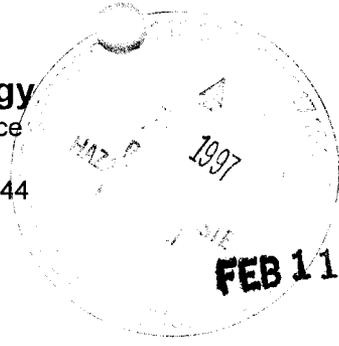




**Department of Energy**  
 Albuquerque Operations Office  
 Los Alamos Area Office  
 Los Alamos, New Mexico 87544



ENTERED

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Janice Archuleta  
 Hazardous and Radioactive Materials Bureau  
 New Mexico Environment Department  
 P.O. Box 26110  
 Santa Fe, New Mexico 87502-26110

Dear Ms. Archuleta:

**SUBJECT: CORRECTION, COMPLETION OF ACTIVITIES FOR SORT, SURVEY AND DECONTAMINATION, FEDERAL FACILITY COMPLIANCE ORDER (FFCO, OCTOBER 4, 1995, REV. 3.0)**

The purpose of this letter is to follow up on issues raised by the Department of Energy (DOE) and the University of California (UC) to the New Mexico Environment Department (NMED) during our meeting of January 27, 1997. DOE and UC identified issues regarding the completion of Activity A for the covered waste items in subgroup 1 of the treatability group for sort, survey and decontamination (SSD), MWIR ID LA-W929, discussed in your January 27, 1997 Revision 3.0 to Section 3.4.2 of the Site Treatment Plan (STP) Compliance Plan Volume (CPV).

In Section 1.1, page 2 of our October 21, 1996 amendment/revision request letter, we incorrectly reported that field survey activities had been completed for "approximately 1049" items comprising what is now subgroup 1 of this treatability group, "*Nonradioactive or suspect waste items to be surveyed*," (i.e., we incorrectly reported that Activity A in CPV Section 3.4.2, Rev. 3.0, had been completed). On January 26, 1997, we performed a final quality assurance review to verify completion of Activities D and G in CPV Section 3.4.2, Amendment 1.0 for subgroups 2 and 3 of this treatability group. We also rechecked the status of the 1049 items in subgroup 1 to verify completion of Activity 1, in order to document that all 1250 items assigned to MWIR no. LA-W929 had been surveyed. During this final check, we found that between ten and fifteen percent of these 1049 SSD subgroup 1 items had been incorrectly counted as completed by DOE Grand Junction Project Office (GJPO) contractor personnel prior to the October 30, 1996, due date.

**Background**

We believe this occurred because of errors in the internal communications and quality assurance process used for the subgroup 1, Activity A field operations. As we discussed in our October 21, 1996 revision request, the field survey for the subgroup 1 items was being performed using equipment, staffing, and subcontractor support provided by

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another DOE site, the GJPO, with funding and direction from DOE Albuquerque Operations (DOE/AL). At that time, it was reported to LANL that these subgroup 1 items had been completed by the GJPO team, and that no further field work was required for these items to meet the Activity A due date. Therefore, they were improperly retained in subgroup 1 (1049 items). Thus, they were not included in the item counts for subgroups 2 and 3 in our Amendment 1.0 and Revision 3.0 request, or expected to be subject to the deadlines for Activities D and G.

We are unable to reconstruct the database queries that determined the number of items remaining to be surveyed after the subgroup 1 team completed their on-site activities. However, our investigations have identified inconsistencies between our database and the spreadsheet used by the subgroup 1 team to track their activities. In addition, we discovered an inaccuracy in our database on the assignment of the MWIR ID numbers.

The list of the 1250 items associated with the original SSD activity was available in a paper format only. The manual comparison of the list of items surveyed by the subgroup 1 team, plus the items characterized or visually inspected (i.e., subgroups 2 and 3), to the paper list of 1250 items identified items that had not been processed under any of the subgroups. However, historically, some of these items may have been assigned new item numbers during the various repackaging, consolidation, bulking, and other container management activities over the past 10 years.

We are continuing to research and document the exact status of each item in the original SSD list, in order to verify the exact number of items not physically surveyed. We will document their status as part of our deliverable to meet the February 28, 1997 due date for Activities B and E.

## **Discussion**

In our October 21, 1996 revision request, we described the SSD project as it was then configured. The Activity A survey was not intended to provide data applicable to determining whether any of these subgroup 1 wastes may be nonhazardous low-level waste. The assumption was that for many of these waste items, further activities will be required to characterize the wastes sufficiently to verify appropriate treatment/disposal options or to meet the waste acceptance criteria of a specific off-site treatment facility. However, neither these activities nor timetables for these activities are currently specified in the STP, but will be proposed as amendments or revisions pursuant to Activities C, F, and I in Revision 3.0 to Section 3.4.2 of the CPV.

