



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

MAR 1 1996

VIA HAND DELIVERY

Mr. Benito 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



Dear Mr. Garcia:

Subject: Request for Revision to Off-Site Shipment Approval Process in the Federal Facility Compliance Order (FFCO), October 4, 1995

The purpose of this letter is to request a revision to the FFCO, Exhibit A, Los Alamos National Laboratory (LANL) Mixed Waste Site Treatment Plan (STP), Compliance Plan Volume (CPV). The FFCO, issued by the New Mexico Environment Department (NMED) October 4, 1995, to implement the STP/CPV at LANL requires that the Respondents (the Department of Energy [DOE] and its management and operating contractor, the University of California [UC]) notify NMED by letter to request a revision to the STP/CPV. This request has been drafted in accordance with the requirements of Section X, "Revisions," of the FFCO.

Based on our discussions with NMED in December 1995, we request that the STP/CPV language be revised to (1) add off-site treatment as a parallel preferred option to all STP/CPV treatability categories in which it is not currently prescribed as such, and (2) eliminate the requirement for pre-approval of off-site shipments by NMED for all covered waste not listed in Sections 3.1.1 and 3.1.2 of the STP/CPV. The existing notification requirements would be retained, with changes, and all shipments will be reported in Annual Updates according to current STP/CPV requirements. Specific changes to STP/CPV language are enclosed in redline/strikeout format in the enclosed STP/CPV copy. An electronic disk is also provided to facilitate your inclusion of this information if acceptable.

The current STP/CPV requires NMED's approval before shipping covered waste not listed in Sections 3.1.1 and 3.1.2 of the STP/CPV to off-site commercial facilities. As we have discussed, a number of off-site commercial facilities have the capability of treating



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several waste streams for which we had intended to develop Mobile Treatment Units (MTU), are permitted to accept waste, and are cost effective as treatment is available at or below the cost we had previously estimated to construct and treat these waste streams in the MTUs. These provide LANL with viable, cost-effective options for treatment and disposal of many STP/CPV covered wastes well in advance of the compliance dates in the STP/CPV. In order to pursue these options expeditiously, LANL resources have been shifted away from MTU development to preparation of wastes for shipment to appropriate commercial and federal treatment and disposal facilities. In order, however, to maximize LANL's ability to effectuate these options in a timely manner, we believe they should be designated clearly as parallel preferred options throughout the STP/CPV.

We also believe that the current requirement to pursue such options only following NMED approval of an STP/CPV revision will impede our ability to negotiate pricing and scheduling of the waste with the commercial facilities. Such prior review and approval is not current practice for hazardous nonradioactive waste shipments from New Mexico hazardous waste facilities, nor for mixed waste shipments from industrial and commercial hazardous waste facilities. As long as the waste is sent to and accepted by a qualified, appropriate off-site facility, and shipped in accordance with federal and state transportation regulations, there should be little need for an NMED review and pre-approval process. By eliminating this requirement, we should be able to reduce the STP/CPV waste inventory sooner than anticipated by the current STP/CPV requirements, and thereby reduce the risk from the above-ground storage perspective.

We would also appreciate your consideration of a request to replace the current STP requirement for notification of NMED within 14 days of confirmation of a shipment date (CPV/STP, pages 3, 6 and 7) with a requirement for notification within 30 days after confirmation of receipt of shipment at the affected off-site facility. The current STP language assumes that LANL is able to easily obtain the services of shippers and transporters for mixed waste, and that readjustments to shipment dates will never be necessary. However, we now have knowledge, through experience gained in the shipment of LANL's scintillation vial fluids, that scheduling a rad-licensed commercial shipper can take some time.

Since these services are currently provided by out-of-state organizations, we expend additional effort to ensure their acceptability of this waste for transport, including verifying that all licenses, training, and insurance requirements are current and in effect for both the organization(s) performing the work and the individual drivers responsible for transportation. Experience has shown that these efforts sometimes lead to additional delays, or unexpected last-minute changes in shipping schedules. Often, these out-of-state organizations must adjust both personnel and shipment schedules to provide the optimum shipping date for the waste.

LANL's goal is to provide competent, certified waste transportation and treatment services in a timely manner with the best possible pricing. The suggested STP change tracks favorably with the requirements for shipment of hazardous wastes, yet allows us

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the flexibility to arrange shipment in what we believe to be the most environmentally protective, as well as cost-effective manner.

LANL's records and documents related to this revision are available to NMED's staff on request. We would be happy to discuss the information contained in this letter with you at your earliest possible opportunity. Please contact me at (505) 665-5042 if you have any questions.

Sincerely,



H. L. "Jody" Plum
Office of Environment and Projects

LAAMEP:7HJP-015

Enclosures

cc w/o enclosures:

J. Seubert

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