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State of New Mexico  
ENVIRONMENT DEPARTMENT

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Generator

MARK E. WEIDLER  
SECRETARY

September 22, 1998

BY FACSIMILE (206) 780-9354

Joseph B. Rochelle  
Los Alamos National Laboratory  
P.O. Box 1663, MS A187  
Los Alamos, NM 87545

BY FACSIMILE (505) 845-4834

Hortense Haynes  
Counsel's Office  
Department of Energy  
Los Alamos Area Office  
528 35<sup>th</sup> Street  
Los Alamos, NM 87544

Post-it® Fax Note	7671	Date	9/22/98	# of pages	27
To	Hortense Haynes		From	Nick Persampieri	
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	(505) 845-4834		Fax #		

Re: Compliance Order No. 98-02

Dear Joe and Hortense:

I enclose a copy of my proposed First Set of Interrogatories to your client. Rule 1.5.305, 20 N.M.A.C. 1.5.305, allows a party to serve Interrogatories only with the permission of the Hearing Officer.

Please let me know if you will consent to my service of the Interrogatories, and, if so, whether I can indicate your telephonic approval to the enclosed, proposed Order.

Please be advised that I have today served by mail NMED's First Requests for Production to your respective clients. The Hearing Officer's permission is not required for service of requests for production. For your information, I enclose a copy of NMED's First Requests for Production to your client.

I believe that the proposed Interrogatories are justified given the complexity of the issues involved in this case. NMED does not intend to oppose reasonable discovery requests of your clients.

Sincerely,

Nicholas F. Persampieri  
Nicholas F. Persampieri



16749

STATE OF NEW MEXICO  
ENVIRONMENT DEPARTMENT

IN THE MATTER OF  
THE UNITED STATES DEPARTMENT OF ENERGY  
AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
LOS ALAMOS, NEW MEXICO  
NM0890010515

COMPLIANCE ORDER  
HRM-98-02 (CO)

**NMED'S FIRST SET OF INTERROGATORIES TO RESPONDENT  
UNITED STATES DEPARTMENT OF ENERGY**

Complainant, The Secretary of Environment, acting through the Director of the Water and Waste Management Division of the New Mexico Environment Department ("NMED"), hereby requests Respondent United States Department of Energy to answer the following Interrogatories in writing, under oath.

Definitions

1. "DOE" means the United States Department of Energy and the Regents of the University of California ("UC"), and all employees, agents, consultants, contractors, representatives and attorneys of DOE and/or UC.
2. "Compliance Order" means the Administrative Compliance Order in Cause No. 98-02 served by the Secretary of Environment on the United States Department of Energy and the Regents of the University of California on or about June 24, 1998.
3. "Exhibit A" means Exhibit A to these Interrogatories.
4. "Relevant Time Period" means the time period from when a container and/or its contents were first acquired or synthesized by DOE through the time that the container and/or its contents were removed from Building 5S, TA-21, Los Alamos National Laboratory or its immediate vicinity in 1997.

5. "UC" means the Regents of the University of California and all employees, agents, consultants, contractors, representatives and attorneys thereof.

Interrogatories

Interrogatory No. 1: Please state the name, title, business address and telephone number of each person who prepared or assisted in preparing Answers to these Interrogatories.

Interrogatory No. 2: For each container identified in Exhibit A, please state whether the contents of the container identified in Exhibit A: (1) prior to discard were a "commercial chemical product," "manufacturing chemical intermediate," or "off-specification commercial chemical product or manufacturing chemical intermediate"; or (2) are waste from a manufacturing or laboratory process; and explain your reasons for asserting that the contents were either (1) or (2).

Interrogatory No. 3: For each container, the contents of which you identify in your Answer to Interrogatory No. 2 as prior to discard having been a "commercial chemical product," "manufacturing chemical intermediate," or off-specification commercial chemical product or manufacturing chemical intermediate," please state whether the contents were purchased by DOE or synthesized by DOE and state the date of such purchase or synthesis.

Interrogatory No. 4: For each container, the contents of which you identify in your Answer to Interrogatory No.2 as waste from a manufacturing or laboratory process, please describe the process which generated the waste and the date(s) the waste was generated.

Interrogatory No. 5: For each container, the contents of which you identify in your Answer to Interrogatory No. 2, as prior to discard having been a "commercial chemical

product,” “manufacturing chemical intermediate,” or “off-specification commercial chemical product or manufacturing chemical intermediate,” please provide the following information for the Relevant Time Period:

- A. Describe each and every location at which the container and/or its contents were placed, maintained or stored, the dates the container and/or its contents was at each such location, and whether each such location had been identified, designated and/or marked as a satellite accumulation area or a less than ninety day accumulation or storage area;
- B. State the name, current or last known business and home address and telephone number, and job title of each person who had possession, custody or control of the container and/or its contents, and the dates of each such person’s possession, custody or control; and
- C. Describe each and every use to which the contents of the container were put, the dates of each such use, and the name, current or last known business and home address and telephone number, and job title of the person(s) putting the contents of the container to each such use, including but not limited to the “researchers who used the gas cylinders” referred to in UC’s Answer to Paragraph 32 of the Compliance Order.

Interrogatory No. 6: For each and every person identified in your Answer to Interrogatory No. 5 as a person who had possession, custody or control of a container and/or its contents, please state the dates the person worked in Buildings 3 and 4, North and/or Building 5 South, Technical Area 21, Los Alamos National Laboratory, and for

each container and/or its contents of which the person had possession, custody or control, state:

- A. The person's reason or reasons for relinquishing possession, custody or control of the container and/ or its contents;
- B. Whether the person at the time of relinquishing possession, custody or control of the container and/or its contents was aware of any future use of the container and/or its contents, and, if so describe such future use; and
- C. Whether at the time the person relinquished possession, custody or control of the container and/or its contents any other person was aware of any future use of the container and/or its contents, and, if so, describe such future use.

Interrogatory No. 7: For each container the contents of which you identify in your Answer to Interrogatory No. 2 as being waste from a manufacturing or laboratory process, please provide the following information for the Relevant Time Period:

- A. Describe each and every location at which the container and/or its contents were placed, stored or maintained, the dates the container and/or its contents were at each such location, and whether each such location had been identified, marked and/or designated as a satellite accumulation area or a less than 90 day storage or accumulation area;
- B. State the name, current or last known business and home address, business and home telephone number and job title of each person who had possession, custody or control of the container and/or its contents, and the dates of such possession, custody or control.

