

Department of Energy
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87185-5400

Rfile
JUN 17 1998

June 17, 1998

Ed Kelley, Ph.D.
Director, Water and Waste Management Division
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, New Mexico 87502

Dear Dr. Kelley:

I would like to thank you and your staff for meeting Monday with Department of Energy (DOE) representatives on such an expedited basis. The availability of the Waste Isolation Pilot Plant (WIPP) to dispose of transuranic waste is a critical solution to one of the most vexing legacies of our nation's Cold War success. In meeting this need, the highest priority is to protect the health and safety of New Mexicans and all Americans. We have worked closely with the New Mexico Environment Department (NMED) over many years to establish WIPP as a national repository and waste management resource that meets all regulatory requirements designed to protect the public and the environment.

It is crucial that we continue to work together. It is for this reason that the Secretary requested Monday's meeting to better understand NMED's concerns that led to your letter of June 11, 1998 related to the transport of non-mixed transuranic waste to WIPP for disposal. The concerns expressed in the letter and at our meetings yesterday can be addressed.

We believe that the acceptable knowledge process Los Alamos National Laboratory (LANL) has undertaken definitively establishes that the waste stream LANL intends to ship to WIPP does not contain hazardous constituents regulated by RCRA or the Hazardous Waste Act. We are prepared to work vigorously to demonstrate this to your staff and to satisfy concerns you may have to the greatest extent possible.

We recommend that NMED and LANL work together to identify and resolve issues concerning the use of acceptable knowledge to characterize heterogenous waste streams, rather than having NMED work on its own for the next 10 days. We believe that this would be the best way for us to resolve any technical issues NMED may identify about the characterization of this waste stream during its review of the documents we have provided to you. LANL would be able to answer your questions immediately and thereby allow us to quickly identify and resolve any significant issues.



Dr. Ed Kelley
June 17, 1998
Page 2

The accompanying attachments to this letter describe the information we have sent you via the Department of Justice that is relevant to the characterization of these wastes for purposes of RCRA and the Hazardous Waste Act. They also briefly describe how the information in these documents is used in the characterization process. As our attorneys discussed today, NMED will receive a third shipment of documents today from the Department of Justice. The documents in that shipment are for the most part not especially relevant to demonstrating that this waste stream does not contain hazardous constituents. The ones that are relevant are described in the attachments. Also included as attachments are four additional documents that have not yet been provided to you. Again, the attachments describe how these four documents are used in the waste characterization process. It is our understanding that NMED can begin its review of the characterization of this waste stream once it receives this letter, the attachments, and the third shipment of documents from the Department of Justice. If it would be helpful to you, representatives from LANL are willing to come to your offices in order to help you identify the documents discussed in these attachments.

The opening of WIPP is a long-standing national objective. WIPP is critical to our nation's ability to fulfill its obligation to safely dispose of its transuranic waste legacy. We believe that, if we work together as described above, we can cooperatively review the relevant documents and resolve issues of concern to NMED. We believe that this work can be accomplished expeditiously through this approach.

Sincerely,

A handwritten signature in black ink, appearing to read "W. John Arthur, III". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

W. John Arthur, III

Attachments

Dr. Ed Kelley
June 17, 1998
Page 3

Description of the Information Provided on Waste Characterization

The following attachments describe the relevant documents that we have provided to NMED over the past month. It is important to clarify that many of the documents DOE provided to NMED are not particularly relevant to characterizing the wastes for purposes of RCRA and the HWA. The most important documents are:

The Acceptable Knowledge Summary Report (TWCP-1042) and the documents cited in that report;

Results of the plutonium feedstock analysis by the Savannah River Site and LANL (TWCP 1025, 1026, 1030, 1044);

The waste management procedures for facilities at TA-55 and NMT-7 (No TWCP numbers);

The three shipments of documents (one from DOE and two from the Department of Justice) and the four additional documents attached to this letter constitute virtually the entire set of technical documents the Department used to determine that these wastes comply with all of the requirements for disposing of wastes at WIPP, including the requirement that DOE not dispose of wastes containing hazardous constituents until WIPP is authorized to do so under RCRA and the Hazardous Waste Act. Included in the third shipment are the certification statements for the first five waste containers that DOE intends to ship to WIPP from LANL. These certification statements are primarily checklists that LANL uses to confirm that each container complies with the certification requirements before DOE sends it to WIPP. LANL will generate certification statements for the additional containers of this waste stream. We will send NMED these statements as LANL completes them. As our attorneys discussed, these statements do not contain new data about how these wastes were characterized; rather, they confirm that the characterization was done and done properly.

