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NEW MEXICO ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 8, 2010

Kevin W. Smith, Manager
Los Alamos Site Office
Department of Energy
3747 W. Jemez Road, Mail Stop A316
Los Alamos, NM 87544

J. Chris Cantwell, Associate Director
Environment, Safety, Health, & Quality
Los Alamos National Security, LLC
P.O. Box 1663, MS K491
Los Alamos, NM 87545

RE: REQUEST FOR INFORMATION
MIXED TRANSURANIC WASTE CHARACTERIZATION ACTIVITIES
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-MISC

Dear Messrs. Smith and Cantwell:

Pursuant to section 74-4-4.3.A of the New Mexico Hazardous Waste Act ("HWA"), NMSA 1978, section 74-4-1 et seq., the New Mexico Environment Department (NMED) hereby requests that the Department of Energy and Los Alamos National Security (collectively, the Permittees) provide NMED the below-listed information concerning activities associated with the Los Alamos National Laboratory (LANL) no later than November 12, 2010.

Section 74-4-4.3.A of the HWA provides that "[f]or the purposes of developing or assisting in the development of any rules, conducting any study, taking any corrective action or enforcing the provisions of the Hazardous Waste Act, upon request of the secretary or his authorized representative, any person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes shall furnish information relating to such hazardous wastes..."

The LANL Permittees submit quarterly reports to NMED identifying the individual containers of Site Treatment Plan (STP)-covered mixed TRU waste shipped to WIPP. NMED has identified over 300 containers that records from the Central Characterization Project (CCP) AK Tracking

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Spreadsheet indicate were likely STP-covered mixed TRU waste that were not included in the most recent report from the LANL Permittees dated August 2, 2010 (re: ENV-ES-10-142).

The CCP procedure CCP-PO-012, Rev. 7, *CCP/Los Alamos National Laboratory (LANL) Interface Document* (Interface Document), Section 1.1, states that CCP provides a "WIPP-certified program for the characterization, certification, and shipment of LANL TRU wastes." It further states that, as the generator site, Los Alamos National Security (LANS) "maintains ownership of the waste and responsibility for its disposal." Additional sections in the Interface Document identify the role the LANL Permittees have in coordinating and reviewing CCP documents and managing the tracking of containers through the characterization process (e.g., see Sections 3.2; 3.7.1; 3.7.4).

The TRU waste characterization activities performed by CCP on behalf of the LANL Permittees may have resulted in the assignment of individual containers of waste to CCP mixed TRU waste streams that the LANL Permittees have historically managed as non-mixed TRU waste. NMED is concerned that the LANL Permittees may not be reporting these containers as part of the STP-covered inventory or appropriately managing them as mixed TRU waste, even though the LANL Permittees' manifests clearly identify the containers as carrying hazardous waste codes and thus being mixed TRU waste.

NMED requests the following information related to TRU waste owned by the LANL Permittees and characterized by CCP. If any of the information does not exist, state so. If the information exists but you decline to provide it, state so and provide a reason.

1. Section 3.2 of the Interface Document states that the LANS Waste Disposition Project (WDP) Director reviews CCP waste stream profile forms (WSPFs). Provide evidence of the WDP Director's review of CCP WSPFs, and explain whether such review constitutes agreement by the LANL Permittees that a CCP WSPF is accurate.

2. Describe the role of the LANL Permittees in reviewing the assignment of waste containers by CCP to specific CCP WSPFs and evaluating the regulatory impact of such assignments.

3. State whether the LANL Permittees manage all waste identified as mixed TRU waste in a CCP WSPF as mixed TRU waste. If not, explain why.

4. Section 3.7.1 of the Interface Document states that the WDP Production Control Manager uses CCP's AK Tracking Spreadsheet to manage the control, movement, and tracking of containers through the CCP characterization process. State whether the WDP Production Control Manager is the LANL Permittees' employee responsible for ensuring that waste identified in CCP's AK Tracking Spreadsheet as belonging to a mixed TRU WSPF is managed as mixed TRU waste. If not, identify the title of the LANL Permittees' employee who is responsible.