Interrogatory No. 8: Please identify and describe in detail each and every area within or in the immediate vicinity of Buildings 3 and 4 North, and Building 5 South, which was ever identified, labeled or designated as a satellite accumulation area or a less than 90 day accumulation or storage area, and in which any of the containers and or their contents described in Exhibit A were ever placed, stored, accumulated or maintained.

Interrogatory No. 9 : For each area identified in your Answer to Interrogatory No. 8, please identify each container and/or its contents, including but not limited to the cylinders and their contents identified in Exhibit A, which was placed, stored, accumulated or maintained in the area, the contents of such container, the volume allowed to accumulate in such container and the dates of such storage, accumulation or maintenance in the container.

Interrogatory No. 10: Please identify each person with knowledge of the use, placement, storage, accumulation, and/or maintenance, of the containers listed in Exhibit A and their contents. To the extent not included in your Answers to other Interrogatories state each such person's current or last known home and business address and telephone number, and, job title.

Interrogatory No. 11: For each container identified in Exhibit A please state the date you contend the container an/or its contents was discarded, and your reason(s) for contending that the container and/or its contents was discarded on such date.

Interrogatory No. 12: For each container identified in Exhibit A, please state the date you contend the container and/or its contents was intended to be discarded, and your reason(s) for contending that the container and/or its contents was intended to be discarded on such date.

Interrogatory No. 13: For each container and its contents identified in Exhibit A, please identify who you contend was the “operator of the process generating the waste” as that term is used at 40 C.F.R. Section 262.34(c)(1). To the extent the information has not been provided in your Answers to other Interrogatories, please state the name, current or last known business and home address and telephone number, and job title of the operator(s) identified.

Interrogatory No. 14: For each container and its contents identified in Exhibit A, please identify what you contend is “the point of generation where wastes initially accumulate” as that phrase is used in 40 C.F.R Section 262.34(c)(1).

Interrogatory No. 15: Please state the name, current or last known business and home address and telephone number, and job title of all waste management coordinators and members of facility management teams referred to in UC’s Answer to Paragraph 32 of the Compliance Order (Paragraphs 32), and describe the role of each such person with respect to the maintenance, placement, accumulation and/or storage of the cylinders identified in Exhibit A and/or their contents.

Interrogatory No. 16: Please state the name, business and home addresses and telephone number, and job title of each person whom you expect to call as a lay witness at the hearing of this matter and summarize the substance of their expected testimony.

Interrogatory No. 17: Please state the name, business and home address and telephone number, and job title of each person whom you expect to call as an expert witness at the hearing of this matter, the subject matter on which each such expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

Interrogatory No. 18: To the extent not described in your Answers to other Interrogatories, please describe each and every further contemplated use of the gas cylinders referred to in UC's Answer to Paragraph 32 of the Compliance Order, and for each such further contemplated use, please state the name, current or last known business and home address and telephone number, and job title of the person or persons who contemplated such use, the date such use was contemplated and whether the cylinder in question and/or its contents was ever ultimately put to such use.

Interrogatory No. 19: Please describe in detail the alleged August 1996 decision to discard some of the gas cylinders referred to in UC's Answer to Paragraph 35 of the Compliance Order and state the name, current or last known business and home address and telephone number, and job title of each and every person who participated in the decision and such person's role in making the decision.

Interrogatory No. 20: Please state which of the gas cylinders identified in Exhibit A you admit (UC's Answer to Paragraph 35 of Compliance Order) were hazardous wastes after the 1996 decision to discard some of the cylinders, and state the Environmental Protection Agency Hazardous Waste Codes for each such hazardous waste.

Interrogatory No. 21: With respect to each container listed in Exhibit A, please describe the history of the marking or labeling of the containers with either the words "Hazardous Waste" or with other words which identify the contents of the container for the Relevant Time Period. Please include in your answer the date that the each such marking or labeling occurred and the exact words used.

Interrogatory No. 22: Please identify each cylinder you claim was placed in the overpack in August 1996 (which placement in the overpack is referred to in UC's Answer to

Paragraph 42 of the Compliance Order), and state the dates that characterization of the contents of each such cylinder began and was completed.

Interrogatory No. 23: Please identify the cylinders referred to in UC's Answer to Paragraph 49 of the Compliance Order for which the contents of the cylinders were known based on location within the rack, and for each such cylinder state how the contents were known based on location within the rack and state the name, current or last known home and business address and telephone number, and job titles of the person(s) to whom the contents were known based on location within the rack.

Interrogatory No. 24: Please identify each of the cylinders referred to in UC's Answer to Paragraph 49 of the Compliance Order for which information about the contents of the cylinders was lost due to the absence of locational information.

Interrogatory No. 25: With respect to each container identified in Exhibit A please describe the history of the marking of the container with accumulation start date(s). Please include in your answer the date each such marking occurred and the date marked on the container at such time.

Interrogatory No. 26: Please identify all gas cylinders referred to in UC's Answer to Paragraph 71 of the Compliance Order as having been placed in a separate overpack for retention as a useful product, and for each such cylinder state the future uses of the cylinder contemplated at the time of placement in the overpack and the name, current or last known business and home address and telephone number of each person who contemplated such future uses.

Interrogatory No. 27: Please identify each research group referred to in UC's Fourth Affirmative Defense to the Compliance Order, and for each such research group state the

cylinders which such research group considered to be a valuable group asset, identify the name, current or last known business and home address and telephone number, and job title of each person who was a member of the research group, and state where at Los Alamos National Laboratory each such person maintained his or her office and/or laboratory during the period January 1, 1994 through March 16, 1997.

Interrogatory No. 28: Please describe the complete and specific basis for your contention (UC's Fifth Affirmative Defense to Compliance Order) that Complainant lacks jurisdiction over the subject matter contained in the Order.

