

**DATE:** April 12, 2024  
**TO:** Jennifer Carr, Administrator  
**FROM:** Christine Andres, Chief, Bureau of Federal Facilities  
**SUBJECT:** Quarterly Report: January 1, 2024 to March 31, 2024

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## **FEDERAL FACILITY AGREEMENT AND CONSENT ORDER**

### **(FFACO) QUARTERLY REPORT**

#### **Industrial Sites Activity**

At the end of March 2024, there were 1962 historical Corrective Action Sites (CASs) (out of 1970 total) that have been closed, with three (3) CASs in Corrective Action Unit (CAU) 114 and five (5) CASs in CAU 572, all of which continue to undergo active D&D work by the Department of Energy's Environmental Management Nevada Program (EM 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 5 – Landfills** – Following a site visit on December 7, 2023, BFF staff responded to a November 1, 2023, Draft *Notification of Unauthorized Activity in the Corrective Action (CAU) 5, Landfills, Corrective Action Site (CAS) 23-15-03, Disposal Site, Use Restriction (UR)* with a comment letter, including follow-up questions, dated January 4, 2024. This letter also provided formal documentation for the site visit and meeting conducted on December 7, 2023. On January 24, 2024, BFF staff received a *Response to the Nevada Division of Environmental Protection (NDEP) Regarding Unauthorized Activity in the Corrective Action Unit (CAU) 5, Landfills, Corrective Action Site (CAS) 23-15-03, Disposal Site, Use Restriction (UR)* (Response). On February 21, 2024, a meeting to discuss the Response was held between BFF staff and DOE personnel and their contractors. On March 6, 2024, BFF responded to the Response to document the meeting held on February 21, 2024, and provide BFF's requests regarding the unauthorized activity at CAU 5.

**CAU 578 – Miscellaneous Inactive Sites** – On January 12, 2024, BFF staff received comment responses for the *Draft Closure Report for Corrective Action Unit 578: Miscellaneous Inactive Sites, Nevada National Security Site, Nevada*, which were accepted on the same day. On February 1, 2024, BFF staff received the *Final Closure Report (CR) for Corrective Action Unit (CAU) 578: Miscellaneous Inactive Sites, Nevada National Security Site, Nevada Revision 0, January 2024*. On February 7, 2024, BFF staff issued a letter accepting the Closure Report. On February 26, 2024, BFF staff issued a letter granting the move of CAU 578 from Appendix III to Appendix IV of the Federal Facility Agreement and Consent Order (FFACO).

**CAUs 4000 and 5000** – On February 13, 2024, BFF staff provided comments on the preliminary draft *History Summaries of CAUs 4000 and 5000, Nevada National Security Site, Nevada, Revision 0, November 2023*.

**CAU 572 – Test Cell C Ancillary Building and Structures** – On February 12, 2024, BFF staff received comment responses for the *Draft Closure Report for Corrective Action Unit 572: Test Cell C Ancillary Building and Structures, Nevada National Security Site, Nevada, Revision 0*. On February 13, 2024, BFF staff accepted all the comment responses.

**CAU 577 – Area 5 Chromium Containing Waste Disposal Cells** – On February 1, 2024, BFF staff received the *Transmittal of Use Restriction (UR) Information for Corrective Action Unit (CAU) 577*.

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

#### Meetings and Site Visit:

On January 9, 2024, BFF staff attended a D&D update meeting to discuss the current demolition status of Test Cell C and EMAD.

On January 11, 2024, BFF staff viewed the water tower demolitions at CAU 114 EMAD and CAU 572 Test Cell C Ancillary Building and Structures.

On February 13, 2024, the BFF supervisor and staff visited CAU 114 EMAD to observe waste packing.

