staff participated in one (1) in-person audit at the Nevada National Security Site, Mercury, NV for MSTs. Pre-audit meetings were attended by appropriate BFF staff.

Mission Support & Test Services, LLC, Mercury, NV – During the week of December 5, 2022, BFF personnel, along with staff from the EM NP contractor participated in the audit of the waste generator, MSTs. The Audit was scheduled to verify the implementation of the NNSSWAC program elements into MSTs's WCP, using checklists. NDEP was able to review MSTs's procedures and observe RWAP team

members performing interviews with MSTs personnel.

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 NNSs 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. A *Final Addendum to the Closure Report (CR) for Corrective Action Unit 577: Area 5 Chromium Containing Waste Disposal Cells, Nevada National Security Site (NNSs), Nevada, September 2022* was received by BFF on September 27, 2022. BFF staff reviewed the report and sent a response letter on October 21, 2022, approving the Addendum for the closure of Cell 20. The response also included a Notice of Completion for meeting an established milestone deadline.

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 September 30, 2022, are provided in the thirteen 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 acknowledgement of receipt and current status of all the requirements of the SA was sent to the EM NP by BFF on November 7, 2022. An updated status on deliverables required by the SA was provided to the bureau by the NNSA/NFO and the EM NP on December 13, 2022. The EM NP has completed all deliverable for the first quarter fiscal year 2023.

5. Waste Management

Documents Reviewed/Letters Issued:

BFF staff reviewed the *Waste Volume Report for the Area 3 Radioactive Waste Management Site and for the Area 5 Radioactive Waste Management Complex at the NNSs for Fiscal Year 2022*, received on October 6, 2022.

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

BFF staff reviewed the *NNSs Area 5 Asbestos Waste Disposal Report for Third Quarter of Calendar Year (CY) 2022 for Permit NEV HW0101*, received on October 13, 2022. BFF issued a response to NNSA/NFO on November 17, 2022, acknowledging that NNSA/NFO satisfied the permit and regulatory requirement.

BFF staff reviewed the *NNSs Area 5 Asbestos Waste Disposal Report for Third Quarter of Calendar Year (CY) 2022 for Permit SW532*, received on October 13, 2022. BFF issued a response to NNSA/NFO on November 17, 2022, acknowledging that NNSA/NFO satisfied the permit and regulatory requirement.

BFF staff reviewed the *Exceedance of Groundwater Sample Result at the Area 5 Radioactive Waste Management Complex (RWMC), Nevada National Security Site*, received on October 25, 2022. BFF issued a response on November 7, 2022.

BFF staff reviewed the *Hydrocarbon-Burdened Soil Waste Disposal at the Area 5 RWMC and Applicability to Permit SW 532*, received on October 31, 2022. BFF issued a response to NNSA/NFO on November 18, 2022, acknowledging the information provided in that document, and stating that applicable changes would be reflected in the next SW 532 permit revision.

BFF staff reviewed the *Disposal of Municipal Solid Waste in Industrial Solid Waste Disposal Site*, received on November 8, 2022. BFF issued a response to NNSA/NFO on December 16, 2022, acknowledging the receipt and details of the letter.

BFF staff reviewed the *Asbestos Shipping Documents – State Reporting*, received on November 21, 2022.

BFF staff reviewed the *Additional Groundwater Sample Results at the Area 5 Radioactive Waste Management Complex, NNS*, received on November 22, 2022. BFF issued a response to NNSA/NFO on December 16, 2022, acknowledging that NNSA/NFO satisfied the permit requirements for a groundwater exceedance.

BFF staff reviewed the *Notification of Closure of Cell 19, Area 5 Class III Solid Waste Disposal Site Permit SW 532, NNS*, received on December 6, 2022. BFF issued a response to NNSA/NFO on December 16, 2022, acknowledging the notification of closure of Cell 19 at the Radioactive Waste Management Complex at the NNS.

