ESHID-600331

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 20, 2015

U1500978 SI-RMS

Charles F. McMillan, Director
Los Alamos National Laboratory
P.O. Box 1663, MS K499
Los Alamos, NM 87545

Kimberly Davis Lebak, Manager
Los Alamos Field Office
U.S. Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

RE: REQUEST FOR INFORMATION
NITRATE SALT WASTE CONTAINER INVENTORY
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515

Dear Mr. McMillan and Ms. Davis Lebak:

Pursuant to NMSA 1978, Section 74-4-4.3(A) of the New Mexico Hazardous Waste Act ("HWA"), the New Mexico Environment Department ("NMED") hereby requests that the United States Department of Energy ("DOE") and Los Alamos National Security, LLC ("LANS"; collectively, with DOE, the "Permittees") provide NMED the below-listed information concerning activities associated with nitrate salt-bearing waste containers at the Los Alamos National Laboratory ("LANL") no later than April 13, 2015.

Section 74-4-4.3(A)(1) of the HWA provides that "[f]or the purposes of developing or assisting in the development of any rules, conducting any study, taking any corrective action or enforcing the provisions of the Hazardous Waste Act, upon request of the secretary or his authorized representatives: any person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes shall furnish information relating to such hazardous wastes...."

On March 9, 2015, the Permittees submitted to NMED a "Response to February 17, 2015 Request for Information, Management of Nitrate Salt-Bearing Waste, Los Alamos National Laboratory, EPA ID# 0890010515" ("Response"). In the Response, the Permittees provided *Attachment I, Revised Inventory of LANL Nitrate Salt Drums*, which proposed the removal of 97 containers from the nitrate salt-bearing waste container inventory.

Regarding 97 containers which the Permittees propose to remove from the nitrate salt container inventory, Permittees have provided documentation including radiography videos. However, Permittees have only provided sufficient documentation to remove 10 of the 97 containers, without providing adequate documentation to justify removal of the other 87 containers. *See* Enclosure 1.

Attachment I of the Response proposes that all 88 of the containers from waste stream LA-CIN01.001 at WIPP and WCS be removed from the inventory. This proposal appears to be based on information provided in *Attachment G* of the Response, entitled, *LA-CIN01.001 Waste Stream Delineation.* Attachment G states that "[b]ased on AK, the 88 [LA-CIN01.001] containers [at WIPP and WCS] should continue to be managed as cemented waste assigned to waste stream LA-CIN01.001; unless characterization activities indicate that the waste is not cemented (or consistent with cemented waste) or LANL provides further justification that the documented waste identification and categorization conventions are incorrect."

Attachment G of the Response also states, "During the 1980's, 'strict compliance with waste packaging procedures was not always the general practice' (Reference U005). It is also known during the early 1980's, waste was hand kneaded with cement in plastic bags (Reference U005)." Attachment G references several AK source documents and a "TA-55 Cement Fixation Drum Logbook" which the Permittees did not include in the Response or otherwise provide to NMED. Attachment G of the Response is dismissive of the paperwork WCRRF operators generated when they remediated and repackaged waste. Permittees assert, "A number of these containers were repacked at the WCRRF facility and the paperwork from repack designates them as nitrate salts instead of cemented waste. If the WCRRF operators had access to the original container paperwork, then they might have simply identified what was listed (i.e., nitrate salts)."

The Permittees provide no documentation or evidence to support their dismissal of the WCRRF remediation and repackaging paperwork. The Permittees have not provided evidence that they interviewed the WCRRF operators who performed the remediation and repacking tasks, observed the containers' contents, and documented their work. Permittees provide no other factual or evidentiary support for their conclusions about the WCCRF remediation and repackaging paperwork. Permittees failed to avail themselves to the information the WCCRF operators provided in their documentation while concurrently, if Permittees were skeptical of the documentation, they failed also to challenge the validity or accuracy of that information in a practical or defensible manner. If the Permittees do not accept WCCRF operators' documentation or the knowledge reflected therein, Permittees need to interview WCCRF operators directly to better ascertain the completeness and accuracy of their remediation and repacking paperwork.

Pursuant to Section 74-4-4.3(A)(1), NMED hereby requires the Permittees to provide the following information:

