



**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