



Nevada Site Specific Advisory Board (NSSAB)

Full Board Meeting

**Beatty Community Center
100 A Avenue South, Beatty, NV 89003
5:00 p.m. – February 19, 2014**

Members Present: Kathleen Bienenstein (Chair), Thomas Fisher, Donna Hruska (Vice-Chair), Janice Keiserman, Michael Moore, Edward Rosemark, William Sears, Jack Sypolt

Members Absent: Arthur Goldsmith

Liaisons Present: Chris Andres (State of Nevada Division of Environmental Protection [NDEP]), Frank Carbone (Nye County Commission), Ralph Keyes (Esmeralda County Commission), John Klenke (Nye County Nuclear Waste Repository Project Office [NWRPO])

Liaisons Absent: Richard Arnold (Consolidated Group of Tribes and Organizations [CGTO]), Matthew Hodapp (The Meadows School), Phil Klevorick (Clark County), Mike Lemich (White Pine County Commission), Charlie Myers (Elko County Commission), Genne Nelson (National Park Service [NPS]), Kevin Phillips (Lincoln County Commission)

Department of Energy (DOE): Kathryn Knapp, John Mallin, Kelly Snyder (Deputy Designated Federal Officer), Scott Wade

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

Others Present: Amina Anderson (Beatty, NV), Richard Friese (Death Valley, NPS), Brian Holecheck (Pahrump, NV), Phil Shoopman (NDEP), Dona Merritt (N-I), Jim Weeks (Beatty, NV)

Open Meeting/Announcements/Chair's Opening Remarks

Chair Kathleen Bienenstein announced the resignation of Member Cheryl Kastelic. Following the Chair's opening remarks, Member Michael Moore moved to approve the agenda as presented. The motion was seconded and passed unanimously.

Public Comment

There was no public comment.

U.S. DOE Update (*Scott Wade, DOE*)

Scott Wade introduced John Mallin who is the Acting Deputy Assistant Manager for Environmental Management.

Mr. Wade stated that Congress acted on the omnibus bill which funded DOE its fiscal year (FY) 2014 full appropriation. For Environmental Management (EM) activities at the Nevada Field Office, that equated to a budget of \$61.8 million for EM restoration and waste management activities. The FY 2015 appropriations request will be submitted in March 2014, which will begin the appropriations hearing process in Congress.

In regard to the Consolidated Edison Uranium Solidification Project (CEUSP) material, the Working Group formed by the Governor of Nevada and the Secretary of Energy held its quarterly meeting in Las Vegas at the end of January 2014. Mr. Wade clarified that the involved parties speak more frequently, but the formal quarterly meetings are conducted face-to-face. Mr. Wade, who is not a formal member of the working group, was invited to this quarterly meeting to provide additional information that included highlighting the major discussion points from the public and intergovernmental meetings held in Las Vegas and Pahrump, Nevada in November 2013. Mr. Wade explained the role of the Office of Secure Transportation (OST). From these meetings, it was determined that a tabletop emergency exercise will be scheduled with the date to be determined. The State of Nevada requested DOE develop a white paper that defines the CEUSP material and addresses questions from the public meetings. The DOE was asked to review its Waste Acceptance Criteria, and that review is currently in progress. DOE unloaded a shipping cask of CEUSP material in January 2014 for recertification and the cask has not been reloaded. The cask was unloaded also in a good faith effort so it is not perceived that the DOE is pressuring the State of Nevada into an action. Finally, there has been no shipment date set for the CEUSP material.

DOE interfaced with the public and technical staff from Nye County in December 2013. Any issues or concerns that Nye County expressed were addressed during the meeting. As a result of the public meetings held in November 2013, DOE took interested public meeting participants on a tour of the Nevada National Security Site (NNSS) and met with the Nye County Commission. The Las Vegas City Council also participated in a separate tour of the NNSS in February 2014. These various activities have allowed DOE to get a sense of the concerns of political parties, local government, and other stakeholders regarding the CEUSP material, and are helping to shape DOE's communications to better serve all interested parties in the future.

