

FULL BOARD MEETING MINUTES – November 12, 2008



Location: Atomic Testing Museum, Frank Rogers Auditorium
755 East Flamingo Road, Las Vegas, Nevada 89119

CAB Members Present: David Hermann, Chair; Walter Wegst, Vice Chair; Kathy Bienenstein; Bob Gatliff; Robert Johnson; Bill Lindsey; John McGrail; Ted Oom; Jackson Ramsey; Ted Schweitzer; Herb Spiegel; Stacy Standley; Hal Sullivan; Jim Weeks

CAB Members Not Present: Lee Geiser, Vernell McNeal, Ron Salzano

Liaisons Present: Bob Gamble, Nye County

Technical Support Staff: Dr. Helen Neill, CAB Technical Advisor, UNLV; Jennifer Ward, Graduate Student, UNLV

U.S. Department of Energy (DOE): Kelly Snyder, Deputy Designated Federal Officer (DDFO); Lori Plummer, National Nuclear Security Administration Nevada Site Office (NNSA/NSO) Environmental Protection Program Manager

CAB Facilitator: Rosemary Rehfeldt, Navarro Research and Engineering, Inc.

Public Present: Jim Haber, Las Vegas, NV; Chloe Schweitzer, Las Vegas, NV

Agenda

- **Chair's Opening Remarks** Dave Hermann
 - Approval of Agenda
- **Public Comment**
- **Presentation: *Nevada Test Site Wildlife Overview*** Lori Plummer, NNSA/NSO
- **Committee Updates**
 - ◆ **Environmental Management Public Involvement Review Effort (EMPIRE)** Walt Wegst, Committee Chair
 - ◆ Committee's recommendation letter for Board approval
 - ◆ **Outreach** Hal Sullivan, Committee Chair
 - ◆ **Transportation/Waste** Ted Oom, Committee Chair
 - ◆ Committee's recommendation letter for Board approval
 - ◆ **Underground Test Area (UGTA)** Bob Gatliff, Committee Chair
- **DOE Update** Kelly Snyder, DOE DDFO
 - ◆ Budget – Continuing Resolution
 - ◆ CAB Monthly Report
- **Other CAB Business** Dave Hermann, Board Chair
 - ◆ Board Chair and Vice Chair role reversal
 - ◆ Letter from DOE EM – establishment of Office of Communications
 - ◆ EM Site Specific Advisory Board Chairs Meeting review – Washington, D.C.
 - ◆ Upcoming EM Site Specific Advisory Board Chairs Meeting, March 2009
 - ◆ Review of October 8, 2008 Nevada Test Site tour
 - ◆ Environmental Management “Education Sessions”
 - ◆ January 2009 Full Board meeting – location and suggested briefings
 - ◆ EM fact sheet booklets
- **October and November State of Nevada Notifications** Rosemary Rehfeldt

At the request of Dave Hermann, Walt Wegst chaired the Full Board meeting.

Approval of Agenda

Due to a conversation that had taken place between Dave Hermann and Walt Wegst prior to the Full Board meeting, Walt Wegst asked that bullet number one, under Item number 7 in the meeting agenda, be struck from the agenda. This pertained to Board Chair and Vice Chair role reversals. Dr. Wegst asked for a motion for approval of the meeting agenda. Jack Ramsey moved for approval, seconded by Hal Sullivan. Motion passed unanimously.

Public Comment

Stacy Standley presented the Board with information on an International Roundtable on Energy Security, and said that flyers were available for those interested in attending or learning more about the roundtable. There were no other public comments.

Presentation: Wildlife at the Nevada Test Site: Lori Plummer presented the Board with a presentation entitled: *Nevada Test Site (NTS) Wildlife Overview*. The update included the following information:

- Ecological Monitoring
- Ecosystem Mapping and Data Management
- Habitat Restoration Program
- Monitoring Important Species and Habitats
- Desert Tortoise Compliance Program
- Biological Surveys
- Fairy Shrimp
- West Nile Virus
- Skinks
- Western Burrowing Owl
- Bat Surveys / Bat Monitoring
- Mule Deer
- Puma (Mountain Lion)

Ms. Plummer answered the following questions for the Board:

Q: Are reports or surveys done on a regular basis?