Interrogatory No. 29: Please identify all oral communications between DOE and UC personnel regarding the cylinders and contents of the cylinders identified in Exhibit A, including but not limited to the "dialogue with UC personnel regarding the material-containing cylinders," the conversations in which DOE personnel were "informed by UC personnel that the contents of the cylinders would be used in scientific research and experiments," the "numerous verbal encounters . . . between DOE and UC personnel regarding the cylinders, the contents over which UC refused to relinquish control or declare unusable," and DOE demands for movement of any cylinders which UC determined to be hazardous waste referred to in DOE's Answer to Paragraph 32 of the Compliance Order; and the informing of DOE on February 12, 1997 that material remaining in the cylinders was not useful referred to in DOE's Fifth Affirmative defense to the Compliance Order. Please include in your description of each such communication, the date of the communication, the name, current or last known business and home address and telephone number and job title of each person participating in the communication and a description of the contents of the communication.

Interrogatory No. 30: Please describe the complete and specific basis for the contention (DOE Answer to Paragraph 38 of the Compliance Order) that TA-21/61 was an interim status storage facility.

Interrogatory No. 31: Please describe the complete and specific basis for the contention (DOE's Third Affirmative Defense to Compliance Order) that no declaration was made that cylinders were hazardous waste until February 12, 1997.

Interrogatory No. 32: Please identify all materials referred to in your March 6, 1997 letter to Benito Garcia as "abandoned hazardous materials not previously associated with known activities, or specific research projects, and in spaces not previously inspected or, in some instances, known to exist," which were discovered by the LANL facility Management Group in late 1995, and for each such material describe the "space" or location in which it was found.

Respectfully submitted,

NEW MEXICO ENVIRONMENT  
DEPARTMENT  
OFFICE OF GENERAL COUNSEL

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Nicholas F. Persampieri  
Assistant General Counsel  
P.O. Box 26110  
Santa Fe, NM 87502  
(505) 827-1031

Certificate of Service

The undersigned hereby certifies that on this \_\_\_\_ day of \_\_\_\_\_, 1998,  
the original of the foregoing NMED's First Set of Interrogatories to Respondent United  
States Department of Energy was mailed to:

Hortense Haynes  
Counsel's Office  
Department of Energy  
Los Alamos Area Office  
528 35<sup>th</sup> Street  
Los Alamos, NM 87544

and a copy thereof was mailed to:

Mr. Joseph B. Rochelle  
Los Alamos National Laboratory  
P.O. Box 1663, MS A187  
Los Alamos, NM 87545

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bar code	WPF	Container Information			Waste Information						Description	CAS#	msds	Tag#	HAZCLASS	COMMENTS
		type	vol.	unit	tare wt	unit	vol.	unit	weight	unit						
2027631	25487	11	0.25	L	3	P	0.25	L	136	g	Air					
2039465	25487	11	0.5	L	5	P	0.5	L	227	g	Hydrogen Iodide	0(none)	X	U-25		
2039499	25487	11	0.5	L	5	P	0.5	L	227	g	Hydrogen Bromide	10034-85-2	X	93	Corrosive	
2039498	25487	11	0.5	L	6	P	0.5	L	272	g	Hydrogen Bromide	10035-10-6	X	16	Corrosive	
2039476	25487	11	0.5	L	6	P	0.5	L	272	g	Hydrogen Bromide	10035-10-6	X	59	Corrosive	
2039570	25487	11	0.5	L	6	P	0.5	L	272	g	Nitrogen dioxide	10102-44-0	X	44		
2039463	25487	11	0.5	L	5	P	0.5	L	227	g	Boron trichloride	10294-34-5	X	48	Poison	
2044710	25487	11	0.75	L	6	P	0.75	L	272	g	Boron trichloride	10294-34-5	X	51	Poison	
2039464	25487	11	0.5	L	4	P	0.5	L	182	g	Nitrogen Oxide	10544-72-6	X	U-9		
2039594	25487	11	1	L	4	P	1	L	182	g	Butadiene	106-99-0	X	70	Flammable	
2039595	25487	11	0.5	L	3	P	0.5	L	136	g	Hexafluoropropylene	116-15-4	X	88	Poison	
2044714	25487	11	0.25	L	3	P	0.25	L	136	g	Hexafluoropropylene	116-15-4	X	92	Poison	
2039593	25487	11	8	L	25	P	8	L	1135	g	Carbon dioxide	124-38-9	X	U-23		
2039480	25487	11	0.75	L	8	P	0.75	L	363	g	Hydrogen	1333-74-0	X	U-31		
2039602	25487	11	0.5	L	6	P	0.5	L	272	g	Cesium fluoride	13400-13-0	X	67	Poison	Com.
2039637	25487	11	0.03	L	3	P	0.03	L	136	g	Cesium fluoride	13400-13-0	X	121	Poison	
2039448	25487	11	0.5	L	5	P	0.5	L	227	g	Cesium fluoride	13400-13-0	X	135	Poison	
2039642	25487	11	0.5	L	3	P	0.5	L	136	g	Nickel Carbonyl	13463-39-3	X	91	Poison	
2039597	25487	11	0.25	L	4	P	0.25	L	182	g	Iodotrifluoromethane	2314-97-8	X	101	Poison	
2039483	25487	11	0.75	L	7	P	0.75	L	318	g	Nitrosyl Chloride	2696-2-6	X	107	Poison	
2039452	25487	11	0.5	L	4	P	0.5	L	182	g	Sulfuryl Fluoride	2699-79-8	X	2		
2039469	25487	11	0.75	L	3	P	0.75	L	136	g	Trifluoronitrosomethane	334-99-6	X	58		
2039576	25487	11	0.75	L	7	P	0.75	L	100	G	Carbonyl fluoride	353-50-4	X	36	Poison	
2039468	25487	11	0.75	L	7	P	0.75	L	318	g	Carbonyl fluoride	353-50-4	X	38	Poison	100g net
2039600	25487	11	0.5	L	5	P	0.5	L	227	g	Carbonyl fluoride	353-50-4	X	61	Poison	
2044713	25487	11	0.75	L	5	P	0.75	L	227	g	Carbonyl fluoride	353-50-4	X	110	Poison	
2039454	25487	11	0.5	L	5	P	0.5	L	227	g	Carbonyl fluoride	353-50-4	X	U-10	Poison	
2039453	25487	11	0.5	L	5	P	0.5	L	227	g	Pentafluoroethane	354-33-6	X	31		
2039492	25487	11	0.75	L	6	P	0.75	L	272	g	Trifluoroethylene	359-11-5	X	57		
2039488	25487	11	0.75	L	5	P	0.75	L	227	g	Oxalyl fluoride	359-40-0	X	43		
2039649	25487	11	0.25	L	4	P	0.25	L	182	g	Trifluoromethylhypofluorite	373-91-1	X	60	Corrosive	
2039611	25487	11	1	L	10	P	1	L	454	g	Trifluoromethylhypofluorite	373-91-1	X	118	Corrosive	
2039446	25487	11	1	L	5	P	1	L	227	g	Trifluoromethylhypofluorite	373-91-1	X	130	Corrosive	
2039598	25487	11	0.25	L	3	P	0.25	L	136	g	Cyanogen gas	460-19-5	X	90	Flammable	
2039581	25487	11	0.5	L	6	P	0.5	L	272	g	Carbonyl sulfide	463-58-1	X	108	Poison	
2039447	25487	11	1	L	8	P	1	L	363	g	Cyanogen chloride	506-77-4	X	72	Poison	
2039588	25487	11	0.5	L	5	P	0.5	L	227	g	Cyanogen chloride	506-77-4	X	89	Poison	
2039509	25487	11	0.5	L	5	P	0.5	L	227	g	Cyanogen chloride	506-77-4	X	100	Poison	
2039491	25487	11	0.75	L	7	P	0.75	L	318	g	Sulfur pentafluoride	5714-22-7	X	47		
2039506	25487	11	0.75	L	7	P	0.75	L	318	g	Disulfur Decafluoride	5717-22-7	X	6	Poison	
2039573	25487	11	0.5	L	5	P	0.5	L	227	g	Disulfur Decafluoride	5717-22-7	X	12	Poison	
2039603	25487	11	0.75	L	10	P	0.75	L	454	g	Cis-2-butene	590-18-1	X	66		
2039645	25487	11	0.5	L	3	P	0.5	L	136	g	Dimethyl Selenide	593-79-3	X	122		Need more info
2039605	25487	11	0.5	L	7	P	0.5	L	318	g	Bromotrifluoroethylene	598-73-2	X	103	Flammable	
2039648	25487	11	0.5	L	2	P	0.5	L	91	g	Hexafluoroacetone	684-16-2	X	124		
2039654	25487	11	0.5	L	2	P	0.5	L	91	g	Hexafluorobutylene-2	692-50-2	X	104		Need more info (benzene)
											Hexafluorobutylene-2	692-50-2	X	105		Need more info

