



Nevada Site Specific Advisory Board (NSSAB)

Full Board Meeting

**Atomic Testing Museum, Frank Rogers Auditorium
755 East Flamingo Road, Las Vegas, NV
4:00 p.m. – September 12, 2012**

Members Present: Kathleen Bienenstein (Chair), Matthew Clapp, Arthur Goldsmith, Donna Hruska (Vice-Chair), Barry LiMarzi, Michael Moore

Members Absent: Thomas Fisher, James Weeks

Liaisons Present: Marcy Brown (West Career and Technical Academy [WCTA]), Joni Eastley (Nye County), John Klenke (Nye County Nuclear Waste Repository Project Office), Phil Klevorick (Clark County), Tim Murphy (State of Nevada Division of Environmental Protection [NDEP]), Scott Wade (Department of Energy [DOE])

Liaisons Absent: Justine Leavitt (WCTA), Genne Nelson (National Park Service [NPS])

DOE: Rob Boehlecke, Jhon Carilli, Tiffany Lantow, Kelly Snyder (DDFO), Bill Wilborn

Facilitator: Barb Ulmer (Navarro-Intera [N-I])

Scribe: Rochelle Etchebarren (N-I)

Public Present: Jason Abel, Chris Andres (NDEP), Janice Keiserman, Deborah Meredith, Kenneth Meredith, William Sears

Open Meeting/Agenda Review/Chair's Opening Remarks

After agenda review, Chair Kathleen Bienenstein introduced the new student liaison Marcy Brown from WCTA, notified the board that Member Daniel Coss resigned due to work commitments, and noted that seven new members will begin terms on October 1. Vice-Chair Donna Hruska moved to approve the agenda as presented. The motion was seconded and passed unanimously.

Liaison Updates

Clark County (*Phil Klevorick*)

As of November, Liaison Klevorick will no longer be with Clark County and a replacement for the NSSAB liaison has not been decided. In August 2012, Clark County provided comments on West

Valley shipments in response to a DOE public comment opportunity. Comments were also provided on the release of a bill before Congress sponsored by Senator Bingaman that could potentially replace the *Nuclear Waste Policy Act*. Clark County is interested in receiving the Greater-Than-Class C Environmental Impact Statement and Nevada National Security Site Site-Wide Environmental Impact Statement (SWEIS).

Nye County Waste Repository Project Office (*John Klenke*)

Nye County will have a poster at the DOE Groundwater Open House on September 18.

Nye County Commission (*Joni Eastley*)

Nye County will be actively involved in the Far-Field Hydrogeologic characterization relevant to underground nuclear test areas in Nye County.

West Career and Technical Academy (*Marcy Brown*)

Liaison Brown provided information about herself in regards to her education and career goals.

State of Nevada Division of Environmental Protection (*Tim Murphy*)

Nothing new to report since last meeting.

U.S. National Park Service

Chair Bienenstein read the report provided by the NPS. Death Valley National Park (DVNP) does not have any current activities that directly relate to the Nevada National Security Site (NNSS) or the NSSAB. DVNP routinely collects data on water quantity and quality both within and outside the Park boundary to monitor for adverse changes to the Park water supply. Activities up-gradient of the Park that may affect the ground-water supply are an ongoing concern and is the primary reason the Park supports liaison participation on the NSSAB. Transportation of waste to the NNSS is of potential concern to the Park should either the transportation corridors or the nature of the low-level waste materials transported be changed in the future.

U.S. Department of Energy (*Scott Wade*)

- Incident at the Y-12 Complex in Oak Ridge, Tennessee, on July 28
 - Three protestors breached outer security fences and vandalized one of the buildings
 - Number of issues occurred including the use of security cameras and response of security guards
 - DOE has begun process of evaluating the incident and personnel involved
 - With respect to the NNSS and the NSSAB, federal staff will continue a clear focus on items that are critically important to DOE: safety, security, environment, and health
 - Updates will be provided at future meetings on any ramifications and impacts to the Nevada Site Office (NSO)
- SWEIS Update
 - Going through concurrence at headquarters (HQ)
 - Tentatively scheduled for issuance November 5, 2012
- Greater-Than-Class C Environmental Impact Statement
 - Undergoing last approvals within HQ
 - Scheduled for issuance this fall, dependent on HQ decisions
- Underground Test Area (UGTA) Drilling
 - Drilling complete at two model evaluation wells at Frenchman Flat

- Drilling complete at one characterization well in Pahute Mesa, and mobilizing to a second well site
- U-233 Waste Disposition
 - Nothing new to report
 - DOE completing safety and security studies
- Fiscal year (FY) 2013 budget
 - Six months continuing resolution expected
 - Environmental Management (EM) will continue to be judicious with funding

Public Comment

There was no public comment.

