

~~CONFIDENTIAL~~
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DSTP COMMENTS - LANL

This document infers that developing a treatment plan is all that is required by the FFCAct or DOE. The Act actually a plan that DOE intends to implement with specific technologies within specific time frames to treat ALL mixed waste streams, including low level radioactive mixed waste, high level radioactive mixed waste and TRU mixed waste.

COMPLIANCE VOLUME - LANL

Red LANL FF10/90-95

Page 1 of 7 the appropriate agency is the NMED
public notice has been posted
2nd ¶ changes in the preferred options and schedules may be offered; When will we see these offerings?

Page 2 of 7 3rd ¶ characterization should not be an alternative activity; funding should not have anything to do with the DSTP, preliminary schedules etc.
3rd ¶, 4th line not the intent of the FFCAct; don't understand the language re: civil enforcement arising from storage of mixed waste etc -- so not addressing MTRU, therefore DOE is saying they are not liable for MTRU in the DSTP! Then the plan must address or incorporate storage requirements?
3rd line from bottom -- received from offsite.... pretty vague language; can LANL receive offsite waste without permit modifications? What about in-state?
Sect. 2.0 what is meant by term provisions in 1st line? NMED will be the lead, not EPA.

Page 3 of 7 1st & 2nd ¶'s not enforceable until target dates converted to milestone. This process of converting target dates to milestones is **very important from the regulatory/enforcement perspective.**

bullets under 2nd complete ¶ Seems better to get milestones with capability built into the document for slippage if the regulation allows such for a valid reason.

Page 4 of 7 Sect 2.2 all language concerns me as to what is actually covered in the plan or what we (NMED) can do about anything? This is a "blank check" for DOE to establish treatment as DOE determines it is capable of doing, so all decision making is taken away from the regulator.
5th ¶ language "compliance plan is considered amended means what? Do we then work with a new plan? How

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Page 5 of 7 many new plans will we allow?

Sect 2.3, 3rd bullet "includes waste as a covered waste" means what?

Sect. 2.4 Storage versus treatment language again "plan termination" means what? 2nd & 5th bullets not clear. Does this mean disposal at the site?

Page 6 of 7 Sect. 2.5 "Seek adjustments" means what? How long do we allow this to go on? 2nd ¶ do we buy of on this? State must follow what procedures? 3rd ¶ FFCA or RCRA? bullets I don't understand how other states are affected?

Sect 2.6 Check with Susan. Do we see this as relevant?

Page 7 of 7 Sect 2.8 This is all at the discretion of the DOE??

Sect 3.0 Susan as we discussed before, here is FFCAgreement being brought in.

Sect 4.0 "Char. plan in place...." means what? We need to see WIPP-WAC & establish our own State WAC. Must be careful of language in the plan re: revisions, deliverables, etc pertaining to MTRU defense/non-defense related, no-migration etc.

What are contingencies if WIPP does not open within a specified time frame? ie. 5 years? Characterization of rad wastes must be specified & acceptable in a disposal permit issued by NMED. Seems that heir statement on waste characterization acceptability at WIPP is premature.

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add word treatment to comment section so reads mixed waste treatment permit application. needs statement on residuals & to LDR wastes.

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This needs elaboration with at the very least, milestones for treatability study, R D&D or other option.

Action plan on a yearly basis seems to allow for revision after revision with no treatment being implemented.

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No mention of permit mod to CAI RCRA permit to allow for incineration of mixed wastes. Also no mention of EIS for the CAI.

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Are the technologies for these skids proven?

BACKGROUND VOLUME - LANL

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Sect. 1.3 "except to accumulate....." Where does this statement come from? Does DOE think that the huge quantities on inventory don't meet this condition?

Need to review the FFCAct re:schedules to be contained in the plans.

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Sect 1.4, last set of bullets - All at DOE discretion with no state options?

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2nd ¶ no mention of remote handled waste or high level mixed waste. 4th ¶ Compliant storage means what?

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Last ¶ How will SWEIS affect milestones & schedules presented?

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1st ¶ State not bound by the FFC Agreement.
2nd ¶ Treatment schedules not dictated by their order. The two are separate entities.
3rd ¶ & bullets How is this related to the FFCA or Agreement?
last 2 ¶'s Problems are not with preferred options but with specificity in time schedules.

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2nd ¶ How will characterization be performed -

chemical analysis?

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1st ¶ what is time frame for characterization and what methods will be used?

Sect 2.1-#1 Does not comply with FFCAct requirements. Need attention within specified time frame ie 5 Years. Need to coordinate characterization at all TRU waste sites within DOE complex to have NMED accept its disposal application from WIPP.

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Last ¶ How is this determination made? (liquid residuals from treatment of char. wastes can be sent to the RLWTP) Is this WAC acceptable under RCRA?

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2nd ¶ for what type of treatment will it take 5 years - commercial, or LANL CAI?

Last ¶ Seems simple enough to modify an internal DOE Order.

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3rd complete ¶ does not include mixed waste (Part B Permit).

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1st complete ¶ What is the difference in disposal approach? How will this be determined?

Schedule sect. No mention of RCRA Permit Mods for mixed waste.

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2nd ¶ How would residuals be addressed?

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1st ¶ Requirements of the WIPP may not be but should be the same as those for the disposal permit to be issued by the State of NM.

¶3 Sect 5.0 What is in Area 6?

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Sect 8.1 1st ¶ Will only LANL residues be disposed of?

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Sect. 8.2 end of 1st ¶ "Ultimately.... Is consideration for only onsite wastes?"