BFF staff reviewed the *Transmittal of the NNS 2021 Waste Management Monitoring Report, Area 3 and Area 5 Radioactive Waste Management Sites, November 2022*, received on December 12, 2022.

BFF staff is received the *Application for Modification of Area 9 SWDS, Permit Number SW 13 097 03*, on December 16, 2022. BFF staff are currently reviewing the application for completeness and accuracy. BFF anticipates issuing a revised Area 9 SWDS, Permit Number SW 13 097 03 next quarter.

BFF staff reviewed a summary of field observations from the *RCRA Quarterly Post Closure Inspections* for the Fourth Quarter 2022, received on December 19, 2022.

BFF staff reviewed the *Asbestos Shipping Documents – State Reporting*, received on December 20, 2022.

Permit NEV HW0101:

On October 24, 2022, BFF staff met with MSTs personnel to discuss their revised Exhibit 11 – Groundwater Monitoring Plan and NDEP’s Draft Permit Sections 8 and 9 and further clarify NDEP’s comments to the Part B Permit Application and MSTs’ comments to the RCRA Draft Permit.

Comments from MSTs to the Draft RCRA Permit were received on October 27, 2022.

BFF staff received an email on October 27, 2022, from EPA Region 9, *Table of Potential Violation Resolutions (April 19, 2021)*, requesting a response from BFF prior to EPA's submittal of comments on the Draft RCRA Permit. BFF staff provided an email response to EPA on November 6, 2022, and on November 10, 2022, discussed them in a Teams meeting with EPA Region 9.

BFF staff received EPA Region 9's comments on the Draft RCRA Permit via email on November 16, 2022. A Teams meeting is scheduled in January 2023 to discuss BFF's responses to EPA's comments prior to sending a formal response letter to EPA.

BFF staff continues to revise the Draft RCRA Permit in response to the comments received from MSTs and EPA Region 9.

Site Visits/Inspections:

BFF staff participated in a site visit to the NNSS to observe a Real Time Radiography (RTR) session. Two packages were observed from two different profiles during the session. Containers passed the RTR verification, and no prohibited items were identified.

BFF staff conducted the annual Compliance Evaluation Inspection for permitted units covered under RCRA Permit NEV HW0101 at the NNSS on October 11 and 12, 2022, with MSTs and EM NP personnel in attendance. BFF staff requested, through a letter dated August 16, 2022, 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 October 2022 inspection. The NDEP found the NNSA/NFO in compliance with Permit NEV HW0101. BFF staff sent a Warning Letter to NNSA/NFO on November 7, 2022, regarding safety concerns observed during the CEI involving an NNSA/NFO staff member. The NFO responded with a letter on December 6, 2022, addressing the concerns and corrective action taken to prevent reoccurrence. BFF staff sent a Return to Compliance letter to NFO on December 14, 2022. BFF staff is currently working on the official inspection report with an anticipated completion date by the middle of January 2023.

BFF staff completed the annual Solid Waste 532 compliance evaluation inspection at the NNSS on November 7, 2022.

BFF staff completed the annual compliance evaluation inspections for Areas 6 permit SW 13 097 02, Area 9 SW13 097 03, and Area 23 Permit SW 13 097 04 on November 8, 2022.

Conference Calls/Meetings:

BFF staff participated virtually in the quarterly Low-Level Waste Stakeholder's Meeting on November 3, 2022.

On November 16, 2022, BFF staff participated in the monthly meeting with NNSA/NFO, EM NP, Navarro and MSTs staff to discuss the status of the RCRA permit renewal, NDEP's revisions to the draft RCRA Permit, status of the SW permit, SW-532, as well as solid waste permits SW 13 097 02, SW 13 097 03, SW 13 097 04. The next monthly meeting will be held in January due to schedules in December. Several internal meetings were also held this quarter in regard to the revision of permit SW 13 097 03.

CAU 111 – 92 Acre Area – On November 17, 2022, BFF staff met with EM NP staff to discuss the CAU 111 Revegetation Plan.

