



The Secretary of Energy
Washington, DC 20585

August 12, 2013

The Honorable Brian Sandoval
Governor of Nevada
Carson City, Nevada 89701

Dear Governor Sandoval:

Thank you for your letters regarding Department of Energy (DOE) activities in Nevada, including the planned shipment of Consolidated Edison Uranium Solidification Project (CEUSP) canisters. I appreciated our phone conversation on July 18, and I look forward to meeting with you in person on August 13 to continue our discussion on the Department's CEUSP disposal plans and further developing our overall partnership. I also appreciate very much your flexibility in making our schedules match up for this meeting.

I hope the following information responds to your concerns:

- Basis for Revision to Nevada National Security Site (NNSS) Waste Acceptance Criteria
These criteria for disposal at the NNSS radioactive waste disposal facility are routinely updated to capture changes in waste management practices and requirements. Updates incorporated into Revision 10 were not made to allow the CEUSP waste shipments. The updates included acceptability of classified items or waste for permanent disposal, changes to waste package limits, and miscellaneous administrative changes and technical clarifications. The revision does not change the type of waste or increase the total amount of radioactivity acceptable for disposal at NNSS. The Nevada Division of Environmental Protection (NDEP) reviewed the proposed updates within Revision 10 prior to its approval and release. The update to waste package limits was shared with NDEP and other State agencies in late 2012 and early 2013 as part of the additional information DOE provided to address the State's concerns with the CEUSP waste profile during the profile review process.
- Acceptability of CEUSP Canisters for Disposal at NNSS
DOE carefully evaluated the CEUSP waste profile and its acceptability as low-level waste for disposal at NNSS pursuant to Revision 9 of the Waste Acceptance Criteria over a six-month period. NDEP employees participated in these activities as members of the Waste Acceptance Review Panel. The Department provided information to NDEP to resolve concerns NDEP raised related to waste classification and the historical generation of the waste. The three enclosures to this letter document NDEP's active participation in DOE's technical decisions regarding the CEUSP profile. At the request of the NDEP, DOE evaluated the CEUSP waste in the facility over a much longer period (10,000 years) than required under DOE policy.



The December 4, 2012, letter from the Department's Nevada Field Office to NDEP documented the agreement between the offices on the requested special analysis. This analysis provided additional assurances that the CEUSP canisters can be safely disposed at NNSS. The analysis showed that the facility will protect public health and the environment over the 10,000 year period, well beyond the required 1,000 year period. The Department also agreed to the State's request to increase the depth of the disposal trench beyond that necessary to meet disposal requirements. At a December 5, 2012, panel meeting, NDEP withdrew its objections to the CEUSP waste profile. Based on the panel's recommendation to approve disposal of the CEUSP waste at NNSS, the Department's Nevada Field Office provided written approval on December 6, 2012, for the CEUSP shipments. NDEP officials were copied on that approval memo. Since NDEP has no regulatory authority to approve low-level waste profiles, State approval is not needed and was not requested. However, in practice, DOE engages the State of Nevada in review of all waste profiles and considers the results of the discussion into the Department's final decision making. NDEP is copied on all waste profile approval memos. This is the established practice in our cooperation with NDEP, and we will continue this approach towards full and open dialogue. The Department takes specific steps and commits substantial resources based on these transparent exchanges with NDEP.

- Transportation Routes to NNSS

At the State's request, the Department agreed to ship the CEUSP canisters using secured transportation resources, requiring the routing and timing for shipments remain classified. However, other shipments of waste to NNSS via commercial transportation resources will continue in accordance with route restrictions agreed to and established by DOE and the State. DOE does not intend to modify the current route restrictions.

- Waste Disposal Plans at NNSS

NNSS plays a key role supporting DOE's Cold War cleanup, supporting DOE national security and energy missions that generate low-level waste. NNSS also securely manages and stores nuclear materials. Preservation and optimization of these NNSS capabilities are vital to DOE's mission, and I consider Nevada a critical partner in this mission. DOE meets regularly with the Nevada Department of Conservation and Natural Resources and will continue to work closely with the State. For the past two years, DOE has met with the State on a semiannual basis to provide information on upcoming waste streams and significant projects that may warrant increased coordination between DOE and the State, and we are committed to continuing this senior-level dialogue. In 2010, DOE agreed to provide annual grant funding based on the volume of waste disposed at NNSS each year. These funds will be used by State agencies for planning and regulatory activities related to NNSS.