2039572	25487	11	0.5	L	5	P	0.5	L	227	g	Hexafluorocyclobutene	697-11-0	X	13	Poison	
2039451	25487	11	0.5	L	4	P	0.5	L	182	g	Hexafluorocyclobutene	697-11-0	X	64	Poison	
2039604	25487	11	0.25	L	3	P	0.25	L	136	g	Methyl Mercaptan	74-93-1	X	123	Poison	
2039616	25487	11	3	L	10	P	3	L	454	g	Cesium metal	7440-46-2	X	143		Need more info
2039614	25487	11	0.25	L	4	P	0.25	L	182	g	Sulfur Trioxide	7446-11-9	X	141	Corrosive	
2039466	25487	11	0.5	L	5	P	0.5	L	227	g	Cyclopropane	75-19-4	X	49	Flammable	
2039802	25487	11	0.25	L	5	P	0.25	L	227	g	Fluoroform	75-46-7	X	U-24		
2039470	25487	11	0.75	L	5	P	0.75	L	227	g	Bromotrifluoromethane	75-63-8	X	41		
2039471	25487	11	0.75	L	5	P	0.75	L	227	g	Bromotrifluoromethane	75-63-8	X	42		
2039459	25487	11	0.5	L	4	P	0.5	L	182	g	Bromotrifluoromethane	75-63-8	X	62		
2039591	25487	11	10	L	30	P	10	L	1362	g	Chlorotrifluoromethane	75-72-9	X	U-29		Com.
2039592	25487	11	10	L	30	P	10	L	1362	g	Chlorotrifluoromethane	75-72-9	X	U-30		Com.
2039652	25487	11	0.025	L	2	P	0.01	L	10	g	Titanium Tetrachloride	7550-45-0	X	117	Corrosive	10ml liquid
2039458	25487	11	0.5	L	5	P	0.5	L	227	g	Hexafluorethane	76-16-4	X	52		Need more info
2039658	25487	11	0.5	L	5	P	0.5	L	227	g	Chlorine Oxytrifluoride	7616-94-6	X	120		
2039578	25487	11	0.5	L	3	P	0.5	L	136	g	Perchlorofluoride	7616-94-6	X	77	Poison	
2039585	25487	11	0.5	L	4	P	0.5	L	182	g	Boron trifluoride	7637-07-2	X	85	Poison	
2039599	25487	11	0.25	L	5	P	0.25	L	227	g	Boron trifluoride	7637-07-2	X	109	Poison	
2039623	25487	11	4	L	10	P	4	L	454	g	Boron trifluoride	7637-07-2	X	154	Poison	comm.
2044718	25487	11	0.75	L	4	P	0.75	L	182	g	Boron trifluoride	7637-07-2	X	U-18	Poison	
2039590	25487	11	0.5	L	6	P	0.5	L	272	g	Hydrogen Chloride	7647-01-0	X	9	Corrosive	
2039587	25487	11	0.5	L	5	P	0.5	L	227	g	Hydrogen Chloride	7647-01-0	X	45	Corrosive	
2039589	25487	11	0.5	L	6	P	0.5	L	272	g	Hydrogen Chloride	7647-01-0	X	99	Corrosive	
2039615	25487	11	0.025	L	2	P	0.025	L	91	g	Antimony pentachloride	7647-18-9	X	142	Poison	
2039472	25487	11	0.5	L	7	P	0.5	L	318	g	Phosphorus pentafluoride	7647-19-0	X	30	Poison	
2039460	25487	11	0.5	L	3	P	0.5	L	136	g	Phosphorus pentafluoride	7647-19-0	X	55	Poison	
2039584	25487	11	0.5	L	5	P	0.5	L	227	g	Phosphorus pentafluoride	7647-19-0	X	84	Poison	
2039512	25487	11	0.5	L	3	P	0.5	L	136	g	Hydrogen Fluoride	7664-39-3	X	14	Poison	
2039643	25487	11	2	L	15	P	2	L	681	g	Hydrogen Fluoride	7664-39-3	X	133	Poison	
2039625	25487	11	8	L	25	P	8	L	1135	g	Hydrogen Fluoride	7664-39-3	X	152	Poison	comm.
2039612	25487	11	0.025	L	2	P	0.01	L	10	G	Thionyl chloride	7719-09-7	X	131	Poison	10ml liquid
2039630	25487	11	0.25	L	1.5	P	0.25	L	68	g	Fluorine	7782-41-4	X	115	Poison	
2039608	25487	11	1	L	10	P	1	L	454	g	Chlorine	7782-50-5	X	127	Poison	
2039461	25487	11	0.5	L	5	P	0.5	L	227	g	Hydrogen sulfide	7783-06-4	X	53		
2044712	25487	11	0.25	L	5	P	0.25	L	227	g	Selenium hydride	7783-07-5	X	U-13		
2039493	25487	11	0.5	L	7	P	0.5	L	318	g	Arsenic pentafluoride	7783-36-3	X	7	Poison	
2039494	25487	11	0.5	L	6	P	0.5	L	272	g	Arsenic Pentafluoride	7783-36-3	X	10	Poison	
2039574	25487	11	0.5	L	5	P	0.5	L	227	g	Arsenic pentafluoride	7783-36-3	X	54	Poison	
2039462	25487	11	0.5	L	7	P	0.5	L	318	g	Arsenic pentafluoride	7783-36-3	X	74	Poison	
2039624	25487	11	6	L	15	P	6	L	681	g	Oxygen difluoride	7783-41-7	X	153	Poison	comm.
2039647	25487	11	0.5	L	8	P	0.5	L	363	g	Nitrogen Trifluoride	7783-54-2	X	11	Poison	
2039575	25487	11	0.5	L	5	P	0.5	L	227	g	Phosphorus trifluoride	7783-55-3	X	48	Poison	
2039467	25487	11	0.75	L	10	P	0.75	L	454	g	Phosphorus trifluoride	7783-55-3	X	73	Poison	
2039482	25487	11	0.5	L	5	P	0.5	L	227	g	Phosphorus trifluoride	7783-55-3	X	98	Poison	
2039586	25487	11	0.5	L	3	P	0.5	L	136	g	Phosphorus Trifluoride	7783-58-6	X	32		
2039510	25487	11	0.5	L	5	P	0.5	L	227	g	Germanium tetrafluoride	7783-60-0	X	37	Poison	
2039474	25487	11	0.5	L	6	P	0.5	L	227	g	Sulfur Tetrafluoride	7783-60-0	X	125	Poison	
2039606	25487	11	0.5	L	4	P	0.5	L	182	g	Sulfur Tetrafluoride	7783-60-0	X			