A: Surveys are done on an as-needed basis, and are taken 24 hours before a project starts.

Q: How many endangered species are at the NTS?

A: The only endangered and threatened species at the NTS is the desert tortoise.

Q: Are any of the naturally-occurring fires at the NTS allowed to burn out on their own?

A: Not usually. Depending on the type of vegetation, the aftermath may allow for non-invasive species to grow, or can cause erosion. If the fire is burning close to a building or near contaminated soils, the fire must be extinguished before it reaches these areas.

A copy of the above-stated presentation can be viewed on the CAB's web site at www.ntscab.com.

Committee Updates:

Update on Executive Committee meeting: Walt Wegst presented the Board with an outline of the results and action items from the Executive Committee meeting that had taken place just prior to the Full Board meeting, where the Board's Vice Chair and all sub-committee Chairs were in attendance. The following highlights were reported:

- Executive Committee meetings, to include the Board's Chair, Vice Chair, and sub-committee Chairs, will take place every other month prior to a Full Board meeting, and are scheduled for 30 minutes.
- As decided during the Executive Committee meeting, each sub-committee will set standard meeting dates and times throughout the year for their committee meetings

- A standard template for sub-committee agendas will be created, and each sub-committee Chair will work with the CAB's facilitator to create and approve the agenda

Environmental Management Public Information Review Effort (EMPIRE) Committee:

Walt Wegst, committee Chair, informed the Board that the committee is in the process of reviewing the CAB's website, with a subsequent review of the DOE NSO Environmental Management (EM) website for possible updates and revisions. After these items are reviewed and possible recommendations made, the committee's work plan will be completed. The current committee members have agreed to transfer into the Outreach Committee.

Dr. Wegst also informed the Board that there was one CAB recommendation letter in the meeting packets, created by the EMPIRE Committee for Full Board approval. The letter pertains to updates and revisions to the Environmental Management informational videos. Both letters were electronically sent to the Board for review prior to the Full Board meeting. Ted Oom moved for approval of the recommendation letter, seconded by Hal Sullivan. Motion passed unanimously.

Additionally, Dr. Wegst mentioned that a booklet had also been included in the meeting packets. This booklet contains all of the DOE NSO EM fact sheets and brochures that the EMPIRE committee had reviewed and the Board had made recommendations on. Dr. Wegst commented that this brochure was professional and well done. The Board members agreed to this comment.

Outreach Committee:

Hal Sullivan, committee Chair, informed the Board that he had provided the CAB Office with Nevada performance standards for schools, to be incorporated into the DOE NSO EM *Operation Clean Desert* children's display and related educational materials. Kelly Snyder said that EM's Public Involvement team has hired a teacher to write a lesson plan for DOE for third through eighth grades, and it is in the process of being reviewed by DOE Nevada Site Office (NSO) and the Clark County School District. This lesson plan can be implemented throughout the entire state of Nevada, including the Nye and Clark County School Districts, as well as home school organizations. Mr. Sullivan requested that DOE monitor how many schools are being reached with the program. Mr. Sullivan told the Board that the committees focus in early 2009 will be to develop marketing strategies for *Operation Clean Desert* for use in rural communities.

Transportation/Waste Committee:

Ted Oom, committee Chair, reported that DOE's updated transportation study was still underway. He mentioned that he'd had questions pertaining to the CAB's Monthly Report that DOE answered quickly, efficiently, and satisfactorily. Kelly Snyder encouraged all Board members to submit any questions they may have on DOE products if they need clarification of issues pertaining to the NSO EM Program.

Mr. Oom also informed the Board that there was one CAB recommendation letter in the meeting packets, created by the Transportation/Waste Committee for Full Board approval. The letter pertains to the State of Nevada Attorney General's letter addressed to James Rispoli regarding possible unauthorized land uses at the NTS and mixed low-level waste (MLLW) disposal. Both letters were electronically sent to the Board for review prior to the Full Board meeting. After much discussion, the Board came up with the following questions pertaining to the letter and the general issue it involves:

- 1) Is there time sensitivity in regards to sending DOE a letter?
- 2) Who at the State has the authority to oversee RCRA and low-level waste disposal programs at the NTS?
- 3) Does Nevada's Attorney General have authority, under existing agreements, to speak for the State of Nevada?