At this stage, we are in the process of analyzing information gathered on the rest of the 1250 LA-W929 items in order to prepare the February 28, 1997 deliverable for Activities B and E. In that deliverable, according to Revision 3.0, for the remaining waste items in subgroups 1 and 2, we will submit documentation assigning waste items to applicable treatability groups (including dates for shipment off-site, for waste items in subgroup 2). By April 30, 1997, we will propose additional compliance dates, if necessary, for the treatment of waste in subgroups 1 and 2 (Activities C and F). We propose that the same process be applied to the remaining unsurveyed subgroup 1 items, following verification of available data in the files.

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The Amendment 1.0 and Revision 3.0 to the CPV Section 3.4.2 language states that SSD wastes may either be assigned to applicable treatability groups, sent to off-site facilities for appropriate treatment, or both. As discussed in our October 21, 1996 Amendment 1.0 and Revision 3.0 request, as approved by NMED, all LA-W929 items remaining unsurveyed as of that date (i.e., subgroup 2 and 3 items), as well as subgroup 1 items confirmed to be radioactive, henceforth will continue to be managed as low-level mixed waste, and thus can be treated/disposed more expeditiously than if they were required to undergo a lengthy approval procedure for disposal as nonradioactive hazardous waste (see Section A3, Enclosure A of the October 21, 1996 letter). For Subgroup 3 items, we stated that

“these items will continue to be managed as LLMW, but will not be field surveyed or sampled as part of this project. Rather, they will be assigned to treatability groups *based on existing knowledge of process* (for instance, the lead-acid batteries would be assigned to a treatability group for macroencapsulation), and/or will be sent off-site to appropriate treatment facilities, *when the existing waste characterization data for the items is sufficient for shipment to the treatment facility* and for ensuring compliance with land disposal restrictions requirements” (see Section A2, Enclosure A of the October 21 1996 letter).

We propose that the same process be applied to the remaining unsurveyed subgroup 1 items, following verification of available data in the files. We believe this will yield sufficient information to make the appropriate treatability assignments for the February 28, 1997 deliverable. We recognize that assignment to treatability groups will require NMED approval, and will propose this as an amendment or revision attached to the February 28 and April 30, 1997 deliverables.

We deeply regret our error in not identifying and correcting the inaccuracies sooner, and in incorrectly identifying the numbers of items to be included in subgroups 2 and 3 in Revision 3.0 of the CPV. This led to our having incorrectly notified you that Activity A was completed for all subgroup 1 items by October 21, 1996. Please regard this letter as our formal correction of the previous notification of completion of Activity A. This error was unintentional, and we will take additional measures to prevent similar problems from occurring in the future.

### **Proposed Next Steps**

We are continuing to verify and document the exact status of each item in the original SSD list, as stated previously, and will document their status as part of our deliverable to meet the February 28, 1997 due date for Activities B and E. In addition, we have already begun developing a plan and are implementing a process to validate the MWIR ID assignments and the list of items associated with each treatability group. The plan will incorporate a more rigorous QA process, and will ensure that the disposition of each item will be documented in the original list of STP items with the objective of avoiding any further reporting errors of this type. As we discussed with Mr. Benito Garcia by telephone on February 4, 1997, we would like to meet with you on February 14, 1997 to present this plan to you.

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Also enclosed is a Certification Statement. These documents were prepared in accordance with the requirements of Section XX, "Documents, Information, and Reporting Requirements," of the FFCO.

DOE's and UC's records and documents related to this letter are available to NMED's staff upon request. Please contact me at (505) 665-5042 or Mr. Ken Hargis at (505) 667-2347 if you have any questions.

Sincerely,



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

Enclosure: a/s

Cy:

Mr. Benito Garcia, Chief  
Hazardous and Radioactive Materials Bureau  
New Mexico Environment Department  
P.O. Box 26110  
Santa Fe, New Mexico 87502-26110

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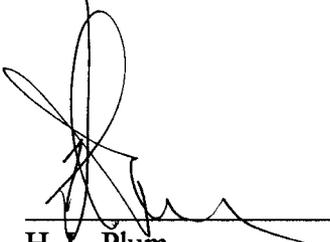
**CERTIFICATION**

**CLARIFICATION REGARDING OFFSITE SHIPMENT OF LA-W929 WASTE,  
FEDERAL FACILITY COMPLIANCE ORDER (FFCO, OCTOBER 4, 1995, AS  
REVISED)**

I certify that I am the project manager responsible for overseeing the implementation of the Site Treatment Plan for the Los Alamos National Laboratory. To the best of my knowledge and belief, the information in this document is true, accurate, and complete.

  
\_\_\_\_\_  
Kenneth M. Hargis  
Manager of Operations  
Waste Management Program  
Environmental Management Programs  
Los Alamos National Laboratory  
Operator

1/30/97  
Date Signed

  
\_\_\_\_\_  
H. L. Plum

Regulatory Permitting and Compliance Manager  
Los Alamos Area Office  
U.S. Department of Energy  
Albuquerque Operations  
Owner/Operator

2/7/97  
Date Signed