It was agreed to by BFF and DOE and their contractors to hold a meeting every 4-6 weeks to discuss the current demolition processes at CAU 114 EMAD and CAU 572 Test Cell C Ancillary Building and Structures. These meetings also present the opportunity to discuss any new or emerging topics regarding this FFACO work. Meetings were held on January 9, 2024, February 15, 2024, and March 21, 2024 during this quarter.

As stated above, on February 21, 2024, the bureau chief, BFF supervisor, and BFF staff attended a meeting with DOE and their contractors to discuss the UR intrusion at CAU 5, CAS 23-15-03.

#### Soils Activity Sites

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

#### Underground Test Area (UGTA) Activity

There are five (5) UGTA CAUs, all of which are either in the Corrective Action Decision Document/ Corrective Action Plan (Model Evaluation for UGTA sites) or in long-term monitoring during the Closure Stage.

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

*Document Reviews and Letters:*

**CAU 98 – Frenchman Flat** – BFF staff received the *Final Addendum to Underground Test Area (UGTA) Closure Report for Corrective Action Unit (CAU) 98: Frenchman Flat, Nevada National Security Site, Nevada, Revision 0, February 2024* on February 26, 2024. A response letter was sent on March 25, 2024, approving the final addendum.

**CAU 101/102 – Pahute Mesa** – On January 10, 2024, BFF staff received the *Final Corrective Action Decision Document/Corrective Action Plan (CADD/CAP) for Corrective Action Units (CAUs) 101 and 102: Central and Western Pahute Mesa, Nevada National Security Site, Nevada, Revision 1, January 2024*. On January 16, 2024, BFF responded with a letter approving the above referenced document.

On February 22, 2024, 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 2, February 2024*. A response letter was issued on March 26, 2024, thanking EM NP for the opportunity to review this Supplemental Work Product.

**Quality Assurance Plan** – On February 5, 2024, BFF sent a comment letter for the *Draft Underground Test Area Activity Quality Assurance Plan, Nevada National Security Site, Nevada, Revision 1, October 2023*. On February 13, 2024, BFF staff received comment responses. On February 20, 2024, a meeting was held between BFF and DOE personnel and their contractors to discuss BFF's comments. On March 7, 2024, BFF staff received the *Underground Test Area Activity Quality Assurance Plan, Nevada National Security Site, Nevada, Revision 1, March 2024*. On March 26, 2024, BFF staff responded with a letter thanking DOE personnel and their contractors for the opportunity to review the Quality Assurance Plan.

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

**Annual Letter Reports for all Closed Groundwater Corrective Action Units** – On February 15, 2024, BFF staff received a *Request for Deadline Extension for the Draft CY 2023 and Draft CY 2024 Annual Letter Reports for all Closed Groundwater Corrective Action Units (CAUs)*. BFF staff issued a letter approving the deadline extension on February 26, 2024.

BFF staff received the *Final Calendar Year (CY) 2023 Post-Closure Monitoring Letter Report, Revision 0, March 2024* on March 28, 2024. BFF will issue a response to the letter report early next quarter.

*Meetings and Site Visit:*

As stated above, on February 20, 2024, the BFF chief, supervisor, and staff attended a meeting to discuss the comments BFF had on the Quality Assurance Report and the Quality Assurance Plan.

On March 5, 2024, the BFF chief, supervisor, and staff attended a meeting to discuss the future drilling of two wells at CAUs 101 and 102 Pahute Mesa.

On March 27, 2024, the BFF chief, supervisor, and staff attended a follow up meeting to discuss the future drilling of two wells at CAUs 101 and 102 Pahute Mesa.

*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 on February 14, 2024. On February 22, 2024, the *Final Agreement to Modify the Federal Facility Agreement and Consent Order (FFACO)* was emailed to all Signatory Agencies, and it is currently in the process of being routed to each Agency for signature.

**Informal UGTA Discussion Meetings** – A practice was begun in the beginning of 2022 of holding an “informal” Teams meeting with EM NP, Navarro, DRI and BFF staff about every six weeks to discuss present and upcoming UGTA documents or activities or any other outstanding UGTA subjects. This quarter’s meeting was held on February 14, 2024.