2039607	25487	11	0.75	L	6	P	0.75	L	272	g	Sulfur Tetrafluoride							
2039489	25487	11	0.5	L	6	P	0.5	L	272	g	Silicon Fluoride	7783-60-0	X	126	Poison			
2039610	25487	11	1	L	10	P	1	L	454	g	Silicon Fluoride	7783-61-1	X	68	Corrosive			
2039507	25487	11	0.5	L	4	P	0.5	L	182	g	Antimony pentafluoride	7783-61-1	X	129	Corrosive			
2039657	25487	11	0.5	L	4	P	0.5	L	182	g	Antimony pentafluoride	7783-70-2	X	97	Poison			
2039508	25487	11	0.5	L	6	P	0.5	L	500	G	Molybdenum Hexafluoride	7783-70-2	X	106	Poison			
2039505	25487	11	0.5	L	7	P	0.5	L	318	g	Molybdenum Hexafluoride	7783-77-9	X	35	Poison		500g net, type A cylinder	
2039655	25487	11	0.025	L	3	P	0.025	L	136	g	Molybdenum Hexafluoride	7783-77-9	X	94	Poison			
2039641	25487	11	0.5	L	8	P	0.5	L	363	g	Molybdenum Hexafluoride	7783-77-9	X	116	Poison			
2039583	25487	11	0.5	L	6	P	0.5	L	272	g	Selenium Hexafluoride	7783-77-9	X	149	Poison			
2039497	25487	11	0.5	L	7	P	0.5	L	318	g	Tellurium Hexafluoride	7783-79-1	X	86	Poison			
2039582	25487	11	0.5	L	6	P	0.5	L	454	G	Tellurium Hexafluoride	7783-80-4	X	5	Poison			
2039513	25487	11	0.5	L	4	P	0.5	L	182	g	Tungsten Hexafluoride	7783-80-4	X	81	Poison		1# net	
2039650	25487	11	0.5	L	6	P	0.5	L	272	g	Tungsten Hexafluoride	7783-82-6	X	71	Corrosive			
2039580	25487	11	0.5	L	6	P	0.5	L	100	G	Arsenic trifluoride	7783-82-6	X	150	Corrosive			
2039501	25487	11	0.5	L	7	P	0.5	L	318	g	Bromine trifluoride	7784-35-2	X	80	Poison		100g net	
2039477	25487	11	0.5	L	6	P	0.5	L	272	g	Bromine trifluoride	7787-71-5	X	1	Corrosive			
2039495	25487	11	0.5	L	6	P	0.5	L	272	g	Bromine trifluoride	7787-71-5	X	69	Corrosive			
2039479	25487	11	0.5	L	6	P	0.5	L	272	g	Bromine trifluoride	7787-71-5	X	76	Corrosive			
2039656	25487	11	0.5	L	6	P	0.5	L	272	g	Bromine trifluoride	7787-71-5	X	96	Corrosive			
2039511	25487	11	0.5	L	3	P	0.5	L	136	g	Potassium fluoride	7789-23-3	X	139	Poison			
2039504	25487	11	0.5	L	3	P	0.5	L	136	g	Bromine pentafluoride	7789-30-2	X	34	Poison			
2039609	25487	11	0.25	L	3	P	0.25	L	136	g	Bromine pentafluoride	7789-30-2	X	79	Poison			
2039473	25487	11	0.75	L	5	P	0.75	L	227	g	Chlorine monofluoride	7789-30-2	X	128	Poison			
2039640	25487	11	1	L	10	P	1	L	454	g	Chlorine trifluoride	7790-89-8	X	40				
2039621	25487	11	4	L	11	P	4	L	2270	G	Chlorine trifluoride	7790-91-2	X	132	Poison			
2039622	25487	11	4	L	10	P	4	L	454	g	Chlorine trifluoride	7790-91-2	X	145	Poison		5# net, comm.	
2039628	25487	11	4	L	15	P	4	L	681	g	Chlorine trifluoride	7790-91-2	X	147	Poison		comm.	
2044711	25487	11	0.25	L	3	P	0.25	L	136	g	Silane	7790-91-2	X	157	Poison			
2039651	25487	11	0.5	L	4	P	0.5	L	182	g	Chlorotrifluoroethylene	7803-62-5	X	U-2				
2039457	25487	11	0.5	L	5	P	0.5	L	227	g	Chlorotrifluoroethylene	79-38-9	X	102	Poison			
bar code	WPF	Container Information				Waste Information				Description				CAS#	msds	Tag#	HAZCLASS	COMMENTS
		type	vol.	unit	tare wt	unit	vol.	unit	weight	unit								
2039571	25487	11	0.75	L	7	P	0.75	L	318	g	Bis(trifluoromethyl)disulfide	372-64-6	X	33	Poison			
2039455		11	0.5	L	4	P	0.5	L	182	g	Cyanopentafluoroethane	422-04-8	need	63				
2039456		11	0.5	L	6	P	0.5	L	272	g	Cyanotrifluoromethane	need	need	56			Need more info	
2039636		11	0.05	L	2	P	0.05	L	91	g	Trifluoramine oxide	13847-65-9	need	113			Radioactive tape	
2039817		11	1	L	15	P	1	L	681	g	Potassium hexafluoronickelate	14881-07-3	need	134	Poison			
2039648		11	0.25	L	3	P	0.25	L	136	g	Chlorine trifluoro oxide (ClF3O)	30708-80-6	need	119	Oxidizer			
2039514		11	0.75	L	8	P	0.75	L	363	g	Sulfur monochloro pentaflu	13780-57-9	need	95	Poison			
2039618		11	0.025	L	2	P	0.005	L	3	G	NaCl & ClF3	need	need	136	Poison		5ml powder	
2039496		11	0.5	L	4	P	0.5	L	182	g	Phosphorus Oxyfluoride	82867-95-6	need	78	Poison			
2039613		11	0.5	L	5	P	0.5	L	227	g	Phosphoryl trifluoride	13478-20-1	need	140	Poison			
2039490		11	0.75	L	6	P	0.5	L	272	g	Sulfur Oxytetrafluoride	13709-54-1	need	114	Poison			
2039577		11	0.5	L	6	P	0.75	L	272	g	Sulfurmonochloropentafluoride	13780-57-9	need	82				
2039596		11	0.5	L	3	P	0.5	L	136	g	Trifluoroacetyl fluoride	354-34-7	need	75	Poison			
2039600		11	0.5	L	5	P	0.5	L	227	g	Trifluoroacetyl chloride	354-32-5	info	87	Poison			
											3-Trifluoropropyne	661-54-1		4				