Of course, LANL and DOE are willing to supply any additional documents that NMED might request during its review of these documents we have already provided.

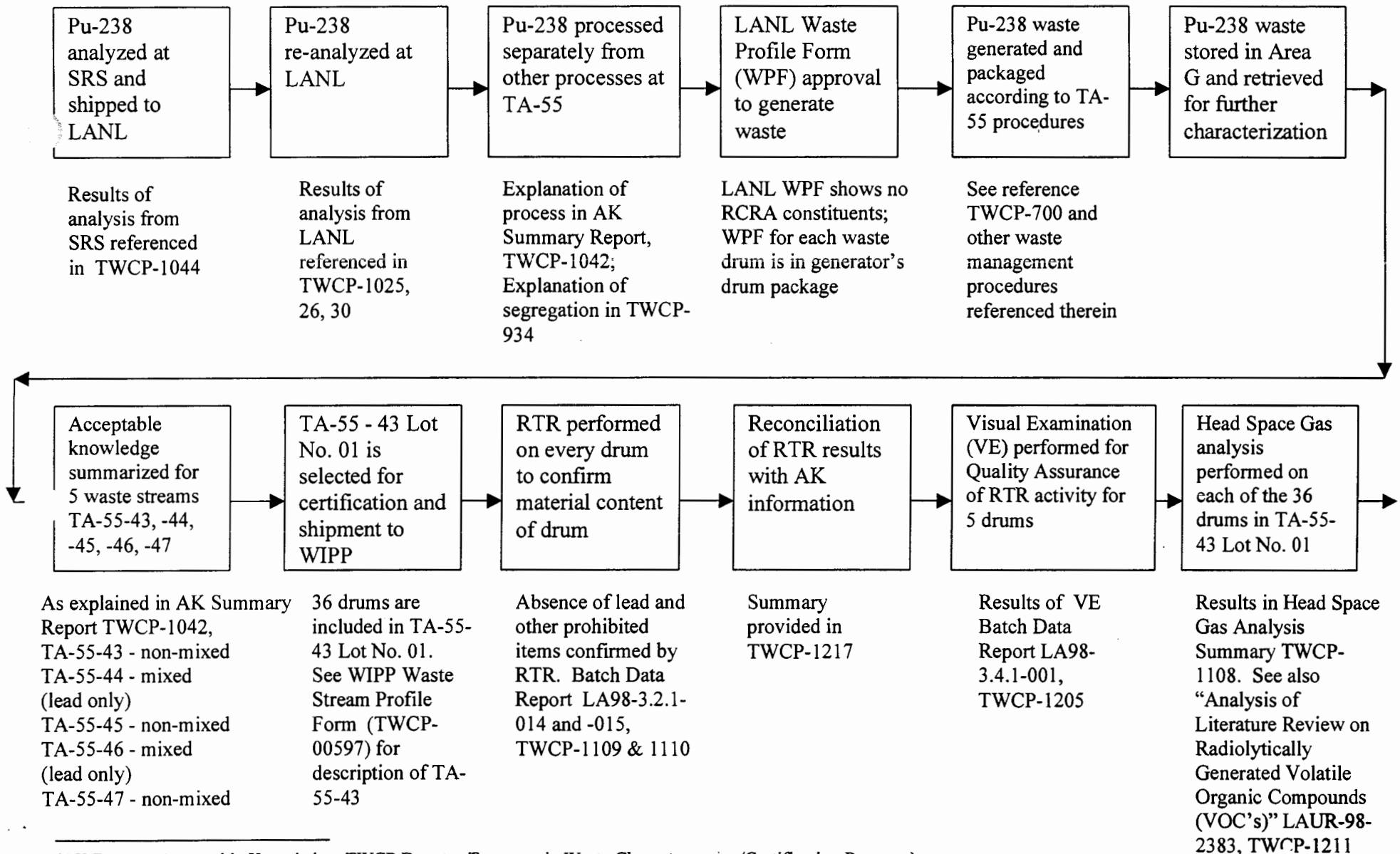
As noted above, many of the documents that DOE provided do not contain information that was particularly relevant to the determination that this waste stream does not contain hazardous constituents. However, there may be data in these documents that DOE used in that determination. For example, the PAN Batch Data Report contains measurements of the amount of discarded plutonium in the waste