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

- In preparation of the white paper, DOE looked at all the risk calculations for accident scenarios for shipment of the CEUSP material, and it was calculated that the risk would be less than one in 10 million.
- The budget received for FY 2014 was equivalent to the appropriations request submitted by the President for the Nevada Field Office. This budget is slightly lower than in previous years, partly due to sequestration and lower budget levels, but it is well within baseline needs.

NNSS Communication Plan for Groundwater Sampling Results (Work Plan Item #5)

(Kelly Snyder, DOE)

- **Overview**
 - Nevada Field Office is establishing a formal communication plan for notifying stakeholders of groundwater sampling results
 - Currently, sampling results are communicated to the public on an annual basis through the *Annual Site Environmental Report* and additional communication is done on a case by case basis
 - Required regulatory notifications (notifications to the State of Nevada) are already established within the Federal Facility Agreement and Consent Order
- **Communication Plan**
 - Purpose:
 - Outline how and when sampling results will be communicated to the public
 - Written in a format that is easily understandable by the general public
 - Notification to State regulator and U.S. Air Force identified in technical documents
 - In the preliminary drafting stage – feedback from a community perspective is needed
 - We need the NSSAB's input!
- **Groundwater Contamination from Historic Underground Nuclear Testing**
 - Tritium Contamination has been found in the groundwater on the Nevada Test and Training Range (NTTR) near the NNSS border
 - Tritium Contamination *has not* been found in the groundwater beyond the boundaries of the NTTR
 - Based on about 25 years of formal scientific studies, current models forecast:
 - Tritium contamination is not expected to go beyond the NTTR boundary for at least 100 years
 - In approximately 200 years, the concentration of tritium will be nearly zero at the closest public land boundary
- **Groundwater Sampling**
 - Conducted on the NNSS, NTTR, Bureau of Land Management (BLM) land, and private/community wells
 - Analyzed internally for preliminary results
 - Non-qualified results can be turned around as quick as 48 hours
 - Sent to certified laboratory for confirmed results
 - Processing the results under our Quality Assurance Plan typically takes 30-45 days – results can be expedited
 - Detection of tritium is primary contaminant for identifying migration of contamination

- **Communication Plan - Assumptions**
 - An evolving document that will change as the models mature and more data is collected
 - Will identify the *minimum* public notifications
 - Based on tritium sampling results
 - Non-communication actions are/will be outlined within a separate technical document
 - *Certified* sampling results will trigger notifications
 - Plan divided into two areas
 - NTTR
 - Water is not used for consumption
 - Public/Private or BLM Land
 - Water could be used for consumption, farming, etc.
- **Things to Consider**
 - Protecting the public is #1 priority
 - Openly communicating without creating unnecessary fear
 - Diverse people/entities and their situations
 - Residents, elected officials, farmers, companies, etc.
 - Legal impacts
- **NSSAB Recommendations Needed**
 - NTTR portion:
 - Are the *sampling result percentages* appropriate?
 - Are the *minimum public notifications* appropriate?
 - Are the *methods* appropriate?
 - Is the *timeframe for communicating the sampling results* appropriate?
 - Are there any recommendations for enhancing the communication plan?
 - Recommendation on this portion of work plan is needed by July 16, 2014
- **NTTR Sampling Results**

Groundwater Sample Location	Validated Groundwater Sample Result	Minimum Public Notifications	Minimum Communication Method	Timeframe
On NTTR	5-99% of Safe Drinking Water Act (SDWA) (water quality is acceptable for consumption)	Highlight results at community workshop	Posters/Briefings/ Public Discussion	Annually
		Publish sampling results	Sampling report (includes public notification of report availability)	Annually
On NTTR	At or above SDWA (alternate water source should be used for consumption)	Highlight results at community workshop	Posters/Briefings/ Public Discussion	Annually
		Publish sampling results	Sampling report (includes public notification of report availability)	Annually