EM SSAB Update (*Chair Bienenstein*)

- **EM SSAB Chairs Conference Call – August 15**
The call consisted of discussion of the FY 2013 budget, review of the draft agenda for the EM SSAB Chairs meeting schedule for the fall, and proposed recommendations for chair consideration.
- **EM SSAB Fall Chairs Meeting – Washington, DC, October 2-3, 2012**
Chair Bienenstein and Vice-Chair Hruska will attend on behalf of the NSSAB. Agenda items include waste disposition strategies, how to chair a meeting, and round-robin topics. At the July 18 Full Board meeting, NSSAB agreed on the top issues/accomplishments/activities that would be brought forward, which were emailed to members in September.

Other NSSAB Business (*Kelly Snyder*)

- **DOE Responses to NSSAB Recommendations**
Provided in the meeting packets were DOE letters responding to the following NSSAB recommendations:
 - DOE Response to NSSAB Recommendation Regarding Long-Term Monitoring Activities at Closed Industrial Sites, dated August 22, 2012
 - DOE Response to NSSAB Recommendation Regarding DOE's Need to Re-Evaluate Groundwater Contamination Containment/Removal Alternatives, dated August 29, 2012
 - DOE Response to NSSAB Recommendation Regarding a Need for a Formal Response Plan if Contamination Goes Beyond the Regulatory Boundary Related to Frenchman Flat, dated August 29, 2012

In response to NSSAB member questions, the following clarifications were provided:

- The Y-12 incident should not impact any EM site clean-up requirements in regards to long-term monitoring activities at closed industrial sites, but may change posture of federal oversight
- The use of “Regulatory Boundary” in the last DOE response letter listed above came from verbiage from the NSSAB recommendation letter and DOE utilized it in their response letter for tracking purposes. There is no regulatory boundary currently defined for Frenchman Flat, as regulatory boundaries for sites are established in the closure strategies for that site.

- **Groundwater Open House**
Groundwater Open House is scheduled for September 18 in Amargosa Valley, Nevada. Chair Bienenstein will be staffing the NSSAB booth at the event. Additional seating available on the bus for interested NSSAB members by contacting NSSAB office.
- **WCTA Update**
Ms. Snyder gave an update on the WCTA student project. Last spring, the student liaisons conducted a survey to determine student knowledge base and concerns regarding the EM Program at the NNSS. The next phase involves the liaisons analyzing the results and proposing three educational products that would enhance the EM message to the school community. The NSSAB office will work with Liaison Brown to identify a date for the presentation of these proposals to the NSSAB Membership Committee in October.

Industrial Sites Briefing *(Tiffany Lantow, DOE)*

- **FY 2012 Wrap Up**
 - NDEP approved the Closure Report (CR) for Corrective Action Unit (CAU) 547, Miscellaneous Contaminated Waste Sites
 - Resource Conservation and Recovery Act (RCRA), Non-RCRA, and Tonopah Test Range (TTR) post-closure inspections of 148 Corrective Action Sites (CASs) were completed
 - DOE submitted the FY 2011 RCRA monitoring report in January 2012; Calendar Year (CY) 2011 Non-RCRA monitoring report in May 2012; and CY 2011 TTR monitoring report in February 2012
 - Developed an Industrial Sites Interim Closeout Document summarizing all completed Industrial Sites activity
 - Conducted a Preliminary Investigation of the Area 25 Engine Maintenance, Assembly, and Disassembly (EMAD) Facility Train Shed that allows for characterization of this facility to more efficiently and with greater safety.
- **FY 2012 NSSAB Work Plan Item**
 - Provide a recommendation regarding long-term monitoring activities at closed Industrial Sites.
 - NSSAB made recommendation in July 2012
 - DOE responded in August 2012
 - Status: Long-term monitoring activities are ongoing
- **FY 2013 Planned Activities**
 - Conduct post-closure inspections and submit FY 2012 monitoring reports to NDEP for RCRA, Non-RCRA and TTR sites

In response to Board questions/comments, the following clarifications were provided:

- DOE has not closed EMAD as it is researching alternate uses for the facility. There are no current proposals for the use of the EMAD site. EMAD demolition scheduled approximately in FY 2022.