1. All AK Source Documents referenced in Attachment G of the Response;

2. In addition to all AK Source Documents referenced in Attachment G of the Response, the Permittees shall provide the following AK Source Documents referenced in Section 11.0 of CCP-AK-LANL-006, Revision 13:
    a. C140: Interview with Gerry Veazey Regarding the TA-55 Cement Fixation Process;
    b. C226: Waste Packaging Issues with CCP-AK-LANL-006, Waste Stream LA-CIN01.001 (TA-55 cemented waste packaged in cans and monoliths);
    c. D041: Acceptable Knowledge Information Summary for LANL Transuranic Waste Streams;
    d. D083: Acceptable Knowledge Information Summary for LANL Transuranic Waste Streams;
    e. P152: Cement Fixation of Process Residues in One-Gallon Cans;
    f. P153: Cement Fixation of Process Residues in 55-Gallon Drums;
    g. U005: Twenty-Five Years of Radioactive Waste Cementation at Los Alamos National Laboratory;
3. TA-55 Cement Fixation Drum Logbook (AK Source Document M252) entries for all the containers listed in Enclosure 1 that are assigned to waste stream LA-CIN01.001;
4. Any and all operating procedures which operators at TA-55 have used to cement nitrate salt waste in plastic bags;
5. Any and all other documentation for each instance in which the Permittees assert that any of the 87 containers listed in Enclosure 1 does not contain un-cemented nitrate salts, including but not limited to any and all interviews with WCRRF operators who had conducted remediation and/or repackaging of the 87 containers;
6. If any documentation responsive to this request has heen provided to NMED already, identify any and all such documentation and specify the date and manner the documentation was provided.

Your compliance with this information request is mandatory. Failure to respond fully and truthfully within the time specified herein, or otherwise to adequately justify any such failure to respond, may compel enforcement action by NMED pursuant to Section 74-4-10 of the HWA. The HWA provides for the imposition of civil penalties for noncompliance. Section 74-4-12 of the HWA provides that any person who violates any provision of HWA "may be assessed a civil penalty not to exceed ten thousand dollars ($10,000) for each day during any portion of which a violation occurs." *See also* §§ 74-4-10(A) and (B). The HWA also provides for criminal fines and imprisonment for knowingly omitting material information or making a false statement or representation in any document used for compliance with Section 74-4-11(A)(3).

The Permittees may claim confidentiality for information required by this information request pursuant to the requirements of sections 74-4-4.3(D) and (F) of the HWA, and 20.4.1.100 NMAC (incorporating 40 CFR 260.2).

The Permittees shall submit their response to me at the address on the letterhead no later than April 13, 2015. If you have any questions regarding the information request, please contact NMED at (505) 476-6035.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

Enclosure

cc: K. Roberts, Director NMED RPD
J. Kendall, NMED OGC
J. Kieling, NMED HWB
D. Cobrain, NMED HWB
S. Pullen, NMED HWB
T. Hall, NMED HWB
L. King, EPA Region 6
P. Maggiore, NNSA
R. Erickson, LANS

File: Reading and LANL 2015 – RCRA Info Request, Nitrate Salt Waste Container Inventory.

Enclosure 1

List of Nitrate Salt Bearing Waste Containers Requiring Additional Documentation

Parent ID	PKG_ID	Type	Current Waste Stream	Location
S794448	S794448	Un-remediated	LA-CIN01.001-Cans	WIPP 6
S816357	S816357	Un-remediated	LA-CIN01.001-Cans	WIPP 6
S835376	S835376	Un-remediated	LA-CIN01.001-Cans	WIPP 6
S851852	94069	Remediated	LA-CIN01.001-Cans	WIPP 6
S802641	93859	Remediated	LA-CIN01.001-Cans	WIPP 6
S802641	93860	Remediated	LA-CIN01.001-Cans	WIPP 6
S802641	93861	Remediated	LA-CIN01.001-Cans	WIPP 6
S802959	94223	Remediated	LA-CIN01.001-Cans	WIPP 6
S811613	93949	Remediated	LA-CIN01.001-Cans	WIPP 6
S811734	94050	Remediated	LA-CIN01.001-Cans	WIPP 6
S811734	94051	Remediated	LA-CIN01.001-Cans	WIPP 6
S811812	93980	Remediated	LA-CIN01.001-Cans	WIPP 6
S811812	93981	Remediated	LA-CIN01.001-Cans	WIPP 6
S811834	93976	Remediated	LA-CIN01.001-Cans	WIPP 6
S811872	93846	Remediated	LA-CIN01.001-Cans	WIPP 6
S811872	93847	Remediated	LA-CIN01.001-Cans	WIPP 6
S811872	93848	Remediated	LA-CIN01.001-Cans	WIPP 6
S813223	93945	Remediated	LA-CIN01.001-Cans	WIPP 6
S813223	93946	Remediated	LA-CIN01.001-Cans	WIPP 6
S813223	93947	Remediated	LA-CIN01.001-Cans	WIPP 6
S813562	68302	Remediated	LA-CIN01.001-Cans	WIPP 6
S813562	68303	Remediated	LA-CIN01.001-Cans	WIPP 6
S813601	94144	Remediated	LA-CIN01.001-Cans	WIPP 6
S813601	94145	Remediated	LA-CIN01.001-Cans	WIPP 6
S813601	94146	Remediated	LA-CIN01.001-Cans	WIPP 6
S813620	93841	Remediated	LA-CIN01.001-Cans	WIPP 6
S813620	93842	Remediated	LA-CIN01.001-Cans	WIPP 6
S813620	93843	Remediated	LA-CIN01.001-Cans	WIPP 6
S813620	93844	Remediated	LA-CIN01.001-Cans	WIPP 6
S814859	93962	Remediated	LA-CIN01.001-Cans	WIPP 6
S814859	93965	Remediated	LA-CIN01.001-Cans	WIPP 6
S815176	94225	Remediated	LA-CIN01.001-Cans	WIPP 6
S816304	94007	Remediated	LA-CIN01.001-Cans	WIPP 6
S816304	94008	Remediated	LA-CIN01.001-Cans	WIPP 6
S816305	94005	Remediated	LA-CIN01.001-Cans	WIPP 6
S816342	94011	Remediated	LA-CIN01.001-Cans	WIPP 6
S816342	94012	Remediated	LA-CIN01.001-Cans	WIPP 6
S816342	94013	Remediated	LA-CIN01.001-Cans	WIPP 6
S816342	94014	Remediated	LA-CIN01.001-Cans	WIPP 6