- Regulatory Support Funding for Nevada Agencies

DOE supports interagency agreements and grants that provide for Nevada's oversight and involvement in activities at NNSS. An approximate \$300,000 reduction in fiscal year (FY) 2013 funds resulted from sequestration. The President's FY 2014 Budget Request did not propose further reduction.

- Status of NNSS Site-Wide Environmental Impact Statement (SWEIS)
The SWEIS was published on February 22, 2013. DOE expects to issue its Record of Decision later this calendar year. The Nevada Field Office has and will continue to conduct meetings with local government officials and representatives of the 15 Native American tribes to discuss the statement and its selected alternatives.
- DOE-Nevada Working Group
I support discussions on topics of significant mutual interest between DOE and the State and, as you proposed, look forward to discussing the formation of a working group when we meet next week.

DOE and the State have had a productive working relationship while preparing the CEUSP canister disposition campaign. For well over a year, the Department has worked with the State to obtain its input on the waste profile, disposal analyses, transportation planning, and stakeholder interactions. The enclosed documents chronicle important technical decisions made in consultation with the State, including the Department's approval of the waste profile. Also recognize that waste disposal is a relatively minimal part of our overall activities at NNSS, but a crucial part of our Nation's Cold War clean-up. The Department is very appreciative of the State's support in this activity. I look forward to discussing the breadth of activities and opportunities at NNSS as part of our dialogue and the proposed working group discussions.

I appreciate the time and interest you have invested in DOE's operations at NNSS, specifically the CEUSP canister disposition campaign, which is a priority for the Department. I am committed to safe and cost-effective operations based on sound science, safety and protection of the environment and public health. NNSS serves a critical role in the Department's missions. I appreciate your support in these undertakings of national importance and am looking forward to meeting you soon.

If you have any questions, please contact me or Mr. Brad Crowell, Acting Assistant Secretary for Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,



Ernest J. Moniz

Enclosures



Department of Energy
National Nuclear Security Administration
Nevada Site Office
P.O. Box 98518
Las Vegas, NV 89193-8518



December 4, 2012

Tim Murphy, Chief
Bureau of Federal Facilities
Division of Environmental Protection
2030 E. Flamingo, Suite 230
Las Vegas, NV 89119

**DISPOSAL OF CONSOLIDATED EDISON URANIUM SOLIDIFICATION PROJECT
WASTE AT THE NEVADA NATIONAL SECURITY SITE (NNS)**

In meetings held on November 28 and 29, 2012, between the U.S. Department of Energy (DOE) National Nuclear Security Administration Nevada Site Office (NNSA/NSO) and the State of Nevada Division of Environmental Protection (NDEP), resolution was reached regarding questions and issues related to the proposed disposal of the Uranium-233 Consolidated Edison Uranium Solidification Project (CEUSP) waste stream from the Oak Ridge National Laboratory at the NNS. This letter documents these discussions and identifies those commitments made by the NNSA/NSO regarding the disposal of the CEUSP waste at the NNS Area 5 Radioactive Waste Management Complex (RWMC).

During these discussions, the NDEP agreed that DOE has demonstrated that the CEUSP waste meets the requirements for low level waste disposal as regulated under the Atomic Energy Act, the DOE radioactive waste management order (DOE Order 435.1), and the NNS Waste Acceptance Criteria (WAC). However, because the CEUSP waste includes long-lived alpha decaying isotopes, NDEP questioned how shallow land disposal would be protective beyond the 1,000-year compliance period mandated under DOE Order 435.1 requirements for performance assessments. In response to this question and to provide an additional element of conservatism consistent with the DOE Order 435.1 defense-in-depth concept, the NNSA/NSO agreed to supplement the current CEUSP special analyses (SA). The supplemental SA will model the disposal facility performance over time to contain the long-lived isotopes in this waste stream. The modified SA will provide increased confidence in the long-term safety of CEUSP waste disposal through: assessment of the DOE Order 435.1 performance objectives for a longer period than required -- 10,000 years; qualitative assessment of the stability of shallow trench disposal at the Area 5 RWMS including closure cover integrity and associated impacts due to seismic events, volcanism, and assessment of the peak impacts from CEUSP waste disposal. As this additional analysis is not required for NNSA/NSO to demonstrate compliance with the NNS WAC, it will therefore not be included in the existing waste profile documentation currently being reviewed by the NNS Waste Acceptance Review Panel. The supplemental SA will be provided to NDEP by January 25, 2013.

