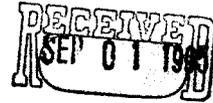


Department of Energy
 Los Alamos Area Office
 Albuquerque Operations Office
 Los Alamos, New Mexico 87544

AUG 29 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED



Dr. Joel Dougherty
 Air and Waste Management Division
 U.S. Environmental Protection Agency
 Region 6
 1445 Ross Avenue, Suite 1200
 Dallas, Texas 75202-2733

Dear Dr. Dougherty:

Subject: Follow-up to Request for Extension of Milestone,
 Federal Facility Compliance Agreement, Milestone
 LD 200

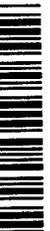
By letter and telephone on August 15, 1995, the Department of Energy (DOE) requested an extension to one of the milestones in the Federal Facility Compliance Agreement (FFCAgreement) between DOE and the Environmental Protection Agency (EPA) regarding land disposal restriction requirements for Low-Level Mixed Waste (LLMW) and other mixed and hazardous waste at Los Alamos National Laboratory (LANL). In that letter, we indicated that ~~within two weeks we would supply you with a specific length of~~ time for the extension being requested. The milestone which DOE requested to be extended is LD 200, *Complete Treatment of Applicable LLMW*, which refers to processing of recyclable lead bricks using processes including LANL's lead decontamination trailer. Therefore, through this letter, DOE is requesting an extension of 90 working days to January 19, 1996, for completion of milestone LD 200.

This request for an extension to the LD 200 has been submitted by DOE in accordance with Section XIII, Extensions, of the FFCAgreement. The FFCAgreement specifies a due date of September 15, 1995 for LD 200. As required in paragraph 2 of Section XIII, this extension request, which is for more than 30 days, was submitted 30 days before the milestone due date.

As of October 1994, all containers that were initially identified in LANL's waste databases as "lead bricks" had been processed. As discussed in our August 15, 1995 letter, LANL has become aware that a number of additional containers of lead materials in the inventory may include one or more processable lead bricks and thus may meet the criteria of "applicable LLMW" according to the terms of milestone LD 200. Because the additional bricks were commingled with other forms of lead, they were not identified in earlier assessments.

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Dr. Joel Dougherty

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While the containers of lead continue to be surveyed and processed as rapidly as possible, it is now apparent that the deadline of September 15, 1995 may not be achievable for all the additional bricks potentially subject to LD 200.

In our review of lead inventory on August 22, 1995, approximately 397 "items" were identified as containing "lead," or "Pb," or bearing the D008 waste code. These represent the maximum potential universe of lead waste. Of these, 168 were eliminated from the scope of LD 200 because they were identified as lead waste items other than bricks. Thirty-four (34) items requiring additional characterization (which will be conducted outside the scope of LD 200, as discussed below) were eliminated. Of the remaining 195 items, 97 were described in LANL's records as containing only bricks; however, LANL is actively processing all bricks in all 195 of these containers.

If LANL were able to continue processing the additional bricks at a rate of approximately 9 drums per day, with no downtime or unexpected interruptions, DOE and LANL estimate that this effort may still be completed successfully by or near the original milestone date. However, given uncertainties regarding drum contents, the necessity to continue to operate safely, and the potential for unanticipated events that could cause downtimes for the lead decontamination process, we have, with an abundance of caution, requested the extension.

As stated in our August 15, 1995 letter, lead bricks not meeting the LD 200 criteria, and lead waste in other physical forms that was not suitable for the lead decontamination trailer, will be worked off through other FFC Agreement milestones or through the Site Treatment Plan when it is issued by the New Mexico Environment Department. No other FFC Agreement milestones are directly affected by this extension request.

In light of the fact that the LD 200 due date of September 15, 1995 is fast approaching, and in the interest of receiving a response from you before the due date so as to maintain compliance under the FFC Agreement, we would propose that if the request for extension for the period of time described in this letter meets with your approval, the signature of the appropriate EPA person be placed in the space provided below, underneath the phrase "APPROVED AND AGREED TO:" and then this letter be faxed back to us with the approval indicated. We recognize that this proposal may be somewhat unusual, but given the time constraints and your very busy schedule, it will accomplish what is required.

DOE remains firmly committed to implementing the FFC Agreement until the State issues an order requiring compliance with the Site Treatment Plan being developed under the Federal Facilities

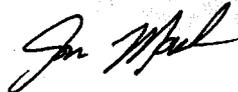
AUG 29 1995

Dr. Joel Dougherty

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Compliance Act. We are available to discuss this matter further with EPA at any time. If you have any questions, please call me at (505) 665-5026 regarding this activity. Thank you for your consideration of our request.

Sincerely,



Jon Mack
Waste Management Program Manager
Office of Environment and Projects

LAAMEP:6JP-002

APPROVED AND AGREED TO:

DATE: _____

cc:

M. Potts

RCRA Enforcement Branch (6H-CS)
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

B. Garcia, Bureau Chief

~~Hazardous and Radioactive Materials Bureau~~

New Mexico Environment Department
2044 Galisteo St., Bldg. A
P. O. Box 26110
Santa Fe, NM 87505

SEP 11 1995

MEMORANDUM

SUBJECT: Request for Legal Support

FROM: Desi A. Crouther, Chief
Hazardous Waste Enforcement Branch (6EN-H)

TO: Marvin Benton, Chief
Legal Branch (6EN-L)

We request that you assign an attorney to the Los Alamos National Laboratory (LANL) Resource Conservation and Recovery Act (RCRA) Federal Facility Compliance Agreement (FFCA).

The LANL RCRA FFCA has been in effect since March 15, 1994, and requires LANL to adhere to a relatively complex schedule of compliance. There is significant interaction between the Enforcement Officer assigned to the case and the Department of Energy (DOE) officials responsible for managing the FFCA.

The previous attorney, Michael Barra, has been reassigned to Superfund. Therefore, the case is now without counsel. Several issues are currently unresolved and may need legal support. In addition, LANL compliance is closely monitored by several public interest groups. Therefore, it is important to resolve issues as they arise.

If you have any questions or need additional information, please have your staff contact Joel Dougherty (x2281), the Enforcement Officer assigned to this case.

(JMD)
6EN-HS:J.Dougherty:09/05/95:pa:J:ATTORNEY.CAI

FILE CODE: Enforcement
NM0890010515

(Signature)
6EN-HS

(Signature)
6EN-H

(Signature)

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