

DATE: April 14, 2023
TO: Jennifer Carr, Administrator
FROM: Christine Andres, Chief, Bureau of Federal Facilities
SUBJECT: Quarterly Report: January 1, 2023 to March 31, 2023

FEDERAL FACILITY AGREEMENT AND CONSENT ORDER

(FFACO) QUARTERLY REPORT

Industrial Sites Activity

At the end of March 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 111 – 92 Acre Area – BFF staff received a revised draft *Proposal for Revegetation of Waste Covers in the 92-Acre Area* on February 7, 2023. This revised version incorporated aspects discussed by BFF and EM NP staff during a meeting held previously on November 17, 2022. BFF sent a response via email stating BFF staff had no further comments. The final *Proposal for Revegetation of Waste Covers in the 92-Acre Area* was received by BFF staff on February 15, 2023. A response letter approving the revegetation plan was issued to the EM NP on February 16, 2023.

CAU 575 – Area 15 Miscellaneous Sites – An Errata Sheet for the *Record of Technical Change 1 for the Closure Report* for this CAU was received and reviewed on January 17, 2023. This Errata Sheet corrected a typographical error in a CAS number. No response from the Bureau was necessary.

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. *Notification of Monument and UR Sign Installation at CAU 577: Area 5 Chromium Containing Waste Disposal Cells, CAS 05-21-05: Waste Disposal Cell 20, Nevada National Security Site* was received by BFF on February 6, 2023. BFF staff reviewed the notification and sent a response letter on February 8, 2023, verifying receipt of the letter. This response letter also verified that the notification letter received by BFF satisfied a request made in a previous letter.

CAU 578 – Miscellaneous Inactive Sites – On January 6, 2023, BFF issued a response letter to an official request received last quarter to establish CAU 578 in Appendix III of the FFACO. Please see previous quarterly reports for a history of events. The response letter approved the modification to establish CAU 578 in Appendix III of the FFACO and established milestone deadlines for submission of documents. On March 8, 2023, BFF staff received the *Modification Request, Revision 1, to Establish CAU 578: Miscellaneous Inactive Sites, in Appendix III of the Federal Facility Agreement and Consent Order (FFACO)*. BFF sent a response letter on March 10, 2023, acknowledging and accepting the *Modification Request, Revision 1* document. 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*. A response letter will be issued early next quarter.

Site Visits/Inspections:

On February 22, 2022, BFF staff accompanied Navarro and EM NV personnel at the NNSS to gain familiarity with, and view, potential sampling areas at certain sites in CAU 578.

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 will be issued early next quarter.

CAU 101/102 – Pahute Mesa – On January 23, 2023, BFF staff received a *Draft Response to External Peer Review Team Report for Central Pahute Mesa, Corrective Action Unit 101 and Western Pahute Mesa CAU 102, Nevada National Security Site, Nye County, Nevada*. BFF sent a comment response via email on February 9, 2023. These comments were discussed during the Pahute Mesa Data Needs Meeting held February 23, 2023. 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 will be issued early next quarter.

Meetings and Presentations:

A Microsoft Teams meeting was held on January 12, 2023, to discuss the following in regard to Pahute Mesa: (1) Navarro and EM NP's proposed responses to the External Peer Review comments; (2) an acknowledgement of completion of the External Peer Review from NDEP; (3) a request to move forward in the UGTA Strategy from EM NP; (4) CADD/CAP prep; (5) outstanding documents; and, (6) proposed fieldwork.

NDEP staff participated in an in-person meeting held on February 23, 2023, with EM NP and Navarro personnel to discuss: (1) Pahute Mesa data needs for model evaluation; (2) response to the External Peer Review report; and, (3) planned wells and future additional wells. Draft meeting minutes were received and reviewed this quarter.

General FFACO Business:

Annual UGTA Quality Assurance Report – BFF staff received the *Underground Test Area (UGTA) Calendar Year (CY) 2021 Quality Assurance Report, Nevada National Security Site (NNSS), Nevada, Revision 0, January 2023* on February 6, 2023. Following review of the Report, BFF issued an acknowledgement letter on March 7, 2023, with one comment to be addressed in the 2022 Annual Report.

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. A check-in meeting was held February 13, 2023, to gain an understanding of the status of review within each organization of the DRAFT Appendix VII and any needed updates/revisions to the other Appendices. As such, Appendix VI was also reviewed this quarter. BFF comments were sent to the EM NP's contractor.

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 seventh meeting was held on January 12, 2022.

