



Department of Energy
Washington, DC 20585

May 18, 1998

Secretary Mark E. Weidler
Environment Department
State of New Mexico
Harold Runnels Building
1190 St. Francis Drive
Sante Fe, New Mexico 87502-6110



Dear Secretary Weidler:

Secretary Peña has asked me to follow up with you concerning your letter of February 2, 1998, in which you indicated that "New Mexico would expect the DOE to demonstrate that any TRU [transuranic] waste to be shipped to the WIPP has been fully characterized in accordance with the requirements of RCRA." Enclosed is much of the information used to characterize the waste stream at the Los Alamos National Laboratory (LANL) that DOE has decided to send to WIPP. This waste is referred to as the "TA-55-43, combustible/noncombustible debris waste stream." DOE anticipates that LANL will begin shipping this waste to WIPP in mid-June after the Environmental Protection Agency's (EPA's) rule certifying WIPP's compliance with the disposal regulations becomes effective.

To date this is the only waste stream that DOE has approved for shipment to WIPP before it receives a RCRA Part B permit under the New Mexico Hazardous Waste Act (HWA). DOE will not make decisions about waste streams at other sites (for example, the Rocky Flats Environmental Technology Site or the Idaho National Engineering and Environmental Laboratory) until: (1) EPA completes its audits and inspections of these sites and certifies them; and (2) DOE finally determines that there is non-mixed waste at these sites that can be shipped prior to issuance of the RCRA permit.

There are three broad categories of information that the Department uses to characterize wastes for disposal at WIPP. "Program-level information" consists of information that the Carlsbad Area Office (CAO) uses to determine whether sites can adequately characterize and certify wastes for disposal at WIPP. Most of the documents that contain this information were included with DOE's Compliance Certification Application; if you have a copy of the application, you should already have many of them. Examples include: the Quality Assurance Program Description (QAPD); the Transuranic Waste Certification Quality Assurance Program Plan (QAPP); and the WIPP Waste Acceptance Criteria (WIPP-WAC). I have asked CAO to provide any additional information that it uses for this purpose. If you do not have a copy of the Compliance Certification Application, let me know and I will provide you with copies of the relevant portions.

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The second category of information consists of "site-level information." This is the information that CAO and LANL use to characterize and certify wastes at LANL. Enclosed are the following documents containing this category of information:

1. The Acceptable Knowledge Summary Report for TA-55-43 (and four other waste stream) and copies of the documents referred to in that report with two exceptions. The two exceptions are documents that may contain unclassified controlled nuclear information (UCNI); if we confirm that they do, we will make arrangements that will allow you to receive them.
2. LANL's Transuranic Waste Quality Assurance Management Plan (often referred to as the QAPjP), LANL's Transuranic Waste Quality Assurance Management Plan (QAMP) and LANL's Transuranic Waste Certification Plan.
3. The waste management procedures for TA-55 (the facility where this waste was generated) cited in the Acceptable Knowledge Summary Report and prior versions for the period when these wastes were generated.
4. The current and prior versions of the inspection and packaging procedures for transuranic wastes for the period during which these wastes were generated.

I will send you additional site-level information as we gather it.

The third category of information is "container-level information." This information consists of information that confirms that individual containers meet the requirements for disposal at WIPP. Examples of this type of information include:

1. Video tapes of the real time radiography (RTR) that was performed on the drums that originally contained this waste. In order to meet certain transportation requirements, this waste is being repackaged. Each drum contains a number of sealed plastic bags containing waste. These bags are being removed from the drums and placed into waste storage boxes. During this repackaging process, LANL notes the presence of any item that does not meet the waste acceptance criteria for WIPP and removes

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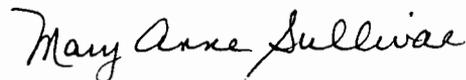
it from the waste stream. I have sent copies of these video tapes to Attorney General Udall; I will be sending copies to you as soon as I receive them from LANL.

2. "TRU Waste Storage Records" or "Waste Drum Reports" for each of the drums that are being repackaged. These reports contain detailed information on the contents of each drum. For example, the nature and weight of the material in each plastic bag in a drum is noted. These reports also note whether each bag (referred to as an item and given an "item id" number) contains any hazardous materials. Note that on the forms labeled "TRU Waste Storage Record" there is a box in the upper left quadrant of the first page labeled "Mixed Waste." If the drum does not contain mixed waste (as none of these do), the software that generates this form fills that box with gray stippling. Unfortunately, this stippling darkens when the forms are photocopied and it sometimes appears that the box is blackened.

I will send you additional information on individual containers as it is gathered. Much of this information has already been generated and will be sent to you as soon as I receive it. However, LANL is continuing to characterize individual containers, and thus some of this information is not yet available. I will send it to you as soon as it becomes available. Much of the characterization information that is not yet generated relates exclusively to the radioactive characteristics of the containers and is therefore not relevant to the HWA.

I am also sending this information and a copy of this letter to Attorney General Udall. Please call me at 202-586-6732 or my colleague, Paul Detwiler at 202-586-1371, if you have any questions about this information.

Sincerely,



Mary Anne Sullivan
Deputy General Counsel,
Environment and Civilian
and Defense Nuclear Programs

Enclosures