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

**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 corrective action sites, is complete in accordance with FFACO standards. Each Closure Affirmation Form requires acceptance through signature by the Bureau Chief. Last quarter, a path forward to complete this project within the next 18 months was also put in place and a large number of forms were reviewed and accepted this quarter.

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

**Meetings** – On February 14, 2024, the BFF bureau chief and supervisor attended the FY24 Annual FFACO Meeting.

On March 5, 2024, the BFF chief, supervisor, and staff attended a FFACO 101 Briefing held by EM NP.

### **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.

There were no document reviews or site visits to the Central Nevada Test Area or Project Shoal Area this quarter.

#### **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 January, February, and March 2024.

During this quarter, the bureau chief attended or participated virtually in: (1) numerous calls, meetings and/or webinars as a member of the NGA's Federal Facilities Task Force (FFTF), the State, Tribal, Government Working Group (STGWG), the Environmental Council of States (ECOS) and/or the Combined Intergovernmental Working Group (CIWG) Planning Committee; (2) two ECOS FFA Managers meetings, the second with BFF staff; (3) two Nevada Site-Specific Advisory Board meetings; (4) two NDEP Budget Build 101 meetings with BFF staff, as well as, one bureau-specific budget building meeting; (5) regular bureau staff meetings and meetings with individual staff; (6) along with the BFF supervisor, conducted interviews for an Environmental Scientist position; (7) an Office of the Governor Pre-Meeting: Community Roundtable Meeting regarding the DOE's Clean Energy Initiative; (8) a NNSS site tour with Department and Division management; (9) a briefing to the Administrator on the FFACO update changes; and (10) the Annual Waste Management Symposium and participated as a panelist.

**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 staff completed the following:

- Annual Safety Training
- First Amendment Auditor Training

The BFF Supervisor attended:

- Nevada Certified Public Manager Classes on January 11, 2024, February 26 – 29, 2024 and March 19 – 22, 2024

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

**1. On-Site Discharges**

**Water Pollution Control**

*Document Reviews and Site Inspections:*

**Water Pollution Control Permit GNEV93001** – The Nevada Division of Environmental Protection’s (NDEP) Bureau of Federal Facilities (BFF) staff received the *Discharge Monitoring Report for Nevada National Security Site Sewage Ponds, Water Pollution Control Permit GNEV93001, October 1, 2023, through December 31, 2023*, on January 22, 2024. BFF staff reviewed the report and sent a comment letter to the National Nuclear Security Administration/Nevada Field Office (NNSA/NFO) on February 5, 2024, acknowledging the limits set forth in the permit had been met for the quarter. BFF staff received a comment response letter *Discharge Monitoring Report for Nevada National Security Site Sewage Pond, Water Pollution Control Permit GNEV93001, October 1, 2023, Through December 31, 2023*, on February 19, 2024. A response letter was sent to NNSA/NFO on February 26, 2024, stating that all comments had been satisfactorily addressed.

**Water Pollution Control Permit GNEV96021** – BFF staff received the *Submittal of E-Tunnel Wastewater Discharge Permit Quarterly Monitoring Report for Fourth Quarter 2023 and Annual Summary Report for Calendar Year 2023 for Permit NEV96021* on January 25, 2024. BFF reviewed the report and sent a comment letter to NNSA/NFO on February 5, 2024, acknowledging that the report was in compliance with the limits set forth in the permit. BFF staff received a comment response letter, *Response to the Nevada Division of Environmental Protection (NDEP) Comments on the E-Tunnel Wastewater Discharge Permit Quarterly Monitoring Report for Fourth Quarter 2023 and Annual Summary Report for Calendar Year 2023 for Permit NEV96021 (DOE/NV/03624--1851)*, on February 29, 2024. A response letter was sent to NNSA/NFO on February 29, 2024, stating that all comments had been satisfactorily addressed.