There are legal aspects to the issue that the Board does not fully understand. The Board agreed to hold another Transportation/Waste Committee meeting to discuss this issue further. Dave Hermann agreed to sit in on the meeting to offer legal expertise. Robert Johnson moved to reject approval of the recommendation letter and have the Transportation/Waste Committee meet to further discuss the issue and, if necessary, revise the letter. Kathy Bienenstein seconded the motion. Motion passed unanimously.

Robert Johnson raised the issue of the 2010 Resource Conservation and Recovery Act permit expiration date for disposal of mixed low-level waste (MLLW) at the NTS and suggested that the CAB determine whether or not to make recommendations to

DOE regarding this issue. This is particularly important since MLLW operations at the Hanford Site are not operational. Kelly Snyder informed the Board that MLLW disposal beyond 2010 was currently being discussed and explored by DOE.

Underground Test Area (UGTA) Committee:

Bob Gatliff, committee Chair, informed the Board that they should expect a response from DOE by December 31, 2008 on the CAB's recommendations pertaining to the UGTA's *Phase II Corrective Action Investigation Plan (CAIP) for Central and Western Pahute Mesa, Nevada Test Site*.

Jim Weeks gave an update on the UGTA Kickoff meeting which took place on November 6, 2008. He reported that, although there was good general attendance at the meeting, there was poor attendance from CAB members. A presentation was given by Sam Marutzky (Stoller-Navarro Joint Venture) on new computer software that will be implemented within the UGTA program that will enable all UGTA Technical Working Group (TWG) participants to share information. Mr. Weeks also reported that Bill Wilborn, UGTA Federal Sub-Project Director, gave a presentation which included the FY 2008 accomplishments and FY 2009 planned activities. Mr. Wilborn talked about the drilling of the CAB's recommended well and his invitation to CAB members to visit the drilling site in 2009. A poster session, which provided a forum for questions and answers from the UGTA scientists, both preceded and followed the presentations.

At this time, the sub-committees broke out into separate groups to discuss the issue of setting regular meeting dates and times through 2009. The committees decided on the following schedules:

- ◆ Executive Committee: meets the second Wednesday of every odd month from 4 – 4:30 p.m.
- ◆ Outreach Committee: meets the second Tuesday of every odd month from 5 – 7:00 p.m.
- ◆ Transportation/Waste Committee: meets the third Wednesday of every even month from 2:30 – 4:30 p.m.
- ◆ UGTA Committee: meets the second Wednesday of every even month from 10 – 12:00 p.m.

DOE Update:

Kelly Snyder informed the Board of the following updates:

- The NSO EM Program is currently operating under a continuing resolution. It was anticipated the continuing resolution would be in effect until at least March 2009.
- Ms. Snyder informed the Board that the DOE NSO encourages and welcomes comments and/or questions pertaining to the CAB's monthly report, and assured the CAB that all questions will be answered.
- DOE EM Assistant Secretary James Rispoli resigned as of November 2008. Inez Triay is Acting EM Assistant Secretary.
- Stephen Mellington has accepted the position of Manager for the DOE Nevada Site Office. Janet Appenzeller-Wing continues as Acting EM Assistant Manager.
- Rosemary Rehfeldt is relocating out of state and has resigned from her position as CAB Administrator. She will leave her position in December 2009. The position is in the process of being filled by the contractor.

Other CAB Business

Walt Wegst informed the Board that a letter from DOE EM was included in the meeting packets regarding the formation of the EM Office of Communications.

Mr. Wegst also provided a review of the EM Site Specific Advisory Board (SSAB) meeting in Washington, D.C., which included the following:

- Mr. Rispoli comments regarding the SSAB's was extremely positive, and expressed the important role that the SSAB's play in EM cleanup activities and how supportive he was of the SSAB's work and dedication
- In discussion with members of the Oak Ridge SSAB, Dr. Wegst asked how they use their Education Resource Kit and whether or not they were directly involved in presenting the kit to members of the local communities. The Oak Ridge

SSAB responded that they were directly involved in presenting the material regarding their Educational Resource Kit to the public. Dr. Wegst suggested that the Outreach Committee discuss this issue at their next committee meeting.