Furthermore, through consultation with the NDEP it was agreed that the CEUSP waste disposal depth will be increased an additional 2 feet to provide additional protection. This additional depth will be reflected in aforementioned supplemental SA. It was recognized by both DOE and NDEP that the increased disposal depth is not required to meet waste disposal requirements at the Area 5 RWMC for the CEUSP waste, and it will not serve as a precedent or requirement for future waste streams. Collectively, both the supplemental SA and the increased disposal depth is intended to provide additional regulator and stakeholder confidence that the disposal configuration of the CEUSP will be protective of the environment and worker and public safety and health as demonstrated by existing DOE requirements and processes.

If you have any questions or need additional information, please contact me at (702) 295-7063.



Scott A. Wade
Assistant Manager
for Environmental Management

EM:9241.SW

cc via e-mail:

C. M. Gelles, DOE/HQ (EM-43) FORS

F. N. Marcinowski, III, DOE/HQ (EM-40)
FORS

D. W. Tonkay, DOE/HQ (EM-31)
CLVRLF

W. H. McMillan, DOE/OR, Oak Ridge, TN

Leo Drozdoff, DCNR, Carson City, NV

Colleen Cripps, NDEP, Carson City, NV

M. J. Elges, NDEP, Carson City, NV

J. J. MacDougall, NDEP, Las Vegas, NV

R. F. Boehlecke, EMO, NNSA NSO,
Las Vegas, NV

J. A. Appenzeller-Wing, D/AMEM,
NNSA NSO, Las Vegas, NV

S. A. Hejazi, SC, NNSA/NSO,
Las Vegas, NV

S. J. Lawrence, D/MGR, NNSA/NSO,
Las Vegas, NV

NNSA/NSO Read File

Waste Acceptance Review Panel (WARP) Agenda

Wednesday, December 5, 2012, 3:00 p.m.

North Las Vegas Facility, Building C-1, 2nd Floor, Room 6684

Call-In Number: 1-877-336-1828 (enter pass-code 7330371# at the prompt)

LLW PROFILES TO BE DISCUSSED

LLNL BCLALLTRITIUM, Rev. 06, 11/29/2012, Tritium-Contaminated Waste
Lead: Derrell Harmon
Received Date: 11/08/2012
Reviews: NNSS
Status: Prepared for signature pending additional comments.

*good
good*

*Ed
Rho*

BNL BNLX000000010, Rev. 07, 11/21/2012, Solidified Radioactive Aqueous Liquid
Lead: Alexander Dellaverson
Received Date: 11/26/2012
Reviews: NNSS
Status: Prepared for signature pending any comments.

*good
good*

*Rick
John
Jeff*

BNL BNLX000000012, Rev. 02, 11/20/2012, BLIP Cans and Windows
Lead: Gregg Geisinger
Received Date: 11/26/2012
Reviews: NNSS
Status: Prepared for signature pending any comments.

*good
good*

Mike

DRTK DRTK000000050, Rev. 00, 09/14/2012, CEUSP Waste
Lead: Brian Moran
Received Date: 08/16/2012
Reviews: NNSS
Status: Prepared for signature pending additional comments.

*good
good*

*state withdraw
their opposition*

West Valley WVDP000000018, Rev. 03, 11/26/2012, Drum Cell Cement Solidified Waste
Lead: Gregg Geisinger
Received Date: 11/26/2012
Reviews: NNSS
Status: Compiled comments to be discussed at the 12/05/2012 WARP Meeting.