Use Restrictions (URs) – 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.

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.

Annual FFACO Meeting – This meeting was held on February 1, 2023. A draft Agenda packet for review prior to the meeting was received by BFF on January 31, 2023. Draft meeting minutes were received and reviewed 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 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. It will be reviewed and signed early next quarter.

CAU 443 – Central Nevada Test Area (CNTA) Subsurface - On January 9, 2023, BFF received the *Draft 2020 Postclosure Groundwater Monitoring and Inspection Report, Central Nevada Test Area, Subsurface Corrective Action Unit 443*. BFF sent a comment letter on January 30, 2023 and received the *Final 2020 Postclosure Groundwater Monitoring and Inspection Report, Central Nevada Test Area, Subsurface Corrective Action Unit 443* on March 7, 2023. A response letter was sent by BFF on March 13, 2023, approving the final report.

Tonopah Test Range – BFF received the *Draft Postclosure Inspection Report for the Tonopah Test Range and Nevada Test and Training Range, Nevada, Sites for Calendar Year 2022* on February 7, 2023. BFF reviewed and sent a comment letter on February 10, 2023. BFF received comment responses on February 28, 2023, which were accepted on March 7, 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 Administrator either in person or via virtual meetings in January, February, and/or March 2023.

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) two Nevada Site-Specific Advisory Board meetings; (3) regular bureau staff meetings and meetings with individual staff; (4) along with the BFF staff, attended the 2023 International Waste Management Symposium in Phoenix, AZ and participated in a panel discussion on waste management in Nevada; (5) a number of budget and work program prep meetings; and (6) a meeting with the Manager of the NNSS.

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:

The BFF supervisor completed the following:

- Recruiting 101 on March 9, 2023

- Risk Management Accident Investigations on March 29, 2023

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, October 1, 2022 through December 31, 2022*, on January 24, 2023. BFF staff reviewed the report and sent a response letter to the National Nuclear Security Administration/Nevada Field Office (NNSA/NFO) on January 31, 2023, acknowledging the limits set forth in the permit had been met for the quarter.

Water Pollution Control Permit GNEV96021 – BFF staff received the *Submittal of E-Tunnel Wastewater Discharge Permit Quarterly Monitoring Report for Fourth Quarter 2022, Annual Summary Report for Calendar Year 2022, and Well ER 12-1 Groundwater Sampling Summary Report for Water Pollution Control Permit NEV 96021* on January 26, 2023. BFF reviewed the report and sent a response letter to NNSA/NFO on February 2, 2023, acknowledging that the report was in compliance with the limits set forth in the permit.

The public review period for Permit GNEV96021 began on January 10, 2023. The 30-day period for public review ended on February 16, 2023. No public comments were submitted. The renewed Permit GNEV96021 took effect on February 24, 2023.

Meetings:

The quarterly water meeting was held on January 10, 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. Following review of this letter, BFF will issue a response early next quarter.

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 response letter will be sent next quarter following review of the Report.

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 January, February, and March 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:

Closure of Findings I-3417 and I-3418 for Y-12 National Security Complex (Y-12) Audit, A-1529, received on January 9, 2023.

RWAP Audit of Oak Ridge Reservation (ORR) Waste Certification Program, (WCP), Audit No. 3003, received on January 12, 2023.

RWAP Audit of the NNSW Waste Certification Program (WCP) Audit Report, A-2998, received on January 12, 2023.

Submittal of the NNSW RWAP Annual Report specified in the June 22, 2021, Settlement Agreement Action 23, received on January 26, 2023. BFF issued a response on March 23, 2023.

Closure of Finding I-2817 for Y-12 National Security Complex (Y-12), received on October February 1, 2023.

RWAP Review of North Wind Portage, Inc. (NWP)/Knolls Atomic Power Laboratory (KAPL) Project, WCP Assessment No. A-3048, received on February 9, 2023.

Closure of Finding I-3348 for Oak Ridge Reservation (ORR), received February 16, 2023.

EnergySolutions - Bear Creek Processing Facility (ES) Waste Certification Program (WCP) Surveillance Report, A-3000, received on February 22, 2023.

Los Alamos National Laboratory (LANL) Waste Certification Program (WCP) Surveillance Report A-3002, received on February 27, 2023.

Closure of Finding I-3349 for Idaho National Laboratory – Battelle Energy Alliance (INL-BEA), received on March 9, 2023.

Perma-Fix Environmental Services, Inc. (Perma-Fix) Waste Certification Program (WCP) Surveillance at Perma-Fix of Florida, Report A-2999, received on March 9, 2023.

