

HSWA LANL 51144/49 49-001(a-g) (MDA AB)



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GOVERNOR

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PETER MAGGIORE
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Certified Mail
Return Receipt Requested

February 12, 1999

Mr. Theodore Taylor, Program Manager
Los Alamos Area Office
Department of Energy
528 35th Street, MS A316
Los Alamos, New Mexico 87544

Dr. John C. Browne, Director
Los Alamos National Laboratory
P. O. Box 1663, MS A100
Los Alamos, New Mexico 87545

**Re: DOE/LANL RESPONSE TO NOD FOR TA-49 PRSs 49-001 (b, c, d, and g) LETTER DATED
DECEMBER 21, 1998 (EM/ER:98-481)**

Dear Mr. Taylor and Dr. Browne:

The RCRA Permits Management Program (RPMP) of the Hazardous and Radioactive Materials Bureau (HRMB) has reviewed the DOE/LANL's December 21, 1998 (EM/ER:98-481) response to the RFI for the stabilization plan for IMS and BMPS for TA-49, PRSs 49-001 (b, c, d, and g) and found it to be acceptable. DOE/LANL requested that NMED provide rationale for our comments so they can better understand the basis for the RSI or the NOD.

The HRMB, after discussion with management from DOE and non-DOE facilities, instituted the Request for Supplemental Information (RSI) process to assist regulated facilities. The RSI process is a process inserted by the HRMB between the document review process and Notice of Deficiency (NOD) processes which are usually employed by regulatory agencies reviewing the regulated facilities' documents. The RSI process inserts a non-enforcement step in the usual document review-NOD response procedure. A NOD is the first level in enforcement action to be initiated in any document review process to require regulated facilities to provide the regulatory agency with adequate information.

HRMB's corrective action document review process to insert the RSI step, according to a July 29, 1997 memo to RPMP staff is as follows: A NOD is more formidable with regards to enforcement action than a RSI. A stronger stance will be taken as the process moves further along. Therefore, the RCRA Permits Management Program will issue a RSI (for the RPMP Manager's signature block) prior to an NOD (for the HRMB Bureau Chief's signature block). If the NOD response is not sufficiently and appropriately addressed a Compliance Order may be issued.

There is no mention of new information submitted for review as a result of the RSI in the guidance memo. However, to be consistent, in the future, if there is new information submitted in the response to the RSI, it will be reviewed and commented on using the RSI format. The RSI on the new information may be attached to an NOD if an NOD on the response to the RSI is necessary. If a NOD is not necessary the second RSI on the new information only will be issued.

Should you have any questions regarding this letter, please contact me at (505) 827-1567 extension



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February 12, 1999
DOE/LANL Response to NOD
TA-49, PRS's 49-001 (b, c, d, and g)
EM/ER:98:481

Los Alamos National Laboratory
NM0890010515

1015 or Mr. John Kieling, HRMB's LANL Facility Manager, at (505) 827-1558 extension 1012.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

BJG:lw

CC w/ attachments:

J. Canepa, LANL EM/ER, MS M992
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