		Notify media (if it is the first time in that Corrective Action Unit [CAU])	News Release	Within 30 days
		Notify NSSAB	Announcement	Next NSSAB meeting
On NTTR - Closest well to public land	5-99% of SDWA (water quality is acceptable for consumption)	Notify nearest land owners /rights holder(s)	Correspondence	Within 45 days
		Notify Media	News Release	Within 45 days
		Notify closest impacted municipal government(s)	Correspondence	Within 45 days
		Notify NSSAB	Announcement	Next NSSAB Meeting
		Highlight results at community workshop	Posters/Briefings/ Public Discussions	Annually
		Publish sampling results	Sampling report (includes public notification of report availability)	Annually
On NTTR - Closest well to public land	At or above SDWA (alternate water source should be used for consumption)	Notify nearest land owners /rights holder(s)	Correspondence	Within 30 days
		Notify media	News Release	Within 30 days
		Notify closest impacted municipal government(s)	Correspondence	Within 30 days
		Notify NSSAB	Announcement	Next NSSAB Meeting
		Highlight results at community workshop	Posters/Briefings/ Public Discussions	Annually
		Publish sampling results	Sampling report (includes public notification of report availability)	Annually

- **NSSAB Recommendations Needed**

- Public/Private or BLM Land portion:

- Are the *sampling result percentages* appropriate?
 - Who should be included in the minimum public notifications?
 - What type of communication methods should be used?

- What are the appropriate timeframes for each type (land owner, elected officials, etc.) public notification?
 - Recommendation on this portion of work plan does not have a hard deadline
- **Public/Private or BLM Land Sampling Results**

Validated Groundwater Sample Result	Minimum Public Notifications	Minimum Communication Method	Timeframe
5 to 89% of SDWA of contamination from NNSS underground testing (water quality is acceptable for consumption)			
90-99% of SDWA on public/private or BLM land (water quality is acceptable for consumption)			
At or above SDWA on public/private or BLM land (alternative water source should be used)			

- **Work Plan Path Forward**
 - Step 1: Focus on NTTR portion of work plan (due July 2014)
 - Step 2: Once complete, focus on public/private portion of work plan (no specific deadline)
- **NTTR Portion of Work Plan**
 - Option 1 – Begin and complete answering the five questions tonight
 - Option 2 – Begin answering the five questions tonight and carry over remaining unanswered questions during upcoming board meeting(s) (options: May or July – March agenda is already full)
 - Option 3 – Do not begin working on the questions until the May or July Full Board meeting
 - Option 4 – Schedule an additional Full Board meeting to address this work plan item

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

- Seven half-lives to zero (contamination) is a good rule of thumb.
- The NNSS tours for the Las Vegas City Council and Pahrump citizens identified in Mr. Wade’s update were focused on waste disposal/transportation, but tour participants did receive information on environmental restoration activities, including groundwater.

- Wells on the NTTR are DOE characterization and monitoring wells. Wells identified as private, public, or on other BLM land could be community wells and are not under the Underground Test Area activity.
- The communication plan for sampling results will be an iterative process as more information is gained and NSSAB insight received.

During Board discussion, a number of items were noted on the flipchart by NSSAB Members for future discussions:

- Include definitions
- Explain why tritium and picocuries used
- Explain that DOE characterization wells are used for sampling
- Use website with location of well sites with the migration flow and contamination levels for the public and media
- Explain what qualifies as a state-certified lab?
- Distinguish wells by use not location (potable/non-potable)
- Include mission statement and purpose of the plan
- Receive additional information on this work plan item at the May 21st Full Board meeting that includes a map of wells and the maximum range of tritium as it relates to each well
- Use upbeat communication
- Reconsider use of SDWA percentages which could be perceived incorrectly

Following extensive Board discussion, Member Jack Sypolt moved to begin working on the questions for both the NTTR portion and the public/private portion of Work Plan Item #5 at its May 21st Full Board meeting and to continue working on the work plan item at the July 16th Full Board meeting, if necessary. The motion was seconded and passed unanimously.