Oak Ridge Reservation (ORR) Waste Certification Program (WCP) Audit Report, A-3003, received on March 27, 2003.

Closure of Issues from Surveillance A-3004 for Perma-Fix Environmental Services, Inc. (Perma-Fix), received on March 30, 2023.

Closure of Issues from Audit A-1541 for Perma-Fix Environmental Services, Inc. (Perma-Fix), received on March 30, 2023.

Profiles Reviewed:

Staff reviewed a total of six (6) waste profiles this quarter. All six (6) profiles were strictly for LLW requiring disposal in Department of Energy (DOE) Order 435.1 LLW landfills.

Meetings:

BFF staff participated virtually in DOE's quarterly LLW Stakeholder's Meeting on February 8, 2023. On March 9, 2023, BFF staff participated virtually in a follow-up meeting regarding LLW Profile DRTK00000070, Isotek Building 2026 Hot Cell Process Waste.

Bureau staff participated in a February 23, 2023, meeting with the NNSA and EM NP regarding the topic of classified matter/classified waste and disposal at the NNSS.

A meeting was held in March in conjunction with the Annual Waste Symposium Meeting in Phoenix, AZ with NNSA/NFO, EM NP, EM Headquarters and NDEP personnel attending. Waste topics throughout the DOE complex were discussed, with special emphasis on those pertaining to Nevada.

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 are currently no active profiles under suspension.

Waste Volume

A total of 123,734 ft³ of LLW, 900 ft³ Classified Non-Radioactive, 20 ft³ of Classified Non-Radioactive Hazardous, and 11,243 ft³ of Mixed LLW was received at the NNSS this quarter.

Site Visits/Radioactive Waste Generator Facility Evaluations:

The RWAP conducted four (4) surveillances, two (2) audits, two (2) mixed-waste verifications and one (1) assist visit this quarter. NDEP participated in the following:

Surveillances:

BFF staff participated in an in-person surveillance at Los Alamos National Laboratory, Los Alamos, NM. Pre-surveillance meetings were attended by appropriate BFF staff.

Audits:

BFF staff participated in two (2) in-person audits at United Cleanup Oak Ridge in Oak Ridge, Tennessee, and Lawrence Livermore National Laboratory in Livermore, California. Pre-audit meetings were attended by appropriate BFF staff.

UCOR, Oak Ridge, TN – During the week of February 13, 2023, BFF personnel, along with staff from the EM NP contractor participated in the audit of the waste generator, UCOR. The Audit was scheduled to verify the implementation of the NNSSWAC program elements into UCOR's WCP, using checklists. NDEP was able to review UCOR's procedures and Qualification Memorandums and observe RWAP team members performing interviews with UCOR personnel.

Lawrence Livermore National Laboratory (LLNL), Livermore, CA – During the week of March 13, 2023, BFF personnel, along with staff from the EM NV contractor participated in the audit of the waste generator, LLNL. The Audit was scheduled to verify the implementation of the revised NNSSWAC program elements into LLNL's WCP, using checklists. NDEP was able to review LLNL's procedures and Information Gathering Documents and observe RWAP team members performing interviews with LLNL 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. *Notification of Monument and UR Sign Installation at CAU 577: Area 5 Chromium Containing Waste Disposal Cells, CAS 05-21-05: Waste Disposal Cell 20, Nevada National Security Site* was received by BFF on February 6, 2023. BFF staff reviewed the notification and sent a response letter on February 8, 2023, verifying

receipt of the letter. This response letter also verified that the notification letter received by BFF satisfied a request made in a previous letter.

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 fourteen 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. BFF staff participated in a call on March 9, 2023, to discuss interpretation of one of the improvements regarding waste verification rates. 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:

The *NNSS Quarterly Hazardous Waste Volume Report and Fee: Fourth Quarter Calendar Year 2022*, on January 2, 2023 and forwarded it to BFF fiscal staff for proper disbursement.

The Application for Modification of Area 9 Solid Waste Disposal Site Permit SW 13 097 03 on January 4, 2023. BFF issued the revised permit on January 20, 2023.

A corrected Asbestos Shipping Document on January 4, 2023.

BFF issued the *2022 Annual Solid Waste Disposal Site Compliance Evaluation Inspection at the NNSS Report - Area 6, Permit SW 13 097 02* on January 9, 2023.

The *2022 Annual Solid Waste Disposal Site Compliance Evaluation Inspection at the NNSS Report - Area 9 U10c, Permit SW 13 097 03* was issued by BFF on January 9, 2023.

