



MEETING MINUTES

Transportation/Waste Committee

January 22, 2009

Nevada Support Facility, Sedan Conference Room
232 Energy Way, North Las Vegas, NV 89030

Members Present: Ted Oom, Chair; Bill Lindsey; John McGrail; Hal Sullivan
Liaisons Present: Bob Gamble
U.S. Dept. of Energy: Kelly Snyder, DDFO
Frank Marcinowski, DOE EM HQ
Melissa Nielson, DOE EM HQ
Cate Brennan, DOE EM HQ - DFO
Facilitator: Denise Rupp, Navarro Research & Engineering, Inc.
Absent: Robert Johnson, Member
Helen Neill and Jennifer Ward, Technical Advisors

State of Nevada Attorney General's Letter to U.S. Department of Energy (DOE) dated August 12, 2008

A conference call was held with Frank Marcinowski, DOE Deputy Assistant Secretary for Regulatory Compliance and Melissa Nielson, DOE Director, Office of Public and Intergovernmental Accountability. The purpose of the call was to discuss what actions the DOE has taken since receiving the State of Nevada Attorney General's Letter dated August 12, 2008. The following is a synopsis of Mr. Marcinowski's conversation with the CAB

Transportation/Waste Committee:

- The most recent Nevada Attorney General letter includes objections to any acceptance of new mixed waste streams for disposal at the Nevada Test Site (NTS) and land withdrawal activities
- The issue stems from a legal challenge in the early 1990s resolved by settlement agreement
- Over the past six months the DOE has had frequent negotiations on how to proceed but the goal is to resolve the issues to the satisfaction of all parties
- DOE believes it has the authority to dispose low-level and mixed low-level waste at the NTS since it is product of weapons testing
- On December 18, 2008 the DOE sent a response to the Attorney General identifying DOE's resolution and path forward (Attachment A)
- The Department of Interior's (DOI) Bureau of Land Management (BLM) has the responsibility of evaluating whether the land which contains the waste disposal area is suitable for public use; DOE believes such use does not appear reasonable as radioactive waste has been disposed at NTS for more than forty years
- The BLM will evaluate approximately 700 acres at the NTS which is used for waste disposal (includes buffer zone)
- The evaluation will take approximately 3-6 months and will include a historical review of land use and identification of the specific 700 acres
- Upon completion of the evaluation, the BLM will report to the DOI for a decision as to whether the land should be relinquished
- If it is determined the land should be relinquished, title would be turned over to the U.S. General Services Administration (GSA)

- DOE would then work through the GSA to gain ownership of the relinquished 700 acres

Following are Mr. Marcinowski's clarification of specifics posed by the Committee:

- The NTS is public land managed by the DOI and made available by land withdrawals to the U.S. Department of Energy; the public land withdrawals gave use of the land, not ownership.
- DOE has authority to conduct disposal activities
- The DOE has committed to conduct a new site-wide Environmental Impact Statement (EIS) and will begin the process in FY 2009 with a Notice of Intent and scoping meetings to identify the breadth of the study; the EIS would address all current and foreseeable future activities at NTS.
- DOE has a permit to dispose of mixed waste through November 2010; all disposal activities are covered under the existing permit and it is not feasible to stop the current schedule until the EIS is complete
- The State of Nevada has put a hold on reviewing new mixed waste streams until they receive a date for the new EIS
- The DOE has been talking to both the State of Nevada Attorney General and the Nevada Department of Environmental Protection (NDEP); while the August 12 letter was from the Attorney General, DOE understands there were discussions between the Attorney General and NDEP prior to the letter and that the content was agreeable to both
- Having the DOI determine the land is unsuitable for public use and relinquishing ownership seems to be the most expeditious method for all parties
- The proposed resolution does not cover all historical test areas; the DOI sees this resolution as feasible for the 700 acres
- DOE is working to schedule face-to-face discussions with all parties involved in this matter in February
- All NDEP regulations are being followed

Transportation Study Update

Kelly Snyder reported Dr. Ruth Weiner is waiting on two pieces of information relating to population in order to begin running the transportation study model. Once this information is received, calculations can be done and analysis provided.

In response to a question by Ted Oom, Ms. Snyder clarified the population information is coming from a variety of sources including local counties, fire departments and UNLV. Upon receipt of the population information, Dr. Weiner will analyze the data to assure consistency throughout. The model will also be run for past years populations for comparison.

Dr. Weiner would like to attend the CAB's May Full Board meeting and provide a report on the results of the full study. Ms. Snyder suggested it may be beneficial to hold the May Full Board meeting in Pahrump since it is location of a transportation route.

The Committee agreed to recommend Dr. Wiener and the Transportation Study be added to the May 2009 Full Board meeting agenda and that the meeting be held in Pahrump.

The meeting adjourned at 12:05 p.m.