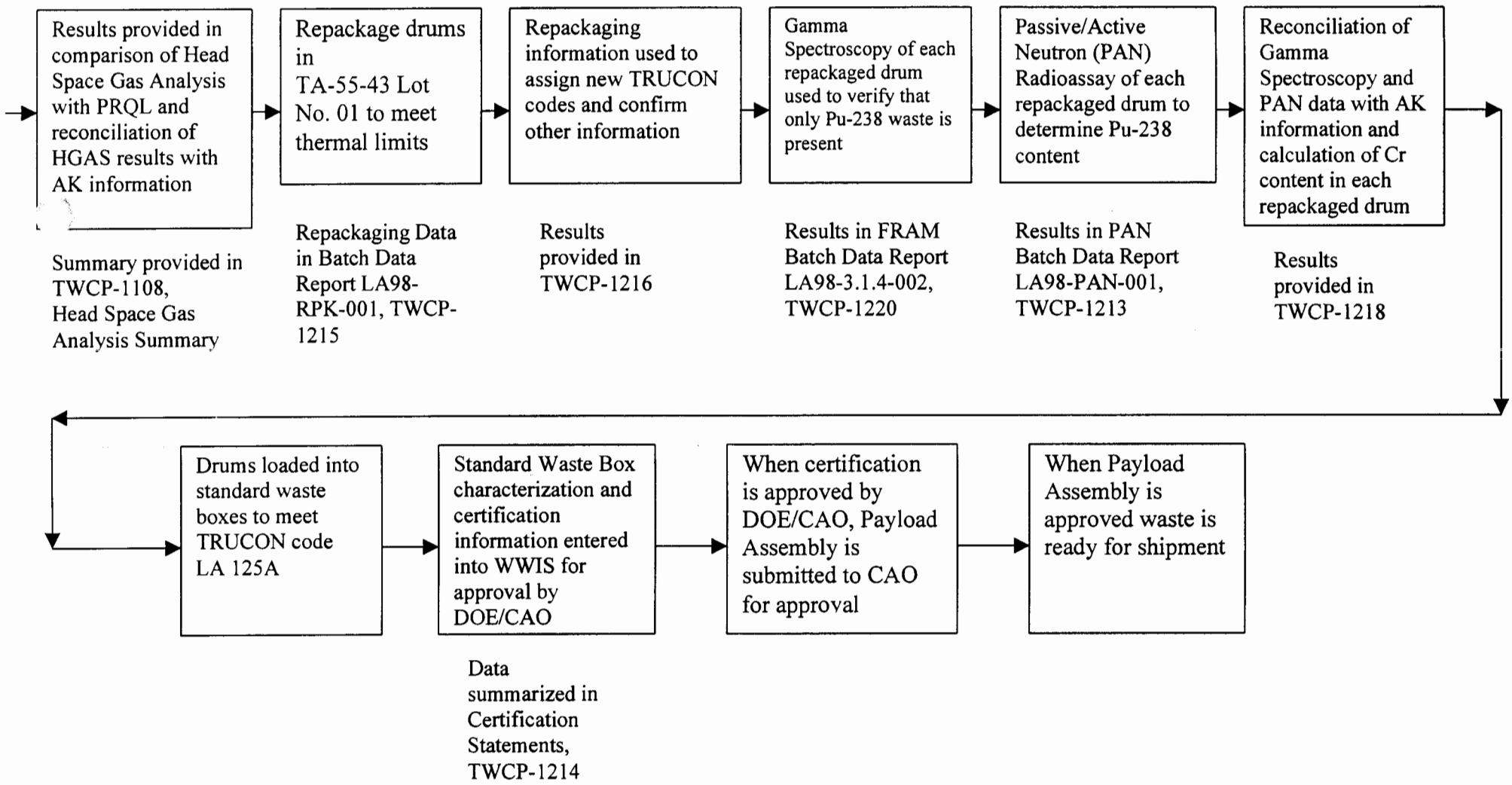
Dr. Ed Kelley
June 17, 1998
Page 4

containers. DOE used this information to verify its earlier calculations that indicated that even if all of the chromium in the plutonium were to leach out, the concentration of chromium in the waste stream could not possibly exceed the regulatory threshold for RCRA. The Acceptable Knowledge Summary Report notes that the assumption that all of the chromium would leach out of the plutonium is highly conservative; virtually all of it would remain immobilized in the plutonium and therefore could not be deemed to be a hazardous constituent.

Attachments: Guide to Characterization and Certification Process (3 pages)
Four technical documents (TWCP 1216, 1217, 1218 and Batch Data
Report LA98-3.1.4-002)

Process for Characterization and Certification of Waste Stream TA-55-43, Lot No.01





List of Documents for
Process for Characterization and Certification of Waste Stream
TA-55-43 Lot No. 01

1. RCRA Characterization of SRS-Produced Plutonium Oxide Summary (Inter-Office Memorandum), **TWCP-1044**
2. Tables of Trace Elements in Pu-238 Feed Lots, **TWCP-1025, -26, -30**
3. AK Summary Report for Combustible/Noncombustible, Metallic, and HEPA Filter Waste Resulting from Pu-238 Fabrication Activities – TA-55-43, TA-55-44, TA-55-45, TA-55-46, and TA-55-47, **TWCP-1042**
4. Segregation of Pu-238 Processing, **TWCP-934**
5. LANL Waste Profile Forms (within the generators packages)