2044719		11	0.5	L	4	P	0.5	L	182	g	BF3 (+ SIF4)							
2039659		11	0.25	L	3	P	0.25	L	136	g	BrF5 (+ Mg3N2)	7637-07-2	XX	U-17			(7783-61-1)	
2039579		11	0.5	L	5	P	0.5	L	50	G	Carbonyl chlorofluoride	353-49-1			137		Need more infor	
2044716		11	0.75	L	6	P	0.75	L	272	g	CHF3 (or CF4)	75-46-7	XX	U-20	83		50g net, Need info	
2039639		11	0.25	L	4	P	0.25	L	182	g	Chlorine trifluoro oxide (ClF3O)	30708-80-6	need		112		(75-73-0)	
2039798		11	2	L	12	P	2	L	545	g	NF3 (or NF5)	7783-54-2	X	U-33			check spelling	
2039619		11	1	L	12	P	1	L	545	g	Sample cylinder				138		(or 13706-13-3) rad sticker on cylinder, DOT	
2039620		11	0.025	L	1	P	0.025	L	45	g	Sample cylinder				144			
2039799		11	0.1	L	2	P	0.1	L	91	g	see data				U-21			
2039800		11	0.5	L	5	P	0.5	L	227	g	see data				U-22			
2039475		11	0.75	L	7	P	0.75	L	318	g	Sulfur dichlorodifluoride				39			
2039503		11	0.5	L	4	P	0.5	L	182	g	Thionyl fluoride				3			
2039478		11	0.5	L	4	P	0.5	L	182	g	Thionyl fluoride				8			
2044715		11	0.75	L	6	P	0.75	L	272	g	Trifluoro acetyl fluoride				U-26			
2039450		11	0.5	L	5	P	0.5	L	227	g	Trifluoroacetoneitrile				65			
2039601	25487	11	1	L	10	P	1	L	454	g	Nitryl fluoride (FNO2)	353-85-5						
2039662	rad	11	12	L	35	P	12	L	1589	g	Deuterated Methane	10022-50-1	Info	111			Poison	
2065130	25487	11	0.75	L	4	P	0.75	L	182	g	tetrachlorodifluoroethane	74-82-8	X	155			Radioactive?	
2044717	rad	11	2	L	20	P	2	L	908	g	Uranium hexafluoride	76-12-0	X	U-34			Where is it?	
2039782		11		L		P					7783-81-5	X	U-11				Radioactive	
2039775		11	1	L	8	P												radioactive
2039774		11	0.05	L	2	P												U-3 empty
2039786		11	1	L	11	P												U-4 empty
2039776		11	1	L	7	P												U-5 empty
2039785		11	0.75	L	3	P												U-6 empty
2039781		11	0.75	L	3	P												U-7 empty
2039779		11	0.5	L	3	P												U-8 empty
2039780		11	0.5	L	3	P												U-12 empty
2039780		11	0.5	L	3	P												U-14 empty
2039778		11	0.5	L	2	P												U-15 empty
2039777		11	0.5	L	3	P												U-16 empty
2039784		11	0.5	L	3	P												U-19 empty
2039787		11	1	L	7	P												U-27 empty
2039627	25539	11	0.75	L	5	P	0.75	L	227	g	Oxygen Isotopic		need					U-28 empty
2039801		11	1	L	10	P												U-28 empty
2039671																		U-32 empty
2039670																		
2039660																		
2039631																		
2039667																		
2039664																		
2039688																		
2039629																		
2039665																		
2039666																		
2039669																		
2039672																		
2039673																		
2039653		11	0.5	L	4	P				g	CO, CO2, & H mixture							
											15N2	need	need	146				Unknown