5. Identify any containers identified in CCP's AK Tracking Spreadsheet as belonging to a mixed TRU WSPF that are not currently in permitted or interim status storage. Identify the current location of any such containers.

6. Describe the role the LANL Permittees have in reviewing, approving, and/or signing hazardous waste manifests for shipments of mixed TRU waste from LANL to WIPP.

7. Provide hazardous waste manifests for the following shipments of mixed TRU waste from LANL to WIPP:

    a. LA100046 (manifest 001509746JJK)
    b. LA100059 (manifest 001509049JJK)
    c. LA100083 (manifest 001509100JJK)

8. For the waste containers listed on the above manifests, identify all containers that the LANL Permittees have historically managed either as non-mixed TRU waste or as non STP-covered mixed TRU waste.

9. Provide contact information for the following individuals:

    a. WDP Project Director (Interface Document Section 3.2)
    b. WDP Production Control Manager (Interface Document Section 3.7)
    c. The LANL Permittees' manager responsible for ensuring mixed TRU waste is managed and stored in compliance with RCRA and LANL's hazardous waste facility permit.
    d. The LANL Permittees' manager responsible for review and approval of hazardous waste manifests for shipments of mixed TRU waste from LANL to WIPP.

10. Provide all relevant procedures regarding the LANL Permittees' activities related to sections 3.2, 3.7.1, 3.7.4, and 4.5.4[B] of the Interface Document.

11. Provide all relevant procedures regarding the LANL Permittees' activities related to management and storage of containers identified in CCP's AK Tracking Spreadsheet as belonging to a mixed TRU WSPF.

12. Provide all relevant procedures regarding the LANL Permittees' activities related to review and approval of hazardous waste manifests for shipments of mixed TRU waste from LANL to WIPP.

13. Provide "Statement of Work for Characterization of LANL TRU Waste Contact Handled and Remote Handled," which describes the assistance to be provided to CCP by the LANL Permittees, referenced in Section 1.0 of the Interface Document.

14. Provide the following LANL Permittees' documents referenced in Attachment 3 of the Interface Document:

    a. LIR 404-00-02.4, *General Waste Management Requirements*
    b. LIR 404-00-03.1, *Hazardous and Mixed Waste Requirements*
    c. LIR 404-00-05.4, *Managing Radioactive Waste*
    d. IPP 525.2, *Packaging and Transportation*
    e. EP-DIR-SOP-4001, *Document Control*

Your compliance with this information request is mandatory. Failure to respond fully and truthfully within the time specified herein, or adequately justify such failure to respond, may result in an enforcement action by NMED pursuant to section 74-4-10 of the HWA. The HWA provides for the imposition of civil penalties for noncompliance. Section 74-4-12 of the HWA provides that any person who violates any provision of HWA "may be assessed a civil penalty not to exceed ten thousand dollars ($10,000) for each day during any portion of which a violation occurs." See also sections 74-4-10.A and B of the HWA. The HWA also provides for criminal fines and imprisonment for knowingly omitting material information or making a false statement or representation in any document used for compliance with section 74-4-11.A(3) of the HWA.

The LANL Permittees may claim confidentiality for any information required by this information request pursuant to the requirements of sections 74-4-4.3.D and F of the HWA, and 20.4.1.100 NMAC (incorporating 40 CFR 260.2).

Please submit your response to Tim Hall at the address on the letterhead no later than November 12, 2010. If you have any questions regarding the information request, please contact Tim Hall of my staff at (505) 476-6049.

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:th

cc:

J. Kieling, NMED HWB
A. Vollmer, NMED HWB
T. Hall, NMED HWB
S. Pullen, NMED HWB
S. Zappe, NMED HWB

G. Rael, DOE-LASO, MS A316
A. Grieggs, ENV-RCRA, MS K490
M. Graham, ADEP, MS M991
P. Powers, END-RRO, MS K404
D. Moody, DOE-CBFO
F. Sharif, WTS-WIPP
S. Yanicak, NMED DOE OB, MS M894
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
File: Reading and LANL '10, General