6. TA-55 Generator Attachment to Los Alamos Certification Plan (TRUWM-TA55-CPA-03-R00), **TWCP-700**; and Waste Management Procedures for TA-55 and NMT-7 (including prior versions), **TWCP-1219**
7. WIPP Waste Stream Profile Form for Waste Stream TA-55-43.01, **TWCP-597**
8. Real-Time Radiography (RTR) Batch Data Report LA98-3.2.1-014 & -015, **TWCP-1109, -1110**
9. Waste Material Parameter Weights, Matrix Parameters for Repackaged Waste, and As-Shipped Material Parameter Weights for Waste Stream TA-55-43.01, **TWCP-1217**
10. Visual Examination (VE) Data Package, LA98-3.4.1-001, **TWCP-1205**
11. Headspace Gas Analysis Summary for Waste Stream TA-55-43.01, **TWCP-1108**
 2. Analysis of Literature Review on Radiolytically Generated Volatile Organic Compounds (VOCs), LAUR-98-2383, **TWCP-1211**
13. Repackaging Batch Data Report LA98-RPK-001, **TWCP-1215**
14. Waste Stream TA-55-43.01, First Submission Drum Packaging Information, Container Certification Information, Container ID Numbers, and Batch Data Report Numbers, **TWCP-1216**
15. FRAM Data Report LA98-3.1.4-002, **TWCP-1120**
16. PAN Batch Data Report LA98-PAN-001, **TWCP-1213**
17. Comparison of Radionuclide Content and Identities and Mass Balance Calculation of Chromium Content of Waste for TA-55-43.01, First Submittal, **TWCP-1218**
18. Certification Statements: 57029, 57200, 57030, 57033, 57027, **TWCP-1214**
19. TWCP Quality Assurance Procedures (QP-010, -021, -024, -028, -034)
20. TWCP Detailed Technical Procedures (DTP-001, -006, -008, -009, -010, -015, -017, -029, -033)