



MEETING MINUTES

Transportation/Waste Committee

October 22, 2008, DOE Nevada Support Facility
232 Energy Way, North Las Vegas, NV 89030

Members Present: Ted Oom, Chair; Robert Johnson, Bill Lindsey, John McGrail

Liaisons Present: Bob Gamble

U.S. Department of Energy: Kelly Snyder, DDFO

Technical Advisor: Dr. Helen Neill, UNLV

Facilitator: Rosemary Rehfeldt, Navarro Research & Engineering, Inc.

The Committee's meeting agenda and objectives were to:

- Discuss and make recommendations pertaining to the State of Nevada Attorney General's letter to the U.S. Department of Energy (DOE) dated August 12, 2008
- Review the FY 2009 Work Plan and formulate a strategy for task completion
- Set the next meeting date, time and location

Due to traffic problems which delayed the Chair's arrival, Robert Johnson chaired the meeting and opened the table up for discussion of the State of Nevada Attorney General's letter to DOE. The major points of the Attorney General's letter refer to DOE's proposed unauthorized uses of the Nevada Test Site (NTS) for purposes other than "weapons testing." In the interest of resolving land withdrawal issues between DOE and the U.S. Department of the Interior (DOI), the Attorney General proposes that DOE commit to:

- Consult with the DOI regarding land withdrawal status of the NTS and inform the Attorney General of progress made in the consultation process. Include the Attorney General and/or Nevada Agency for Nuclear Projects in future consultations.
- Recognition of the NDEP-DOE agreement regarding closure of Pit 3 at the NTS by 2010.
- Recognition that a new site-wide Environmental Impact Statement (EIS) for the NTS is needed. Scoping for a new EIS will commence no later than the end of March, 2009, with DOE to publish a Notice of Intent (NOI) to this effect in the Federal Register.
- Upon complying with the above, DOE may accept new mixed waste streams at the NTS Pit 3 under the terms and conditions of the Resource Conservation and Recovery Act (RCRA) permit issued by the NDEP on November 21, 2005.

The following major points and questions, pertaining to the above-stated synopsis of the Attorney General's letter, were clarified during the CAB's discussion:

- Is the Attorney General's office overriding the Nevada Division of Environmental Protection's (NDEP's) input on waste shipment agreements with DOE? Who at the State has the authority to provide input to DOE on low-level waste disposal?

- There is public confusion as to the issue of unauthorized land uses at the Nevada Test Site. Does the DOE know of any unauthorized land uses? The CAB would like clarification on this issue.
- The CAB feels that existing agreements between the DOE and NDEP remain in place. The DOE should do what is necessary to preserve and protect low-level and mixed low-level waste streams that DOE is responsible for the safe disposal of.
- With respect to the Attorney General's proposal for a new Environmental Impact Statement (EIS), the CAB stands by its recommendation letter, dated May 29, 2008, that there is no need to create a new EIS for Nevada Test Site Environmental Management operations.

Kelly Snyder informed the committee that legal representatives from all entities involved are looking into the NTS land withdrawal issue and a meeting date is being negotiated between the State of Nevada and DOE to review and discuss the items stated in the Attorney General's letter. The committee agreed to draft a letter from the CAB to DOE requesting resolution of their concerns listed above and previous recommendations regarding the NTS EIS. Upon committee approval, the letter will be distributed to the Board for approval at the November 12, 2008 Full Board meeting.

The committee raised the point of the NDEP-DOE agreement regarding closure of Pit 3 at the NTS by the year 2010 and what potential affect that will have on future low-level waste disposal. The committee decided to take this issue to the Board to generate discussion and get Board-member opinions. The item will be added to the November 12, 2008 Full Board Agenda.

To continue with the next item on the meeting agenda, the Committee focused on its FY 2009 Work Plan and asked Kelly Snyder if there was an update regarding the transportation study. Ms. Snyder told the committee that a letter is currently being drafted in response to the CAB's recommendation letter dated September 24, 2008. The DOE is in the process of answering the Board's questions. One of the issues to overcome is using the parameters from the 1996 transportation study and trying to track down how much information RADTRAN will accept. It is anticipated that the Board will have a response at the Full Board meeting on November 12, 2008.

The committee decided to set the next meeting date, time and location after they receive information on the updated transportation study.

Meeting adjourned at 4:15 p.m.