**Spill Report Number 231101-06** – BFF staff received Spill Report Number 231101-06 on November 1, 2023. The *Nevada Division of Environmental Protection Spill Report #231101-06* letter was sent to NNSA/NFO on November 22, 2023, requesting additional information about the spill. BFF staff received the *NNSA/NFO’s Final Report* on December 20, 2023. A comment letter was sent to NNSA/NFO on December 22, 2023, requesting further analytical information when it becomes available. BFF staff received the *Response to the Nevada Division of Environmental Protection (NDEP) Request Regarding Spill Report Number 231101-06, Final Report* on January 23, 2024. A response letter was sent on February 5, 2024, stating that all comments had been satisfactorily addressed and no further remedial action at the spill site is required at this time.

**Spill Report Number 231121-01** – BFF staff received Spill Report Number 231121-01 on November 21, 2023. The *Nevada Division of Environmental Protection Spill Report #231121-01* letter was sent to NNSA/NFO on December 4, 2023, requesting additional information about the spill. BFF staff received the *Nevada Division of Environmental Protection Spill Number 231121-01 Report* on January 2, 2024. On January 10, 2024, a comment letter was sent to NNSA/NFO requesting updates and analytical information when it becomes available.

**Spill Report Number 240110-02** – BFF staff received Spill Report Number 240110-02 on January 10, 2024. The *Nevada Division of Environmental Protection Spill Report #240110-02* letter was sent to Environmental Management (EM) on January 11, 2024, requesting additional information about the spill.

BFF staff received the *Nevada Division of Environmental Protection (NDEP) Spill Report #240110-02* on February 8, 2024. A response letter was sent to EM on February 21, 2024, stating that no further remedial action at the spill site is required at this time.

**Spill Report Number 240220-01** – BFF staff received Spill Report number 240220-01 on February 21, 2024. The *Nevada Division of Environmental Protection Spill Report #240220-01* letter was sent to NNSA/NFO on February 26, 2024, requesting additional information about the spill. BFF staff received the *Nevada Division of Environmental Protection Spill Report Number 240220-01 Final Report* on March 21, 2024. A response letter will be sent at the start of the next quarter.

BFF staff received the *Annual Reports for Nevada National Security Sites (NNS) On Site Sewage Disposal Systems, Water Pollution Control General Permit GNEVOSDS09, Letters of Inclusion L-0271 Through L-0276* on January 24, 2024.

Meetings and Site Visits:

The quarterly water meeting was held on January 24, 2024.

**2. Ground Water Monitoring**

There was no activity in this category during this quarter.

**3. Air Quality Monitoring**

There was no activity in this category during this quarter.

**4. Low-Level and Mixed Low-Level Waste Oversight**

Conference Calls:

Staff participated in weekly Waste Acceptance Review Panel (WARP) meetings via teleconference during January, February, and March 2024. Review panel members discussed waste profile comments and waste-specific compliance issues for generator-submitted low-level radioactive (LLW) and mixed low-level radioactive (MLLW) waste profiles, along with Pre-Treatment Notifications, as they pertain to Nevada National Security Site Waste Acceptance Criteria (NSSWAC), DOE/NV--325-22-00, which became effective 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.

Documents Reviewed/Letters Issued:

BFF staff reviewed the following documents regarding low-level and MLLW during this quarter:

Nevada National Security Site (NNS) Radioactive Waste Acceptance Program (RWAP) Annual Report Specified in the June 22, 2021, Settlement Agreement Action 23, received on January 9, 2024.

Pantex Plant (Pantex) Waste Certification Program (WCP) Surveillance Report, SRV-24-024-AMGP, received on January 22, 2024.

Oak Ridge Reservation (ORR) Waste Certification Program (WCP) Surveillance Report, SRV-24-004-ORTN, received on January 25, 2024.