Parent ID	PKG_ID	Type	Current Waste Stream	Location
S816342	94016	Remediated	LA-CIN01.001-Cans	WIPP 6
S816374	93902	Remediated	LA-CIN01.001-Cans	WIPP 6
S816374	93903	Remediated	LA-CIN01.001-Cans	WIPP 6
S816374	93904	Remediated	LA-CIN01.001-Cans	WIPP 6
S816394	94003	Remediated	LA-CIN01.001-Cans	WIPP 6
S816440	93909	Remediated	LA-CIN01.001-Cans	WIPP 6
S816469	94032	Remediated	LA-CIN01.001-Cans	WIPP 6
S816469	94033	Remediated	LA-CIN01.001-Cans	WIPP 6
S816469	94034	Remediated	LA-CIN01.001-Cans	WIPP 6
S816664	94036	Remediated	LA-CIN01.001-Cans	WIPP 6
S816664	94037	Remediated	LA-CIN01.001-Cans	WIPP 6
S816667	94141	Remediated	LA-CIN01.001-Cans	WIPP 6
S816667	94142	Remediated	LA-CIN01.001-Cans	WIPP 6
S816773	93869	Remediated	LA-CIN01.001-Cans	WIPP 6
S816828	93866	Remediated	LA-CIN01.001-Cans	WIPP 6
S816828	93867	Remediated	LA-CIN01.001-Cans	WIPP 6
S816900	93906	Remediated	LA-CIN01.001-Cans	WIPP 6
S816900	93907	Remediated	LA-CIN01.001-Cans	WIPP 6
S816915	93900	Remediated	LA-CIN01.001-Cans	WIPP 6
S818354	93883	Remediated	LA-CIN01.001-Cans	WIPP 6
S818354	93884	Remediated	LA-CIN01.001-Cans	WIPP 6
S818354	93885	Remediated	LA-CIN01.001-Cans	WIPP 6
S818354	93886	Remediated	LA-CIN01.001-Cans	WIPP 6
S818370	94087	Remediated	LA-CIN01.001-Cans	WIPP 6
S818370	94088	Remediated	LA-CIN01.001-Cans	WIPP 6
S822541	94203	Remediated	LA-CIN01.001-Cans	WIPP 6
S822541	94205	Remediated	LA-CIN01.001-Cans	WIPP 6
S822541	94206	Remediated	LA-CIN01.001-Cans	WIPP 6
S822542	94200	Remediated	LA-CIN01.001-Cans	WIPP 6
S822542	94201	Remediated	LA-CIN01.001-Cans	WCS
S823153	94039	Remediated	LA-CIN01.001-Cans	WIPP 6
S823153	94040	Remediated	LA-CIN01.001-Cans	WIPP 6
S824468	94074	Remediated	LA-CIN01.001-Cans	WIPP 6
S824468	94075	Remediated	LA-CIN01.001-Cans	WIPP 6
S824468	94076	Remediated	LA-CIN01.001-Cans	WIPP 6
S832146	94208	Remediated	LA-CIN01.001-Cans	WIPP 6
S832146	94209	Remediated	LA-CIN01.001-Cans	WIPP 6
S832146	94210	Remediated	LA-CIN01.001-Cans	WIPP 6
S832146	94211	Remediated	LA-CIN01.001-Cans	WCS

Parent ID	PKG_ID	Type	Current Waste Stream	Location
S832146	94212	Remediated	LA-CIN01.001-Cans	WIPP 6
S835372	94078	Remediated	LA-CIN01.001-Cans	WIPP 6
S835372	94079	Remediated	LA-CIN01.001-Cans	WIPP 6
S842463	68396	Remediated	LA-MHD01.001	WCS
S853482	94215	Remediated	LA-CIN01.001-Cans	WIPP 6
S853482	94216	Remediated	LA-CIN01.001-Cans	WIPP 6
S853482	94217	Remediated	LA-CIN01.001-Cans	WIPP 6
S860096	69230	Remediated	LA-CIN01.001-Cans	WCS
S881563	92900	Remediated	LA-MHD01.001	WCS