Recommendation: Groundwater Open House (Work Plan Item #4)

A draft recommendation letter regarding Groundwater Open House (Work Plan Item #4) was reviewed and discussed by the Board. Vice-Chair Donna Hruska moved to accept the draft recommendation letter as written. The motion was seconded and passed unanimously.

Recommendation: Radionuclide Decay at Use-Restricted Soil Sites (Work Plan Item #3)

A draft recommendation letter regarding Radionuclide Decay at Use Restricted Soil Sites (Work Plan Item #3) was reviewed and discussed by the Board. Member Sypolt moved to accept the draft recommendation letter as written. The motion was seconded and passed unanimously.

Other NSSAB Business (*Chair Kathleen Bienenstein*)

The annual NSSAB tour of the NNSS took place on January 22, 2014. First-time attendees commented that information received during the tour was helpful in understanding EM activities and past and current missions of the NNSS.

The Board sent a request to EM Headquarters (HQ) to participate on the Nevada Governor's and Secretary of Energy's working group dedicated to CEUSP material, and the request was denied. Chair Bienenstein and Vice-Chair Hruska have met on several occasions with the

Administrator of NDEP in order to share perspectives. These informal meetings will continue after quarterly working group meetings as an open avenue of communication between the NSSAB, NDEP, and the Department.

The last EM SSAB Chairs' conference call was held on January 15, 2014. In regard to the FY 2014 budget, it was reported that the EM Program requested \$5.6 billion and Congress recommended \$5.83 billion which demonstrates a trust in the EM work being done across the nation. The three EM SSAB draft recommendations that were voted on at the November 20, 2013 NSSAB Full Board meeting were approved and forwarded to EM HQ.

Chair Bienenstein noted that included in the meeting packet were the NSSAB recommendation letters and the respective DOE responses for Corrective Action Alternatives for CAU 550, Smoky Contamination Area (Work Plan Item #1) and the External Peer Review for Yucca Flat (Work Plan Item #2).

The Yucca Flat External Peer Review will be conducted April 7-11, 2014 with a tour of the NNSS on Wednesday. The presentations will be held at the Frank Rogers Auditorium at the National Atomic Testing Museum. The agenda will not be finalized until lessons learned are incorporated from the dress rehearsal scheduled the last week of February. Vice-Chair Hruska and Member William Sears volunteered to attend and observe the external peer review.

Chair Bienenstein noted that the Devil's Hole Workshop will be held April 30 – May 2, 2014 at Death Valley National Park Visitor Center. Chair Bienenstein, Vice-Chair Hruska, and Member Sypolt volunteered to attend.

The next EM SSAB National Chairs' Meeting is scheduled for April 22-25, 2014 in Richland, Washington. Chair Bienenstein and Vice-Chair Hruska will be in attendance and will participate in a tour of the federal waste disposal site at Hanford. During this tour, they will observe ways to increase/enhance communication regarding waste transportation and disposal at the NNSS (Work Plan Item #9), and they will provide an update at the May 21st Full Board meeting. Chair Bienenstein requested that members think about round robin topics on the Board's top concern and/or notable accomplishments that the Board would like to bring to the attention of EM HQ. Round robin topics will be discussed and finalized at the March 19th Full Board meeting. Vice-Chair Hruska is participating on the planning committee and added that the themes will likely be groundwater and public involvement.