Conventoy

PRE-TREATMENT NOTIFICATION FORMS TO BE DISCUSSED

none

MLLW PROFILES TO BE DISCUSSED

none

Waste Acceptance Review Panel (WARP)

Attendance Sheet

Wednesday, December 05, 2012; 3:00 pm
 NLVF, Building CI, 2nd Floor, Room 6684

<u>Name</u>	<u>Organization</u>	<u>Phone Number</u>
_____ Bounds, Bradley	NSTec Operations	295-7505
<u>X</u> _____ Cebe, Jim	NNSA/NSO	295-0957
<u>X</u> _____ Dellaverson, Alexander	NSTec RWAP	295-5878
_____ Dixon, Marcus	NSTec RWAP	295-3623
_____ Freter, Jerry	NSTec Operations	295-6808
<u>X</u> _____ Geisinger, Gregg	NSTec RWAP	295-5196
<u>X</u> _____ Gordon, Sydney	NSTec EM	295-0966
_____ Gregory, Louis	NSTec Operations	295-9393
_____ Harmon, Derrell	NSTec RWAP	630-0548
_____ Linkenheil, Deron	NSTec RWAP	295-1157
<u>X</u> _____ MacDougall, Jeff	NDEP	486-2850 ext 233
<u>X</u> _____ McCullough, Mike	NSTec Operations	295-5876
_____ Moran, Brian	NSTec RWAP	295-6583
<u>X</u> _____ Romo, Janis	NNSA/NSO	295-0838
<u>X</u> _____ Shott, Greg	NSTec EM	295-7388
<u>X</u> _____ Takahashi, Edwin	NSTec Operations	295-6100
<u>X</u> _____ Tanaka, Kate	NSTec Operations	295-9306
<u>X</u> _____ Thomas, Rhonda	NSTec Operations	295-9862
_____ Wong, John	NDEP	486-2850 ext 245
_____ Pat Arnold		
_____ Jon Yonkno		
_____ Rick Wagner		



Department of Energy
 National Nuclear Security Administration
 Nevada Site Office
 P.O. Box 98518
 Las Vegas, NV 89193-8518



DEC 6 2012

Greg Lawson, NNS Program Operations Manager, Duratek/EnergySolutions, Oak Ridge, TN

**APPROVAL TO SHIP DURATEK/ENERGYSOLUTIONS (DRTK) LOW-LEVEL
 RADIOACTIVE WASTE TO THE NEVADA NATIONAL SECURITY SITE (NNS)**

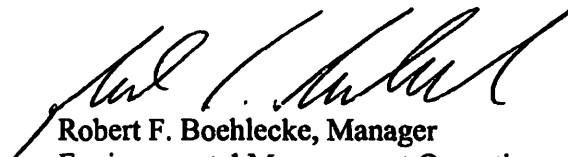
DRTK has completed the waste profile approval process described in the Nevada National Security Site Waste Acceptance Criteria (NNSWAC), Revision 9. The National Nuclear Security Administration Nevada Site Office (NNSA/NSO) reviewed and commented on the following waste profile:

<u>Waste Profile</u>	<u>Revision and Date</u>	<u>Description</u>
DRTK000000050	Rev. 00, 09/14/2012	CEUSP Waste

NNSA/NSO approves the shipment and disposal of the above listed waste stream under the requirements of the NNSWAC, Revision 9, and the DRTK Waste Certification Program. The enclosure lists the current DRTK approvals and supersedes all previous approval memoranda.

Prior to initiating shipment of this waste stream, please notify National Security Technologies, LLC (NSTec) Disposal Operations personnel at (702) 295-6811 with a planned shipping date. NSTec will ensure sufficient disposal capacity is available and provide the necessary equipment and personnel for disposal activities.

If you have any questions or comments, please contact James J. Cebe, Waste Management Activity at (702) 295-0957.


 Robert F. Boehlecke, Manager
 Environmental Management Operations

EMO:9252.JJC

Enclosure:
 As stated

Greg Lawson

-2-

DEC 6 2012

cc w/encl. via e-mail:

J. J. MacDougall, NDEP, Las Vegas, NV

T. H. Murphy, NDEP, Las Vegas, NV

R. M. Guertal, Duratek/Energy Solutions, Oak Ridge, TN

D. C. Moore, Isotek Systems, LLC, Oak Ridge, TN

R. G. Geisinger, NSTec, Las Vegas, NV

K. C. Tanaka, NSTec, Las Vegas, NV

R. W. Thomas, NSTec, Mercury , NV

NSTec Correspondence Management Coordinator, MS NLV008

J. J. Cebe, EMO, NNSA/NSO, Las Vegas, NV

K. K. Snyder, EMOS, NNSA/NSO, Las Vegas, NV

S. A. Hejazi, SC, NNSA/NSO, Las Vegas, NV

D. J. Morgan, OPA, NNSA/NSO, Las Vegas, NV

NNSA/NSO Read File