Final Report – Environmental Management (EM) Nevada Program Independent Assessment of the Navarro Nevada National Security Site Waste Acceptance Criteria Waste Certification Program (NNSSWAC WCP), Assessment A-3067, received on January 25, 2024.

West Valley Demonstration Project (WVDP) Waste Certification Program (WCP) Surveillance Report, SRV-24-025-WVDP, received on February 5, 2024.

Environmental Management (EM) Nevada Program Radioactive Waste Acceptance Program (RWAP) Finding FP2-24-004-BCLA Issuance, received on February 8, 2024.

Lawrence Livermore National Laboratory (LLNL) Waste Certification Program (WCP) Surveillance Report, SERV-24-006-BCLA, received on February 15, 2024.

Radioactive Waste Acceptance Program (RWAP) Audit of Paducah Gaseous Diffusion Plant (PGDP) Waste Certification Program (WCP), Audit No. ADT-24-004-PGDP, received on February 15, 2024.

Radioactive Waste Acceptance Program (RWAP) Audit of Y-12 National Security Complex (Y-12) Waste Certification Program (WCP), Audit No. ADT-24-008-BWXT, received on February 15, 2024.

Environmental Management (EM) Nevada Program Radioactive Waste Acceptance Program (RWAP) Finding Issuance to Sandia National Laboratories (SNL) FP1-24-001-ASLA, received on February 26, 2024.

Notification of Suspension of Perma-Fix Environmental Services, Inc. (PERMA-FIX), Diversified Scientific Services (DSSI), received on February 27, 2024.

Closure of Finding I-3710 for West Valley Demonstration Project (WVDP), received on February 29, 2024.

Submittal of the Nevada National Security Site Waste Acceptance Criteria (NNSSWAC), DOE/NV--325-24-00, Volumes I and II, received on February 29, 2024.

Los Alamos National Laboratory (LANL) Waste Certification Program (WCP) Audit Report, ADT-24-003-LANL, received on March 7, 2024.

Request for Mid-Year Update to Fiscal Year (FY) 2024 Low-Level Waste (LLW)/Mixed Low-Level Waste (MLLW) Waste Forecasts to the Nevada National Security Sites (NNSS), received on March 11, 2024.

Sandia National Laboratories (SNL) Waste Certification Program (WCP) Surveillance Report, SRV-24-008-ASLA, received on March 20, 2024.

*Profiles Reviewed:*

BFF staff reviewed a total of eighteen (18) waste profiles this quarter. Fourteen (14) 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. One (1) profile was Classified Hazardous Non-Radioactive requiring disposal in the NDEP permitted RCRA cell.

Meetings:

BFF staff participated in DOE's quarterly LLW Stakeholder's Meeting on February 7, in Pahrump, NV.

BFF staff participated in three meetings during the quarter in regard to needed updates to the NNSA's Offsite Recovery Program's Five-Year Plan for disposal of recovered sealed sources at the NNSS.

Waste Profile Analysis:

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

Low-Level and Mixed-Low Waste Training:

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

Waste Generator Suspensions:

There is currently one (1) waste generator suspension.

Active Profiles:

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

Suspended Profiles:

There are currently no active profiles under suspension.

Site Visits/Radioactive Waste Generator Facility Evaluations:

The Radioactive Waste Acceptance Program (RWAP) conducted four (4) surveillances, two (2) audits, and eight (8) mixed-waste verifications this quarter. NDEP participated in two (2) surveillances, two (2) audits and one (1) site visit this quarter as described in the sections below.

Surveillances:

**United Cleanup Oak Ridge (UCOR), Oak Ridge, TN** - During the week of January 8, 2024, BFF personnel, along with staff from the EM NP contractor, participated in the surveillance of this waste generator. The surveillance was scheduled for DOE to verify programmatic and performance-based compliance to the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists specific to the elements being evaluated by conducting interviews, reviewing procedures and conducting field inspections. NDEP personnel were provided access to interviews, procedures and field inspections when requested. No findings or observations were issued by the EM NP as a result of the surveillance.

