

DOE - no treatment capacity + storage prohibition  
Congress - passed law took auth from Region + gave to state  
make a compliance agreement w/ the state

**April 6, 1993 FR Notice Regarding Schedule for Submitting Plans for Treating Mixed Waste** <sup>no must</sup> prepare an inventory and <sup>existing</sup> treatment baseline capacity

**Background**

(2) DOE's plan of attack for implementing act  
For mixed waste subject LDR

- Revised Act requires development of Site Treatment Plans with schedules for achieving compliance with LDR storage prohibitions

- Contents of Plan:

1) For waste for which identified treatment technologies exist, schedules must be presented for permitting, construction, and processing.

2) For waste with no current identified treatment technologies, a plan for identifying and developing technologies must be presented.

- The Act does provide for consideration of centralized, regional, or onsite treatment of mixed waste, or any combination thereof.

- Plan would be subject to NMED approval and formalized through a compliance order.

- Sovereign Immunity (3 year grace period for LDR Mixed Waste requirements if otherwise in compliance)

- Also the Act requires that a 180 day inventory report must be prepared (was issued in late April) which describes inventory of mixed waste volumes and types and current DOE treatment capacities and technologies.

**Contents of the FR Notice**

- A table listing all sites which currently or are expected to store and/or generate mixed waste.

- Discussion of Atomic Energy Act mixed waste (source, ~~spent~~ <sup>spud</sup> nuclear, and by-product material) versus non-AEA radioactive waste mixed with hazardous waste (naturally occurring, accelerator-produced material) and DOE's intent to include it in these planning efforts.

- General principles behind developing Site Treatment Plans:

- o Proposed schedule for plan development allows for early interaction with States
- o Time is scheduled for discussion on equity issues

Get an approved plan by NMED and  
formalizes into a compliance order  
Centralized/Regional Treatment Centers

Programmatic EIS  
Regional Treatment

April 22



TL

- o Sites farther along with plans can submit them to the States earlier
- o There is intent to work out as many local and national issues as possible before final plans are submitted
- o There will be coordination with the Programmatic Environmental Impact Statement (which again supports regional/centralized treatment facilities)
- o DOE proposes to provide greater public involvement than required by the Act

- Schedule: *Generic for entire nation*

*Given to NMED  
at FFEA mtg.*

- o By October 1993 - submit Conceptual Plan
- o No later than August 1994 - Draft Plan
- o No later than February 1995 - Final "Proposed" Plan
- o Two additional interim plans will also be provided for discussion and comment
- o Nothing precludes a site from submitting a plan earlier than the schedule above.

LAAO/LANL's Approach

- The draft Federal Facility Compliance Agreement is currently intended to be our Site Treatment Plan (other sites are modeling their conceptual plans after ours).
- The current draft does not recognize any need or intent to treat offsite waste.
- Some changes could possibly occur per DOE/HQ directive if LANL is proposed to be regional treatment facility for certain waste streams.

Next Step

- Meeting in Salt Lake City next week to present the proposed schedule to regulators (Nick Dienes, AL/WMOSD, will present the AL information to NMED).

A00  
Abx Operations Office  
Representative

AEA waste - Source spent by Product - DOE

NORM - accelerator produced (LAMP) - not recognized  
as MW included in inventory for the purpose  
of agreement - treat same