2039752		11	0.75	L	~7	P	0.75	L			osmium tetrafluoride/hexafluoride					
		11	0.75	L	~7	P	0.75	L			osmium tetrafluoride/hexafluoride					
		11	0.75	L	~7	P	0.75	L			osmium tetrafluoride/hexafluoride					
		11	0.75	L	~7	P	0.75	L			osmium tetrafluoride/hexafluoride					
		11	0.75	L	~7	P	0.75	L			osmium tetrafluoride/hexafluoride					

STATE OF NEW MEXICO  
ENVIRONMENT DEPARTMENT

IN THE MATTER OF  
THE UNITED STATES DEPARTMENT OF ENERGY  
AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
LOS ALAMOS, NEW MEXICO  
NM0890010515

COMPLIANCE ORDER  
HRM-98-02 (CO)

**ORDER ALLOWING NMED TO SERVE ITS FIRST  
SETS OF INTERROGATORIES TO RESPONDENTS  
REGENTS OF THE UNIVERSITY OF CALIFORNIA AND  
THE UNITED STATES DEPARTMENT OF ENERGY**

This matter having come before the Hearing Officer on the request of the Secretary of Environment ("NMED") for leave to serve its First Sets of Interrogatories to Respondents Regents of the University of California ("UC") and the United States Department of Energy ("DOE"), and the Hearing Officer having been advised that the request is not opposed by DOE or UC,

FINDS that the grounds for allowing such discovery set forth in 20 N.M.A.C. 300.A. are met; and

ORDERS that NMED shall be permitted to serve its First Sets of Interrogatories to Respondents UC and DOE, and that nothing contained in this Order shall be construed to prevent UC and DOE from asserting objections to the Interrogatories.

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WELDON L. MERRITT  
HEARING OFFICER

Submitted and Approved:

NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF GENERAL COUNSEL

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By: Nicholas F. Persampieri  
Assistant General Counsel  
P.O. Box 26110  
Santa Fe, NM 87502  
(505) 827-1031

Approved:

REGENTS OF THE UNIVERSITY OF CALIFORNIA

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By: Joseph B. Rochelle  
Los Alamos National Laboratory  
P.O. Box 1663, MS A187  
Los Alamos, NM 87545  
(505) 667-3766

UNITED STATES DEPARTMENT OF ENERGY

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By: Hortense Haynes  
Counsel's Office  
Department of Energy  
Los Alamos Area Office  
528 35<sup>th</sup> Street  
Los Alamos, NM 87544

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STATE OF NEW MEXICO  
ENVIRONMENT DEPARTMENT

IN THE MATTER OF  
THE UNITED STATES DEPARTMENT OF ENERGY  
AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
LOS ALAMOS, NEW MEXICO  
NM0890010515

COMPLIANCE ORDER  
HRM-98-02 (CO)

**NMED'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
RESPONDENT UNITED STATES DEPARTMENT OF ENERGY**

Plaintiff, The Secretary of Environment, acting through the Director of the Water and Waste Management Division of the New Mexico Environment Department ("NMED"), pursuant to 20 N.M.A.C. 1.5.302, hereby requests Respondent United States Department of Energy ("DOE") to produce and permit NMED to inspect and copy each and every document responsive to the following Requests for Production that is in DOE's possession, custody or control, at the offices of counsel for NMED, Nicholas F. Persampieri, Esq., Harold Runnels Building, 4th Floor, 1190 St. Francis Drive, Santa Fe, NM 87502, at 9:00 a.m., October 19, 1998 or at such other time and place as shall be agreed by the parties.

**Definitions and Instructions**

The following Definitions and Instructions apply to each of the Requests for Production set forth below and are incorporated therein:

1. "You" and "Your" means the United States Department of Energy ("DOE") and any person or entity acting as an officer, official, director, employee, consultant, attorney, agent or representative of DOE.

2. "Document" means the original or a copy of any tangible thing, recording or reproduction upon which information is recorded, however made, which is in your possession, custody or control, including but not limited to correspondence, memoranda, agreements, pleadings, briefs, transcripts, photographs, stenographic or written notes, studies, evaluations, analyses, reports, journals, ledgers, worksheets, bills, invoices, time sheets, time cards, checks, drafts, statements, receipts, diaries, reviews, working papers, books, charts, telegrams, pamphlets, drawings, plans, pictures, video or audio tapes, cassettes, voice recordings, information stored by a computer or on computer drives, disks, tapes, memories, printouts or cards, microfilm, microfiche, undeveloped film or film negatives, untranscribed recordings or tapes, any papers on which words have been written, printed, typed or otherwise affixed, and any other information either stored or maintained in any retrievable form, and shall include every copy of every document where any such copy is not an identical copy of an original.

3. "Exhibit A" means Exhibit A to these Requests for Production.

4. "Relevant Time Period" means the time period from when a container and/or its contents were first acquired or synthesized by DOE or the Regents of the University of California ("UC") through the time that the container and/or its contents were removed from Building 5S, TA-21, Los Alamos National Laboratory or its immediate vicinity in 1997.

5. Documents that are subject to the attorney-client privilege or the work-product immunity as to which the privilege has not been waived need not be produced. However, you are requested to serve with your responses to these Requests for Production a list,

which, for each such document withheld from production, sets forth the title, date, author, addressee, each person to whom a copy was furnished, the present location and custodian of the document, and the grounds on which the document is considered to be privileged from disclosure.

6. If any document requested was at one time in existence, but is no longer in existence, please so state, specifying for each such document: (a) the type of document; (b) the subject matter of the document; (c) the date the document ceased to exist; (d) the circumstances under which the document ceased to exist; and (e) the identity of all persons with knowledge of the contents of the document.