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 and BSDW staff issued a report to NNSA/NFO titled *Sanitary Survey of NNSS Site Area A23 and 6 (NV0000360); Nye County*, on November 7, 2022.

BFF and BSDW staff issued a report to NNSA/NFO titled *Sanitary Survey of NNSS Site Area 12 (NV0004099); Nye County*, on November 7, 2022.

BFF and BSDW staff issued a report to NNSA/NFO titled *Sanitary Survey of NNSS Site Area 25 (NV0004098); Nye County*, on November 7, 2022.

BFF and BSDW staff reviewed a response letter titled *Response to 2022 Sanitary Survey of NNSS A23 and 6 (NV0000360) Report*, received December 19, 2022.

BFF and BSDW staff reviewed a response letter titled *Response to 2022 Sanitary Survey of NNSS A12 (NV0004099) Report*, received December 19, 2022.

BFF and BSDW staff reviewed a response letter titled *Response to 2022 Sanitary Survey of NNSS A25 (NV0004098) Report*, received December 19, 2022.

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) September 2022 NNSS Water Hauling Coliform Results: Water Hauling Trucks 84846 & 84847
- b) October 2022 Coliform Results NNSS PWS NV0000360, PWS NV0004098, Water Truck 84846
- c) 2022 VOC PWS NV0000360
- d) PWSNV0000360 3rd QTR 2022 Disinfectant Residual Report

- e) 2022 PWS NV0000360 Lead and Copper Report
- f) 2022 NNSS NV0000360 Arsenic
- g) 2022 Secondary IOCs PWS NV0000360 and NV0004098
- h) 2022 VOC'S Phase 2 & 5 PWS NV000360
- i) October 2022 NNSS Water Hauling Coliform Results
- j) November 2022 Coliform Results PWS NV0000360, PWS NV0004098 and Water Truck 84846
- k) November 2022 NNSS Water Hauling Coliform Results
- l) December 2022 Coliform Results PWS NV0000360, PWS NV0004098, PWS NV0004099 and Water Truck 8487
- m) Well 4a Sample 1 SSA Final Report V4824
- n) Well 4a Sample 2 SSA Final Report V4826

Meetings:

BFF and BSDW staff met in November to discuss BFF safe drinking water responsibilities at the NNSS. These discussions will continue next quarter.

Due to scheduling conflicts at the end of this quarter, the quarterly water meeting was postponed until the beginning of the next quarter.

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 \$130,509 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 virtual meetings in October, November, and December 2022.

During this quarter, the bureau chief 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 (STGWG), the Environmental Council of States (ECOS) and/or the Combined Intergovernmental Working Group (CIWG); (2) a specific FFTF meeting held with DOE EM HQ personnel regarding Performance Assessments; (3) regular bureau staff meetings and meetings with individual staff; (4) along with the NDEP Administrator and BFF supervisor, attended the 2022 DOE EM Intergovernmental Meeting in New Orleans; and (5) the NV Minority Health and Equity Coalition Summit.

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 personnel completed the 2023 Kevin Mitnick Security Awareness Training

BFF staff participated in an NSSAB tour of the NNSS in October to visit and learn about the various areas and past activities at the site.

On December 8, 2022, BFF staff accompanied Navarro and NNSA/NFO personnel on a fieldtrip to various locations on the NNSS as a training opportunity.

BFF personnel completed the Annual Las Vegas Office Safety Training

BFF supervisor completed the following:

- Alcohol and Drug Testing Procedures Training
- Developing Essential Functions Training
- Equal Employment Opportunity for Manager and Supervisors Training
- Evaluating Employee Performance Training
- Handling Grievances Training
- Interviewing and Hiring Training
- Progressive Disciplinary Procedures
- What Supervisors Need to Know about the ADA and Accommodation Requests Training

- What Supervisors Need to Know About the FMLA Training
- Work Performance Standards Training

BFF staff participated in a webinar held by the EPA regarding the use of open burning and open detonation at facilities across the country.