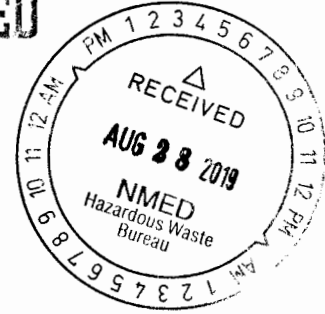


ENTERED



WASTE CONTROL SPECIALISTS

August 21, 2019

The Honorable Rick Perry
Secretary of Energy
United States Department of Energy
1000 Independence Ave, S.W.
Washington, DC 20585

Re: Removal of U.S. Department of Energy (DOE) Los Alamos National Laboratory (LANL) transuranic (TRU) waste stored at Waste Control Specialists (WCS)

Dear Secretary Perry:

I'm writing today to request your attention to the matter of the 75 LANL TRU waste containers, which, after five years, remain stored at WCS with no definitive path forward for shipment out of Texas.

The shutdown of the Waste Isolation Pilot Plant (WIPP) facility in New Mexico triggered a series of responses in the DOE EM system to resolve the issues that caused this event. This included an aggressive effort to restart operations at the WIPP facility, and treatment of implicated waste that was in storage at LANL. These focused recovery operations, performed at a cost of hundreds of millions of dollars, restored these important facilities to normal operations and demonstrated the Department's ability to meet our nation's critically important demand of managing and storing nuclear waste.

However, the implicated waste from LANL that is stored at WCS in Texas has not received a similar level of attention or funding. While some waste has been shipped to WIPP, remaining waste (currently 75 standard waste boxes (SWBs)) has no clear path forward after more than 5 years from the date of the incident. Potential restoration actions that have been proposed extend years or decades into the future. A background document has been provided with this letter for your information.

Though we know the waste stored at WCS remains in a safe configuration, the apparent lack of urgency continues to be a significant concern for WCS and for our regulator and is an impediment to restoration of normal commercial operations.

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WCS requests that DOE reinvigorate all activities to get the implicated waste out of Texas and to its final disposal location. We request that the same level of attention be applied to recovery in Texas as was applied at WIPP and at LANL in New Mexico.

In order to keep the commitments WCS and DOE have made to the State of Texas and continue to show good faith we ask that the DOE 1) provide WCS and TCEQ an update to all options (reflected in the June 29, 2018 feasibility study) and any additional studies being conducted by Savannah River National Laboratory (SRNL) and Sandia National Laboratory and 2) provide a path forward to ensure the waste is shipped out of Texas expeditiously.

We respectfully request that update as soon as possible and that DOE provide updates on a regular basis until the waste is removed. To that end, we would like to meet with you or your designee as soon as possible.

Please contact me with any questions, and we look forward to working with you to resolve this issue as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "David Carlson". The signature is written in a cursive, flowing style.

David Carlson
President and COO
Waste Control Specialists LLC

Enclosure: Background - LANL TRU Waste at WCS

Cc: Luis Saenz, Chief of Staff, Office of the Governor of Texas
Toby Baker, Executive Director, Texas Commission on Environmental Quality



WASTE CONTROL SPECIALISTS

Background – LANL TRU Waste at WCS

In 2014, Los Alamos National Laboratory (LANL) in New Mexico began to ship waste out of LANL to the Waste Isolation Pilot Plant (WIPP) in New Mexico as a result of fires near the LANL facility. Unfortunately, during this time, a salt truck fire and a radiological release caused the operational shutdown of WIPP, and the Department of Energy (DOE) sent 230 transuranic (TRU) waste containers from LANL to Waste Control Specialists (WCS) in Texas for temporary storage until WIPP resumed normal operations. At the time, the shipment of LANL TRU waste to WCS was in compliance with applicable U.S. Department of Transportation (DOT) standards and regulations based on the characterization and certification procedures to meet the WIPP Waste Acceptance Criteria (WAC).

Following the release at WIPP, an investigation by DOE determined an exothermic reaction involving the mixture of organic materials, absorbent and/or neutralizer, and nitrate salts occurred inside a LANL Drum (68660) at WIPP which resulted in a release of radioactive materials into the WIPP underground and shipments to WCS were immediately suspended. The original intent was for WCS to store the LANL TRU waste for no more than a year from the initial date of receipt of each shipment, in accordance with WCS' radioactive material license and hazardous waste permit. Following the WIPP event, some of the waste stored at WCS was assigned a D001 hazardous waste code (ignitability), and that waste still remains in storage in the Federal Waste Facility (FWF) disposal cell and Container Storage Building (CSB) at WCS.

In order to address the issues with the waste that was stored in Texas, DOE and WCS worked together to develop the June 29, 2018 Feasibility Study. The intent of the study was to evaluate the technical feasibility of the options to be considered in the relocation and/or disposition of the waste, and offers a technical basis for future activities that may include design, construction/fabrication, operational services, and/or equipment needed to support the various options.

The original six options, later paired down to five (with the removal of option d), included: a) stabilizing and treating the waste at WCS and disposal at WIPP; b) stabilizing the waste at WCS and treatment at a DOE facility for disposal at WIPP; c) no treatment at WCS and shipment to LANL; d) shipment to another commercial facility for treatment and disposal at WIPP; e) shipment directly to WIPP without treatment; and f) no stabilization or treatment at WCS and ship to WIPP for disposal. These options range in cost from \$75M to \$289M and will take many years to complete.

Additional efforts, outside the Feasibility Study have also been pursued that are yet to be successful, which include a Waste Aging Study by the SRNL to determine the viability of removing the D001 codes which would potentially allow the shipment of all waste without any treatment and in a currently available and approved DOT shipping package.

During the quarterly meeting on March 28, 2019 it appeared that preliminary results may possibly justify the removal of the D001 waste codes from the waste containers. However, on June 24, 2019 the DOE notified TCEQ and WCS that a failed test result would delay this process and the testing completion date.

Sandia National Laboratory is also conducting research on existing transportation packages or approved package designs that could potentially transport the waste to a DOE facility.