Soils Briefing *(Tiffany Lantow, DOE)*

- **FY 2012 Wrap Up**
 - Characterization field work for CAU 104, Area 7 Yucca Flat Atmospheric Test Sites completed in May 2012

- Characterization field work for CAU 366, Area 11 Plutonium Valley Dispersion Sites completed in June 2012, and the Corrective Action Decision Document (CADD) will be submitted to NDEP by September 2012
- NDEP approved the Streamlined Approach for Environmental Restoration (SAFER) Plan for CAU 465, Hydronuclear in November 2011; closure field work will be completed in September 2012; and a CR will be submitted to NDEP by December 2012
- The Corrective Action Investigation Plan (CAIP) for CAU 550, Smoky Contamination Area submitted to NDEP in May 2012, and characterization field work began in August 2012
- Closure field work for CAU 574, Neptune completed in October 2011; the CR approved by NDEP in May 2012
- NDEP approved the CAIP for CAU 569, Area 3 Yucca Flat Atmospheric Test Sites in February 2012; characterization field work anticipated to be completed in September 2012
- NDEP approved both the Risk-Based Corrective Action Evaluation Process and the Quality Assurance Plan in May 2012
- **FY 2012 NSSAB Work Plan Item**
 - Review and provide a recommendation on the draft “Risk-Based Corrective Action Decision Process” document.
 - NSSAB made recommendation in March 2012
 - DOE responded in August 2012
 - Status: Document finalized and approved by NDEP in May 2012
- **FY 2013 Planned Activities**
 - Submit CADD/Corrective Action Plan (CAP) for CAU 104, Area 7 Yucca Flat Atmospheric Test Sites to NDEP in October 2012 and submit CR to NDEP in July 2013
 - Submit CR for CAU 465, Hydronuclear Sites to NDEP in December 2012
 - Submit CAIP for CAU 571, Area 9 Yucca Flat Plutonium Dispersion Sites to NDEP in August 2013
 - Submit CAP for CAU 366, Area 11 Plutonium Valley Dispersion Sites to NDEP in May 2013 and complete closure field work in September 2013
 - Submit CAIP for CAU 567, Miscellaneous Soils Sites to NDEP in September 2013
 - Submit CADD for CAU 569, Area 3 Yucca Flat Atmospheric Test Sites to NDEP in May 2013

Underground Test Area (UGTA) *(Bill Wilborn, DOE)*

- **FY 2012 Wrap Up**
 - Frenchman Flat – completed drilling two model evaluation wells (ER-5-5 and ER-11-2)
 - Central/Western Pahute Mesa – completed construction of road and pad; drilling of Well ER-20-11 is ongoing; completed well development and testing of Well ER-EC-12; completed pumping the upper zone for Well ER-EC-13, encountered problems with pumping lower zone and drilling will be completed after the drilling of Well ER-EC-14 complete
 - Yucca Flat – completed Supplemental Analysis in support of Phase I results in August 2012
 - Rainier Mesa/Shoshone Mountain – received NDEP letter in August 2012 re-emphasizing NDEP’s concern with data adequacy in response to Hydrologic