**Lawrence Livermore National Laboratory (LLNL), Livermore, CA** - During the week of January 29, 2024, BFF personnel, along with staff from the EM NP contractor, participated in the surveillance of this waste generator. The surveillance was scheduled for DOE to verify programmatic and performance-based

compliance to the NNSSWAC (DOE/NV--325-22-00). RWAP members completed checklists specific to the elements being evaluated by conducting interviews, reviewing procedures and conducting field inspections. NDEP personnel were provided access to interviews, procedures and field inspections when requested. No findings and no observations were issued by EM NP as a result of the surveillance.

Audits:

**Triad National Security, LLC, Los Alamos National Lab, Las Alamos, NM** - During the week of January 23, 2024, BFF personnel, along with staff from EM NP, the EM NP contractor and NNSA 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, conducted interviews, reviewed procedures, and performed field inspections. NDEP personnel were granted access to interviews, procedure reviews, and field inspections upon request. One (1) finding and three (3) observations were issued by EM NP as a result of the audit.

**Four Rivers Nuclear Partnership, LLC (FRNP), Paducah Gaseous Diffusion Plant (PGDP), Paducah, KY** - During the week of March 18, 2024, BFF personnel, along with staff from the EM NP contractor and NNSA 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, conducted interviews, reviewed procedures, and performed field inspections. NDEP personnel were granted access to interviews, procedure reviews, and field inspections upon request. One (1) finding and three (3) observations were issued by EM NP as a result of the audit.

Site Visit:

**Perma-Fix DSSI, Oak Ridge, TN** – On January 10, 2024, BFF personnel, along with staff from the EM NP contractor, were provided an on-site overview of waste generation related the ongoing demolition of the Low-Intensity Test Reactor (LITR). Specifically, NDEP wanted information on a potential waste stream related to the LITR reactor vessel. The on-site visit and discussion were scheduled by the DOE to provide NDEP the opportunity to observe the waste generating process and ask questions regarding a potential waste stream. The waste generator answered all of NDEP and RWAP’s questions, and at the time of the visit, a final decision on disposal at the NNSS or a commercial facility had yet to be determined by Perma-Fix DSSI.

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. As a final letter closing out the settlement agreement was sent to DOE on February 16, 2024, this will be the last quarterly report this topic in which this topic is addressed.

**Y-12 National Security Complex** – BFF and NDEP personnel continued to work on a waste issue originating at the Y-12 National Security Complex (Y-12), located in Oak Ridge. The NDEP was informed of a potential violation of RCRA Permit NEV HW0101 on July 3, 2019. Please see previous quarterly reports for a history of events. A Settlement Agreement and Administrative Order on Consent (SA) was signed by the NDEP, NNSA/NFO and the

EM NP on June 22, 2021, thereby initiating the implementation of 43 separate waste management improvements throughout the DOE complex. A final letter closing out the SA will be sent next quarter.

## **5. Waste Management**

### Documents Reviewed/Letters Issued:

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

*Nevada National Security Site (NNSS) Quarterly Hazardous Waste Volume Report and Fee: Fourth Quarter Calendar Year 2023*, received on January 2, 2024.

*A 90-Day Accumulation Extension Request – E-MAD 90-Day Accumulation Area; Nevada National Security Site, NV389009001: Update*, received on December 18, 2023. BFF issued a response on January 9, 2024.

*A Hazardous Waste Storage Unit One-Year Storage Limitation Extension Request; Nevada National Security Site, RCRA Permit NEV HW0101: Update*, received on December 18, 2023. BFF issued a response January 9, 2024.

*A Submittal of the Nevada National Security Site (NNSS) Radioactive Waste Acceptance Program (RWAP) Annual Report Specified in the June 22, 2021, Settlement Agreement Action 23*, received on on January 9, 2024.