- The NTS MLLW disposal operations close in 2010 and Dr. Wegst suggested that the Transportation/Waste committee address this important issue in their upcoming meetings.

- Dr. Vince Adams, Director of DOE's Office of Groundwater and Soils Remediation, gave a presentation on groundwater studies and soils remediation. Dr. Wegst asked questions specific to the NTS groundwater and soils programs, which Dr. Adams was not able to answer. When asked by Dr. Wegst if he was familiar with the NTS Soils or Clean Slates Projects, Dr. Adams answered that he was not familiar with these projects. Dr. Wegst suggested that the Board write a letter to Mark Gilbertson, Director of the DOE Office of Engineering and Technology, and point out the NTS issues pertaining to groundwater movement and soils remediation, thereby informing individuals of particular cleanup issues and activities at the NTS.

- The DOE's EM cleanup budget was discussed and the fact that the budget is underfunded. The program needs \$6.5 billion per year and is currently slated to receive \$5.5 billion in FY 2009.

- The next EM SSAB Chairs meeting will be held in March 2009 at the Savannah River Site.

A review of the October 8, 2008 NTS Tour revealed that it was enjoyable and that tours are welcomed and should continue. The Board was very complimentary of Mr. Joe Johnston with the Stoller-Navarro Joint Venture. Mr. Johnston served as tour guide for the day and provided very interesting and informative tour information.

"Education Sessions," or presentations from DOE to the Board were discussed and the Board agreed that they would like to hear a presentation on Native American activities on the NTS. Other topics for future presentations included:

- DOE versus NNSA: what is each organizations role and responsibilities
- EPA Farm at the NTS: overview and history
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The Board decided that the next Full Board meeting will take place in Las Vegas, Nevada. The Atomic Testing Museum, Frank Rogers Auditorium has been reserved for the meeting on January 28, 2009 at 5:00 p.m.

The Board was informed that Lee Geiser had missed three consecutive Full Board meetings. According to the NTS CAB's Standard Operating Procedures, this is grounds for dismissal. The Board agreed to create and deliver Mr. Geiser's *Forfeiture of Membership* letter.

October and November State of Nevada Notifications:

Notifications for Corrective Actions, dated October 7, 2008 and November 5, 2008, were included in the Board meeting packets. The DOE will submit, to the Nevada Division of Environmental Protection (NDEP), final Corrective Action Decision Documents (CADDs), CADD/Corrective Action Plans (CAPs), CADD/Closure Reports (CRs), Streamlined Approach for Environmental Restoration (SAFER) Work Plans, proposing closure-in-place; or a Post Closure Inspection Report (PCIR) for the following Corrective Action Units (CAUs):

<u>CAU Number</u>	<u>CAU Description</u>	<u>Document</u>	<u>Approximate Submittal Date</u>
CAU 546	Injection Well and Surface Releases	CADD/CR	December 15, 2008

Comments regarding these decision documents are to be submitted to Tim Murphy (NDEP) within 30 days of the document's release. If needed, Rosemary Rehfeldt will provide the Board with additional information on the Corrective Action report.

Additionally, a list of all documents submitted to the Public Reading Room within the last 30 days is included in this Notification. These include CADDs, CAPs, CRs, SAFER Plans, PCIR's and CAIPs. They are as follows:

<u>CAU Number</u>	<u>CAU Description</u>	<u>Document</u>	<u>Approximate Submittal Date</u>
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An Executive Summary has been prepared with a brief summary on each CAU, and was included in the meeting packets. Since this is a new action item, Kelly Snyder asked the Board to look it over to see if there is enough information or if the Board would like to expand on the information given.

Requests for documents can be made to Rosemary Rehfeldt at the CAB Office.

With all CAB business concluded, Dave Hermann put forth a request for motion to adjourn. Ted Oom moved, seconded by Kathy Bienenstein, to adjourn the meeting. Motion passed unanimously.

Meeting adjourned at 8:00 P.M.