- Source Term document; DOE to submit white paper discussing path forward for acceptable Flow and Transport Model by November 2012; completed path forward discussions with NDEP; completed sub-scale modeling and preemptive review
- Baseline – developed revision to lifecycle baseline, revision to address current knowledge concerning future budget constraints, specific CAU Phase I results and technical risk perspectives completed March 2012
- **FY 2012 NSSAB Work Plan Item**
 - Provide a recommendation regarding if there is a need for a formal response plan if contamination goes beyond the regulatory boundary related to Frenchman Flat; if the NSSAB determines there is a need, what should the response plan include from a community perspective?
 - NSSAB made recommendation in July 2012
 - DOE responded in August 2012
 - Provide a recommendation regarding if DOE needs to re-evaluate the options for groundwater contamination containment/removal
 - NSSAB made recommendation in July 2012
 - DOE responded in August 2012
- **FY 2013 Planned Activities**
 - Pahute Mesa – complete Phase II Drilling by November 2012; continue Data Analysis
 - Frenchman Flat – complete Model Evaluation Data Collection and Analysis by September 2013
 - Yucca Flat – complete Flow and Transport Model Document by March 2013
 - Rainier Mesa – complete Technical Basis and Agreement Document by December 2012; complete Flow and Transport Model Document by September 2013
 - Other – complete UGTA Sampling Plan by July 2013

In response to board questions/comments, the following clarifications were provided:

- Central/Western Pahute Mesa – the lower zone pumping problem at Well ER-EC-13 was a packing problem, not a formation issue
- Other Planned Activities – the UGTA Sampling Plan involves the consolidation of sampling efforts of multiple DOE departments into a single document

Waste Management (*Jhon Carilli, DOE*)

- **FY 2012 Wrap Up**
 - As of August 19, 2012 the NNSW safely disposed of 671,837 cubic feet (ft³) low-level waste (LLW)/mixed low-level waste (MLLW), which is below the most recent projected forecast of 944,542 ft³
 - No disposal cells were operationally closed in FY 2012
 - Completed re-vegetation of the 92-acre portion of the Area 5 Radioactive Waste Management Site and submitted the CR to NDEP in February 2012, permanently closing the 92-acre area
 - Updated the Area 3/5 Documented Safety Analysis, Technical Safety Requirements, and NNSW Waste Acceptance Criteria (WAC) for the disposal of radioisotope thermoelectric generators and Consolidated Edison Uranium Solidification Program
- **FY 2012 NSSAB Work Plan Item**
 - From a community perspective, provide a recommendation regarding if the NSO should safely dispose U233 waste from Oak Ridge
 - NSSAB made recommendation in March 2012

- DOE responded in May 2012
- The Oak Ridge Generator submitted the waste profile to the NSO Waste Acceptance Review Panel (WARP) in August 2012, and is currently undergoing WARP review (includes NDEP)
- DOE is committed to keeping stakeholders informed of waste disposal activities at the NNSS
- In July 2012, the Oak Ridge Federal Project Director for U233 waste changed from John Krueger to Bill McMillan
- The NSO has had multiple meetings with the NDEP regarding this waste stream
- **FY 2013 Planned**
 - Safely dispose of approximately 1.2 million ft³ of forecasted LLW/MLLW
 - Operationally close disposal cells as necessary
 - Submit Performance Assessment Annual Summary to LLW Federal Review Group
 - Submit Annual Monitoring Report to NDEP

In response to board questions/comments, the following clarifications were provided:

- Discrepancies between the projected and revised forecasts is due to budget constraints; DOE requests revised forecasts on a quarterly basis
- There will be no final decision on a waste treatment facility in Area 5 until the final SWEIS is finalized
- For majority of waste disposal, 5% is disposed commercially, 5% disposed at NNSS, and the remaining waste remains at respective DOE sites

EM Work Plan Status – FY 2012 Wrap Up (Scott Wade, DOE)

- *Review and provide public comment on EM sections of the SWEIS*
 - NSSAB made recommendation in October 2011
 - DOE responded in November 2011
 - NSO received 750 individual comments during the public comment period
 - NSO has revised SWEIS and completed comment responses
 - HQ concurrence to publish Final Draft expected in September 2012
 - Publication and distribution of Final SWEIS expected in November 2012
 - Federal Register Notice of Availability for Final SWEIS expected in November 2012
 - Record of Decision expected in December 2012
- *FY 2012 Membership Drive*
 - NSSAB made recommendation in May 2012
 - DOE responded in June 2012
 - Seven new members were appointed with a start date of October 1, 2012
- *Review FY 2014 baseline funding and determine budget prioritization by activity*
 - Process begins two years in advance, and DOE requests input from NSSAB for focus areas
 - NSSAB made recommendation in January 2012
 - Budget Guidance Issued by EM HQ in February 2012
 - Budget Briefing & Integrated Priority List to EM HQ during March-May 2012
 - DOE responded in May 2012
 - Office of Management and Budget (OMB) issued budget decisions in July 2012
 - Provided revised budget to EM HQ in August 2012
 - Final DOE budget to OMB in September 2012
 - OMB Passback expected November/December 2012