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

*A Nevada National Security Site (NNSS) Area 5 Asbestos Waste Disposal Report for Fourth Quarter Calendar Year (CY) 2023 for Permit SW532* received on January 18, 2024. BFF issued a response on February 12, 2024.

*A Nevada National Security Site (NNSS) Area 5 Asbestos Waste Disposal Report for Fourth Quarter Calendar Year (CY) 2023 for Permit HW0101* received on January 18, 2024. BFF issued a response on February 12, 2024.

*A Nevada National Security Site (NNSS) Area 5 Calendar Year (CY) 2023 Asbestos Waste Disposal Report for Permit SW 532* received on January 16, 2024. BFF issued a response on February 12, 2024.

*A Nevada National Security Site (NNSS) Area 5 Calendar Year (CY) 2023 Asbestos Waste Disposal Report for Permit HW0101* received on January 16, 2024. BFF issued a response on February 12, 2024.

*An Area 6 Annual Solid Waste Disposal Site (SWDS) Report for the Nevada National Security Site (NNSS) January 1, 2023, through December 31, 2023*, was received on January 22, 2024. BFF issued a response on February 12, 2024.

*An Area 9 Annual Solid Waste Disposal Site (SWDS) Report for the Nevada National Security Site (NNSS) January 1, 2023, through December 31, 2023*, received on January 22, 2024. BFF issued a response on

February 12, 2024.

*An Area 23 Semi-Annual Solid Waste Disposal Site (SWDS) Report for the Nevada National Security Site (NNSS) July 1, 2023, through December 31, 2023*, received on January 22, 2024. BFF issued a response on February 12, 2024.

*A Nevada National Security Site (NNSS) Area 23 SWDS SW 13 097 04 Revision 7, Annual Friable Asbestos Summary Report for Calendar Year 2023 (CY23)*, received on March 7, 2024. The BFF issued a response letter on March 27, 2024.

*A Nevada National Security Site (NNSS) Area 23 SWDS SW 13 097 03 Revision 13, Annual Friable Asbestos Summary Report for Calendar Year 2023 (CY23)*, received on March 7, 2024. The BFF issued a response letter on March 27, 2024.

*A U.S Environmental Protection Agency 2024 Inventory of Federal Hazardous Waste Activities at Formerly Owned or Operated Federal Facilities Reports for the Central Nevada Test Area (CNTA) and Project Shoal Sites*, received on January 12, 2024. BFF issued a comment letter on February 12, 2024. DOE Legacy Management sent a letter responding to the comment letter on March 29, 2024.

*A Nevada National Security Site (NNSS) Area 5 Calendar Year (CY) 2023 Asbestos Waste Disposal Report for Permit SW 532*, received on February 22, 2024. BFF issued a response on March 4, 2024.

*An Annual Summary/Waste Minimization Report, Calendar Year 2023, Resource Conservation and Recovery Act Permit Number NEV HW0101*, received on February 27, 2024. BFF issued a response on March 6, 2024.

*A North Las Vegas Hazardous Waste Movement from Satellite Accumulation Area (SAA) NLV035 to Alternative Location Outside of Building A-1*, received on March 6, 2024. BFF will issue a response letter at the start of the next quarter.

*Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives, EPA-HQ-OLEM-2021-0397; FRL-8592-01-OLEM*, received on March 20, 2024.

*A Nevada National Security Site (NNSS) Area 9 Solid Waste Disposal Site (SWDS) Permit SW 13 097 03 Revision 13, Annual Friable Asbestos Report, Calendar Year 2023 (CY23)*, received on March 7, 2024. BFF issued a response on March 27, 2024.

*Site Visits/Inspections:*

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

*of the RCRA Permitted Units at the Nevada National Security Site, on March 19, 2024. BFF will issue a response letter at the start of the next quarter.*

BFF staff visited the NNSS to observe the demolition of the EMAD water tower in Area 25 on January 11, 2024.