Vice-Chair Hruska stated that the Membership Committee met to start planning the upcoming FY 2014 Membership Drive. The application form is available on the NSSAB website at www.nv.energy.gov/NSSAB, and the deadline is March 31, 2014. The goal is 6-11 new members, and Vice-Chair Hruska urged all Board Members to promote the recruitment. Based on the current makeup of the Board and census data from Nye and Clark County, DOE is striving to achieve balance on the Board by targeting rural residents, females, and Hispanics, which includes a large demographic of the affected population that is not currently represented on the Board. This is not to exclude other interested parties. Advertising includes post cards, posters, newspaper ads, digital signs, billboards, news releases, etc.

Vice-Chair Hruska provided an update that Student Liaison Matthew Hodapp has not scheduled his student liaison presentation to the students at The Meadows School to date, but

the Membership Committee will keep in touch with Liaison Hodapp and plans to attend his presentation.

The Membership Committee discussed the Board's expressed interest in the last evaluation for additional meetings and/or educational sessions. DOE and contractor resources are available for this request; however, DOE expressed concerns with the additional costs and changing the attendance requirements in the middle of the fiscal year. In response, the Membership Committee decided that no new meetings will be scheduled at this time, unless deemed necessary; since the FY 2014 Work Plan and the schedule of meetings were voted upon by the Board at its September 2013 meeting. Additional or longer educational sessions would be acceptable for this fiscal year.

Liaison Updates

Esmeralda County Commission (*Ralph Keyes*)

Liaison Ralph Keyes thanked Kathryn Knapp for the educational session on radiation principles. As a farmer and citizen of Esmeralda County, Liaison Keyes stated that he became aware of the activities of the DOE in 2009. He added that the DOE is successful in providing information and alleviating concerns of the public regarding groundwater. As a member of the Local Emergency Planning Committee, the committee is in the process of coordinating training in the event of a radiological incident on the highway. Liaison Keyes appreciated the opportunity to attend the NSSAB tour and looks forward to future tours to learn more about the NNSS.

Nye County Commission (*Frank Carbone*)

Liaison Frank Carbone had nothing to report.

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

Liaison John Klenke thanked the Nevada Field Office for its attendance and presentation on the missions of the NNSS at the Nye County Board of County Commissioner meeting on February 18, 2014. He stated that transducers have been installed at the Gravity Fault wells, and a pump test is scheduled in March 2014. Liaison Klenke has been selected for the Yucca Flat External Peer Review, and he thanked the NSSAB for its recommendation that a technical stakeholder from Nye County be included on the panel.

State of Nevada Division of Environmental Protection (*Chris Andres*)

Liaison Chris Andres had nothing to report.

U.S. National Park Service

Chair Bienenstein read the report provided by the NPS: Death Valley National Park's primary interest in the activities of the EM program is the study of contaminant migration that may affect the quality of Park water supplies. Of equal interest are any activities at the NNSS that could impact water quantity that supports Park natural resources. Transportation of waste to the NNSS for disposal 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.

Liaison Discussion Wrap-Up (*Scott Wade, DOE*)

Mr. Wade stated that a representative from Washington, D.C. will travel to Nevada to brief on DOE Order 435.1 prior to being released as a draft. There is no scheduled date, but Mr. Wade intends to request that the Board receives this briefing.

Mr. Wade noted that the Site-Wide Environmental Impact Statement (SWEIS) is being delayed by request of the State of Nevada while dialogues continue involving the CEUSP. There is not a direct linkage between the CEUSP material and the SWEIS, but the State requested that DOE not proceed with the release date until there were further discussions.

Meeting Wrap-Up/Exercise/Assessment/Adjournment (*Barb Ulmer*)

Based on feedback from the last evaluation, an educational session on *Low-Dose Radiation Effects* by Dr. Antone Brooks will begin at 3:30 p.m. on Wednesday, March 19, 2014 at the National Atomic Testing Museum, 775 East Flamingo Road, Las Vegas, Nevada. The NSSAB Full Board meeting will follow at 5 p.m. at the same location.

Based on feedback from the last evaluation, members participated in an exercise to learn more about one another and discussed their thoughts on improvements/suggestions for meetings.

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

Meeting adjourned at 7:57 p.m.