A Request for Regulatory Position Regarding Void Space in MLLW Containers, on January 11, 2023. A response was issued to NNSA/NFO on February 15, 2023.

The *NNSS Area 5 Asbestos Waste Disposal Report for Fourth Quarter of Calendar Year (CY) 2022 for Permit HW0101*, on January 12, 2023. A response was issued to NNSA/NFO on January 23, 2023, acknowledging that the NNSAA/NFO satisfied the permit and regulatory requirement.

The *NNSS Area 5 Asbestos Waste Disposal Report for Fourth Quarter of Calendar Year (CY) 2022 for Permit SW532*, on January 12, 2023. BFF issued a response to NNSA/NFO on January 23, 2023, acknowledging that the NNSAA/NFO satisfied the permit and regulatory requirement.

The *NNSS Area 5 Annual Asbestos Waste Disposal Report for Calendar Year (CY) 2022 for Permit HW0101*, on January 17, 2023. BFF issued a response to NNSA/NFO on January 23, 2023, acknowledging that the NNSAA/NFO satisfied the permit and regulatory requirement.

The *NNSS Area 5 Annual Asbestos Waste Disposal Report for Calendar Year (CY) 2022 for Permit SW532*, on January 17, 2023. A response was issued to NNSA/NFO on January 23, 2023, acknowledging that the NNSAA/NFO satisfied the permit and regulatory requirement.

BFF issued the *2022 Annual Solid Waste Disposal Site Compliance Evaluation Inspection at the NNSS Report - Area 23, Permit SW 13 097 04* on January 17, 2023.

The *Area 23 Semi-Annual Solid Waste Disposal Site (SWDS) Report for the Nevada National Security Site – July 1, 2022, through December 31, 2022*, on January 24, 2023. BFF issued a response to NNSA/NFO on January 31, 2023, acknowledging that the NNSA/NFO satisfied the permit and regulatory requirement.

The *Area 6 Annual Solid Waste Disposal Site (SWDS) Report for the Nevada National Security Site – January 1, 2022, through December 31, 2022*, on January 24, 2023. A response was issued to NNSA/NFO on January 31, 2023, acknowledging that the NNSA/NFO satisfied the permit and regulatory requirement.

The *Area 9 Annual Solid Waste Disposal Site (SWDS) Report for the Nevada National Security Site – January 1, 2022, through December 31, 2022*, on January 24, 2023. BFF issued a response to NNSA/NFO on January 31, 2023, acknowledging that the NNSA/NFO satisfied the permit and regulatory requirement.

BFF issued the *SW532 Annual 2022 Inspection report* to NNSA/NFO on January 27, 2023.

An *Updated Application for Renewal of RCRA Permit NEV HW0101, US EPA ID NV3890090001* on January 27, 2023. BFF issued an email response to NNSA/NFO on March 15, requesting minor changes be made to the Part B application.

A *Request for Extension for Cell 18 Leachate Collection Tank Sampling*, on January 31, 2023. A response was issued to NNSA/NFO on February 2, 2023, acknowledging the information presented and granted the NNSA/NFO's request for extension.

The *Annual Summary/Waste Minimization Report, Calendar Year 2022, Resource Conservation and Recovery Act Permit Number NEV HW0101*, March 1, 2023. BFF issued a response to NNSA/NFO March 13, 2023, acknowledging that the NNSA/NFO satisfied the permit and regulatory requirements.

The *Disposal of North Las Vegas Industrial Waste at the Area 9 SWDS*, March 7, 2023. BFF issued a response to NNSA/NFO on March 23, 2023 acknowledging the events that took place for waste disposed in the Area 9 SWDS and required answers to a number of follow-up questions.

The *Application for Modification of SWDS Permit SW 13 097 02*, March 8, 2023.

The *Proposed Revisions for Closed Disposal Units at the Area 5 Radioactive Waste Management Site (RWMS), Nevada National Security Site (NNSS)*, on March 27, 2023. BFF will issue a response next quarter.

A summary of field observations from the *RCRA Quarterly Post-Closure Inspections* for the First Quarter 2023, received on March 29, 2023.

Permit NEV HW0101 Renewal:

On September 28, 2022, BFF sent the Draft RCRA Permit NEV HW0101 Revision 7 (Draft Permit) for the NNSA via email for review by EPA Region 9 and the NNSA/NFO. BFF received comments via email on the Draft Permit from EPA Region 9 and the NNSA/NFO on November 16, 2023, and October 27, 2023, respectively. The Draft Permit was issued for public review on January 10, 2023 with the host community and permittee being notified directly.