### **Requests for Production**

**Request for Production No. 1:** All documents referring to relating to, discussing or evidencing the identification, characterization and/or analysis of the contents of the containers identified in Exhibit A.

**Request for Production No. 2:** All documents referring to, relating to, documenting or evidencing the identification, marking or designating of satellite accumulation areas and less than 90 accumulation or storage areas in or in the immediate vicinity of Buildings 3 and 4, North, and Building 5, South, Technical Area 21, Los Alamos National Laboratory.

**Request for Production No. 3:** All documents referring to, relating to, discussing or evidencing the storage or maintenance of any substances of any kind in areas identified, marked or designated as satellite accumulation areas or less than 90 day accumulation or storage areas in Buildings 3 and 4, North, and Building 5, South, Technical Area 21, Los Alamos National

Laboratory, in which areas one or more of the containers and/or their contents identified in Exhibit A were placed, maintained, accumulated or stored.

Request for Production No. 4: All documents referring to, relating to, discussing or evidencing the acquisition or synthesis of the contents of the containers identified in Exhibit A.

Request for Production No. 5: All documents referring to, relating to, discussing or evidencing any and all uses of the contents of the containers identified in Exhibit A.

Request for Production No. 6: All documents referring to, relating to, discussing or evidencing the placement, maintenance, accumulation or storage of the containers described in Exhibit A and their contents, including but not limited to documents identifying the location of placement, maintenance, accumulation or storage and documents identifying the person or persons with possession, custody or control of the containers and/or their contents.

Request for Production No. 7: All documents referring to, relating to, discussing or evidencing, the movement of containers identified in Exhibit A from one location to another, during the Relevant Time Period, including but not limited to documents which discuss or evaluate the possibility of moving a container from one location to another and the reasons for such possible movement, and documents evidencing the actual movement of a container from one location to another

Request for Production No. 8: All documents referring to, relating to, discussing or evidencing the discarding or possibility of discarding of the containers identified in Exhibit A, including but not limited to documents in which the possibility of discarding one or more containers is discussed and documents evidencing the actual discarding of one or more containers,

but not including the documents included in the Response to Compliance Schedule dated July 10, 1998.

Request for Production No. 9: All documents referring, to relating to, discussing or evidencing the establishment of the staging area in Building 5S described in UC's Answer to Paragraph 32 of the Compliance Order.

Request for Production No. 10: All documents referring to, relating to, discussing or evidencing the movement during the Relevant Time Period of any materials to the staging area in Building 5S described in UC's Answer to Paragraph 32 of the Compliance Order.

Request for Production No. 11: All documents referring to, relating to, documenting or evidencing the placement, maintenance or storage during the Relevant Time Period of any materials in the staging area in Building 5S described in UC's Answer to Paragraph 32 of the Compliance Order.

Request for Production No. 12: To the extent not produced in response to other requests for production, all documents which refer to, relate to, evidence or discuss, the management of the containers identified in Exhibit A and/or their contents.

Request for Production No. 13: All documents which you plan to offer as exhibits at the hearing in this case.

Request for Production No. 14: All documents which refer to, relate to evidence or discuss the alleged extension of time for storage of hazardous waste in a less than 90 day SA in DP West, referred to in UC's Answer to Paragraph 34 of the Compliance Order.

Request for Production No. 15: All documents which refer to, relate to, evidence or discuss the alleged set up of a less than 90 day SA in Building 5S referred to in UC's Answer to Paragraph 48 of the Compliance Order.

Request for Production No. 16: To the extent not produced in response to other Requests for Production all records referred to in UC's Answer to Subparagraphs 53a (including iterations of the inventory not included with the March 6, 1997 letter), 53b, 53c, 53d, 53e and 53f of the Compliance Order.

Request for Production No. 17: All documents which refer to, relate to, evidence or discuss the alleged placement of gas cylinders in a separate overpack for retention as a useful product, referred to in UC's Answer to Paragraph 71 of the Compliance Order.

Request for Production No. 18: All documents which refer to, relate to, discuss, or evidence communications between DOE and UC about the gas cylinders identified in Exhibit A, including but not limited to the "dialogue with UC personnel regarding the material-containing cylinders," the conversations in which DOE personnel were "informed by UC personnel that the contents of the cylinders would be used in scientific research and experiments," the "numerous verbal encounters . . . between DOE and UC personnel regarding the cylinders, the contents over which UC refused to relinquish control or declare unusable," and DOE demands for movement of any cylinders which UC determined to be hazardous waste referred to in DOE's Answer to Paragraph 32 of the Compliance Order; and the informing of DOE on February 12, 1997 that the material

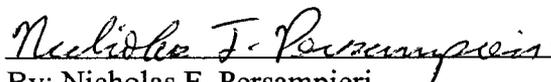
remaining in the cylinders was not useful, referred to in DOE's Fifth Affirmative Defense to the Compliance Order.

Request for Production No. 19: All documents which refer to, relate to, evidence or discuss DOE inspections, reviews and walk-throughs of Buildings 3 and 4 North and 5 South from June 1, 1993 through March 16, 1997, including but not limited to the inspections, reviews and walk-throughs referred to in DOE's Answer to Paragraphs 40 and/or 41 of the Compliance Order.

Request for Production No. 20: All documents which refer to, relate to, evidence or discuss the alleged February 12, 1997 declaration of hazardous waste referred to in DOE's Third Affirmative Defense to the Compliance Order.

Respectfully submitted,

NEW MEXICO ENVIRONMENT  
DEPARTMENT  
OFFICE OF GENERAL COUNSEL



By: Nicholas F. Persampieri  
Assistant General Counsel  
P.O. Box 26110  
Santa Fe, NM 87502  
(505) 827-1031

Certificate of Service

The undersigned hereby certifies that on this 22<sup>nd</sup> day of September, 1998, the original of the foregoing NMED's First Requests for Production of Documents to Respondent United States Department of Energy was mailed to:

Hortense Haynes  
Counsel's Office  
Department of Energy  
Los Alamos Area Office  
528 35<sup>th</sup> Street  
Los Alamos, NM 87544

and a copy thereof was mailed to:

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*Nicholas J. Perrampien*

Note: Exhibit A  
is same as  
Exhibit A to  
Interrogatories