



Department of Energy
Albuquerque Operations Office
Los Alamos Area Office
Los Alamos, New Mexico 87544
SEP 26 1997

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Benito J. Garcia, Bureau Chief
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
2044 Galisteo Street, Bldg. A
P. O. Box 26110
Santa Fe, New Mexico 87505

Dear Mr. Garcia:

Subject: Revision to the September 18, 1997 Letter Regarding the Effect of CMR Stand-Down on Seven Treatability Studies

The purpose of this letter is to revise our letter of September 18, 1997, which updated the New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau on recent developments at Los Alamos National Laboratory (LANL) impacting seven treatability studies on recovery and recycling of highly enriched uranium from mixed waste.

At noon on September 2, 1997, Alex Gancarz, Operations Manager for the Chemistry and Metallurgy Research (CMR) facility, placed the facility under a stand-down mode for operations because of safety concerns. While the exact duration of the stand-down is uncertain, it has been estimated to last four to six months.

On August 25, 1997, LANL accepted a total of 14.82 kilograms of mixed waste samples from the Department of Energy Portsmouth Gaseous Diffusion Plant (PORTS) for the purpose of conducting treatability studies. No treatment has been conducted on these samples to date. Due to the CMR stand-down, the samples will be required to be stored for a period of up to six months time without testing the proposed treatment technologies. Should safety concerns at CMR preempt reopening within that time frame and the facility remains in the stand down, we understand that an extension may be requested and would be considered by NMED.

Title 20 of the New Mexico Administrative Code, Chapter 4, Part 1 (20 NMAC 4.1), which incorporates Title 40 of the Code of Federal Regulations (40 CFR) §261.4(f)(5) by reference, specifies that laboratories or testing facilities must conclude each study no more than 90 days from the date the treatability study was completed for the sample, or no more than one year from the date the samples were shipped to the laboratory or testing facility (whichever date occurs first). It is LANL's concern that a stand-down period of four to six months would seriously affect its ability to meet this requirement, as the proposed treatment technologies for the specified samples are difficult and time consuming to perform.

Due to the uncertainty of the stand-down period and its effect on the proposed treatability studies, LANL would propose to store the mixed waste samples in the interim status container

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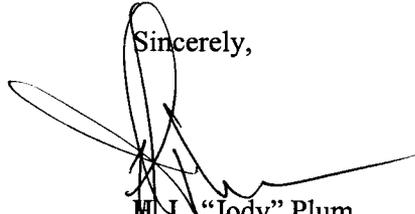
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storage area located at TA-3, Building 29, Wing 9, Room 9020, until operations start back up. The samples would be managed in compliance with all interim status hazardous waste regulatory requirements during the stand-down period with the understanding that once operations commence, the samples would be removed from the mixed waste interim status container storage area and managed in accordance with the treatability study requirements specified in 20 NMAC 4.1, Subpart II, Section 200 [40 CFR 261.4(f)]. LANL's "Hazardous Waste Permit Application, Part A for Mixed Waste," dated January 25, 1991, allows for storage of mixed waste with the following EPA hazardous waste numbers: D004, D006, D007, D008, D009, and D011 in the proposed interim status container storage area. These hazardous waste numbers correspond to the samples proposed for use in the seven treatability studies.

At the point in time when the CMR operations start up again such that the treatability studies can begin, LANL would start applying the treatability study time limit (i.e., concluding the studies within one year of the date CMR operations are back on-line or within 90 days from completion of treatment, whichever comes first). What we are proposing, in effect, is a delay in the start date for the time frames specified in 40 CFR 261.4(f) until the treatability samples can undergo test treatment at the CMR facility.

The samples received on August 25, 1997, are included in PORTS' Site Treatment Plan. Because PORTS needs to pursue treatment options for its STP wastes, we would appreciate a response to this proposal if at all possible by the end of September, so as not to delay PORTS pursuit of other treatment options should this request be denied. If you have any questions regarding this letter, please contact me at (505) 665-5042.

Sincerely,



M.L. "Jody" Plum
Office of Environment

LAAMEP:9JP-066

cc:

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