Representatives from NDEP and EPA Region 9 participated in Teams meetings on January 11, 2023, and January 26, 2023, to discuss EPA's comments and comment resolutions. BFF issued a comment response to EPA Region 9 on January 27, 2023. BFF representatives from NDEP, MSTs and NNSA/NFO participated in an in-person meeting on January 25, 2023, to resolve comments. BFF issued a comment response to NNSA/NFO on January 31, 2023.

On February 2, 2023, the 45-day public comment period on the Draft Permit began. Copies of the proposed RCRA Permit, Public Notice, and Fact Sheet were posted on the NDEP website, published in local newspapers, posted in local libraries and sent to interested parties via the BFF mailing and email listservs. The 45-day comment period ended March 20, 2023, with no public comments received. The Notice of Decision was issued on April 4, 2023. If no appeals are filed, the permit will become effective April 17, 2023.

Site Visits/Inspections:

BFF staff visited the NNSA on March 23, 2023, to observe the EM NP's contractor's findings during the quarterly post-closure monitoring inspections for the permitted CAU 111 / 92-acre area RCRA sites.

BFF staff conducted the annual Compliance Evaluation Inspection for permitted units covered under RCRA Permit NEV HW0101 at the NNSA on October 11 and 12, 2022, with MSTs and EM NP personnel in attendance. While the NDEP found the NNSA/NFO in compliance with Permit NEV HW0101, BFF did send 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 issued the official CEI Report on January 20, 2023.

BFF staff received access to RCRA info to input compliance monitoring and any enforcement actions.

Conference Calls/Meetings:

On January 5, 2023, BFF staff participated in the monthly meeting with NNSA/NFO 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 application SW 13 097 03 – Area 9 U10C, the status of the RCRA CEI report, and the SW

CEI reports. Several internal meetings were also held this quarter regarding the revision of permit SW 13 097 03.

BFF staff participated in TEAMS meetings on January 11, 2023, and January 26, 2023, with EPA Region 9 to discuss the draft RCRA Permit NEV HW0101.

BFF staff participated in a TEAMS meeting on January 19, 2023, and an in-person meeting on January 25, 2023, with MSTs and NNSA/NFO personnel, to discuss revisions to the Part B Permit Applications and the Draft RCRA Permit.

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 *2022 Waiver Renewal Map NV0000360 NNSs Site Area 23 and 6*, on February 3, 2023, and filed it appropriately.

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) PWSNV0000360 Fourth Quarter 2022 Disinfectant Residual
- b) December 2022 NNSs Water Hauling Coliform Results
- c) January 2023 Coliform Results NNSs PWS NV0000360, PWS NV0004098, and Water Truck 84847
- d) January 2023 NNSs Water Hauling Coliform Results
- e) February 2023 Coliform Results NNSs PWS NV0000360, PWS NV0004098 and Water Trucks
- f) February 2023 NNSs Water Hauling Coliform Results
- g) March 2023 Coliform Results NNSs PWS NV0000360, PWS NV0004098, PWS NV0004099 and Water Trucks

Meetings:

The quarterly water meeting was held on January 10, 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 \$186,506.00 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 January, February, and/or March 2023.

Waste Management Symposia – BFF personnel attended the 2023 Waste Management Symposia (WMS) in Phoenix, AZ. The WMS is an international conference for radioactive waste management and related topics. BFF personnel attended panels, presentations, and sessions from DOE personnel, generators, researchers, and other countries providing information about issues and topics regarding community involvement, risk assessment, landfill design, remediation, nuclear power, waste, emerging technologies and policy making.

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) two Nevada Site-Specific Advisory Board meetings; (3) regular bureau staff meetings and meetings with individual staff; (4) along with the BFF staff, attended the 2023 International Waste Management Symposium in Phoenix, AZ and participated in a panel discussion on waste management in Nevada; (5) a number of budget and work program prep meetings; (6) with staff, a review of NDEP regulations pertaining to the NNSS as required by a Governor Order; and (7) a meeting with the Manager of the NNSS.

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:

- Recruiting 101 on March 9, 2023

- Risk Management Accident Investigations on March 29, 2023

BFF staff participated in a webinar on March 2, 2023, held by the EPA discussing “deincineration technology” as an alternative to open burning and open detonation at facilities.

BFF staff participated in monthly TEAMS meetings held by EPA for RCRA permit writers.