BFF staff visited the NNSS to observe the results of the Fourth Quarter RCRA Post Closure inspections on January 17, 2024.

Conference Calls/Meetings:

The BFF bureau chief, supervisor, and staff participated in meetings on January 9, February 15, and March 21, 2024, to discuss the current status of demolition activities at Test Cell C and EMAD.

The BFF bureau chief, supervisor, and staff participated in a meeting on January 9, 2024, to discuss the point of generation as a follow-up to a December 5, 2023, meeting.

**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) PWSNV0000360 Fourth QTR 2023 Disinfectant Residual
- b) December 2023 NNSS Water Hauling Coliform Results
- c) January 2023 Coliform Results NNSS PWS NV0000360, NV0004098, Water Truck 84846 & 84847
- d) January 2024 NNSS Water Hauling Coliform Results
- e) February 2024 Coliform Results NNSS PWS NV0000360, PWS NV00004098 and Water Trucks
- f) February 2024 NNSS Water Hauling Coliform Results
- g) March 2024 Coliform Results NNSS PWS NV0000360, PWS NV0004098, PWS NV0004099 &

### Water Trucks.

BFF staff received the *Response to 2022 Sanitary Survey of NNSS A25 (NV0004099); Rejoinder to NDEP December 2023 Responses* letter on January 8, 2024. BFF issued a comment letter on February 5, 2024.

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

BFF staff received the *Response to 2022 Sanitary Survey of NNSS A23 and 6 (NV0000360); Rejoinder to NDEP December 2023 Responses* letter on January 8, 2024. BFF issued a comment letter on February 5, 2024.

BFF staff received the *Response to 2022 Sanitary Survey of NNSS A23 and 6 (NV0000360); Rejoinder to NDEP 2023 Response Comments* on February 26, 2024. BFF will issue a response letter at the start of the next quarter.

BFF staff received the *Response to 2022 Sanitary Survey of NNSS A25 (NV0004098); Rejoinder to NDEP December 2023 Responses* letter on January 8, 2024. BFF issued a comment letter on February 5, 2024.

BFF staff received the *Response to 2022 Sanitary Survey of NNSS A25 (NV0004098); Rejoinder to NDEP 2023 Response Comments* on February 26, 2024. BFF will issue a response letter at the start of the next quarter.

### Meetings:

The quarterly water meeting was held on January 24, 2024.

### Fiscal Analysis:

#### *Estimate of personnel resources used (FTE or hours)*

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

#### *Total expenditures for each task area*

A total of approximately \$195,000 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 January, February, and March 2024.

During this quarter, the bureau chief attended or participated virtually in: (1) numerous calls, meetings and/or webinars as a member of the NGA's Federal Facilities Task Force (FFTF), the State, Tribal, Government Working Group (STGWG), the Environmental Council of States (ECOS) and/or the Combined Intergovernmental Working Group (CIWG) Planning Committee; (2) two ECOS FFA Managers meetings, the second with BFF staff; (3) two Nevada Site-Specific Advisory Board meetings; (4) two NDEP Budget Build 101 meetings with BFF staff, as well as, one bureau-specific budget building meeting; (5) regular bureau staff meetings and meetings with individual staff; (6) along with the BFF supervisor, conducted interviews for an Environmental Scientist position; (7) an Office of the Governor Pre-Meeting: Community Roundtable Meeting regarding the DOE's Clean Energy Initiative; (8) a NNSS site tour with Department and Division management; (9) a briefing to the Administrator on the FFACO update changes; and (10) the Annual Waste Management Symposium and participated as a panelist.

**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 staff completed the following:

- Annual Safety Training
- First Amendment Auditor Training

The BFF Supervisor attended:

- Nevada Certified Public Manager Classes on January 11, 2024, February 26 – 29, 2024 and March 19 – 22, 2024