- President's budget to congress expected February 2013
- *NSSAB Liaison Positions*
 - NSSAB made recommendation in December 2011
 - DOE responded in January 2012
 - The NSSAB recommended that DOE consider creating liaison positions for counties receiving Emergency Preparedness Working Group DOE funding, and letters were sent to the County Commissioner Chairs in August 2012 for Esmeralda, Lincoln, Elko, White Pine counties
 - The NSSAB also recommended that DOE send annual letters at the beginning of each fiscal year to all organizations with unfilled/non-participating liaison positions to determine status, and currently, all liaison positions are actively participating; NSO sent a participation confirmation request letter to WCTA in September 2012

FY 2013 Chair/Vice-Chair Election

The nominee for the Chair position was Kathleen Bienenstein, and for the Vice-Chair position was Donna Hruska. Although both nominees were running unopposed, in following standard operating procedures, ballots were collected. Kathleen Bienenstein was elected Chair and Donna Hruska will serve as Vice-Chair for FY 2013.

FY 2013 Work Plan Development

The Nevada Site Office presented eight work plan items related to planned FY 2013 EM activities for the NSSAB's consideration. No additional tasks were suggested by the Board.

After reviewing the tasks, members voting on each task separately and all eight tasks received a majority vote.

DOE FY 2013 proposed NSSAB Work Plan tasks:

1. Provide DOE a recommendation on which corrective action alternative (closure in place or clean closure) should be selected by DOE for CAU 105, Area 2 Yucca Flat Atmospheric Test Sites.
2. Provide a recommendation for removal or retention of Use Restrictions at seven specific Industrial Sites.
3. Review the draft questions developed for the Rainier Mesa Peer Review panel and provide recommendations on how they could be enhanced.
4. Review the Nye County Drilling Proposal and determine from a community perspective if this is something the Board recommends the DOE support.
5. Review the FY 2015 baseline funding needs and provide a recommendation to DOE prioritizing the work by activity.
6. Provide a recommendation to DOE regarding potential ways the Community Environmental Monitoring Program could be enhanced to ensure it reflects current missions.
7. Review the existing Waste Acceptance Review Panel process and provide a recommendation for ways the process could be enhanced.
8. Review the sampling plan and provide DOE with a recommendation for ways the plan could be enhanced from a community perspective.

Ms. Snyder noted that there is no proposed membership work plan task item. This decision was based on the existing number of members, required allotment, cost to hold membership drive, and NSSAB goals and objectives.

Member Arthur Goldsmith moved to approve Draft Work Plan Recommendation letter to DOE with the work plan tasks. The motion was seconded and passed unanimously.

FY 2013 Meetings *(Barb Ulmer)*

- **Approval of Proposed Schedule**

A proposed schedule was provided based on the timing of briefings and due dates of recommendations included in the FY 13 Work Plan. The Full Board meeting schedule for FY 2013 was agreed upon as follows: November 28, January 16, April 17, May 15, August 21, and September 18.

- **NSSAB Member Orientation**

The NSSAB Member Orientation is open to all new and current members and liaisons, and is scheduled from 1-6 p.m., October 10, at the National Atomic Testing Museum, 755 E. Flamingo Road, Las Vegas, Nevada. Orientation will be followed by a no-host dinner at Bahama Breeze restaurant.

- **NNSS Tour**

A NNSS Tour is open to all new and current members and liaisons, and is scheduled for all-day on November 14. More details are forthcoming. The tour will include sites in the FY 2013 Work Plan in order to customize the tour to enrich the existing members' knowledge base and assist with recommendations, as well as providing a general tour for new members.

- **Next Full Board Meeting**

The next Full Board meeting is scheduled for 5 p.m., Wednesday, November 28, at the National Atomic Testing Museum, 775 East Flamingo Road, Las Vegas, Nevada.

Member Goldsmith moved the meeting be adjourned. The motion was seconded and passed unanimously.

Meeting adjourned at 6:58 p.m.