



ESHID-603560

Environmental Protection & Compliance Division

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National Nuclear Security Administration

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Date: FEB 03 2020

Symbol: EPC-DO: 20-019

LA-UR: 20-20535

Locates Action No.: U19100877

Mr. Kevin Pierard, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505

**Subject: Settlement Agreement and SFO HWB-14-20, Semi-Annual Report for Period Ending July 22, 2019:
NMED Request for Clarification dated September 3, 2019**

Dear Mr. Pierard:

The Respondent (U.S. Department of Energy [DOE]) to the Settlement Agreement and Stipulated Final Order HWB-14-20 (SFO) entered into by the New Mexico Environment Department (NMED) (Complainant) and the DOE on January 22, 2016 is in receipt of your letter dated September 3, 2019. The letter requests clarification for the noted cancellation of three Triad National Security, LLC (Triad) procedures in our Semi-Annual Report dated July 19, 2019 (EPC-DO: 19-240), specifically:

- EWMO-AP-20284, *EWMO RCRA Permit Operating Record and Compliance Programs, R0*
- EP-AP-10007, *ADEP Technical Procedure Development, R0*, and
- EM-AP-10001, *ADEP Document Control, R0*.

The procedures in question were canceled by Triad because the scope of work of Triad's prime management and operating contract with the DOE/NNSA does not include the work covered by the procedures. The remaining procedures that are referenced, and will continue to be updated semi-annually, cover NNSA operations under the purview of the DOE/NNSA Respondent. The following describes how the remaining referenced documents continue to ensure that the corrective actions implemented at LANL in accordance with the SFO HWB-14-20 are still effective.

1. For Ordered Action 1.12, the applicable procedures for the permitted and interim status units still under the operational control of Triad continue to be covered by the two procedures referenced in

Enclosure 1 of the EPC-DO: 19-240 correspondence. The procedures listed continue to be the method by which the Respondents ensure proper documentation and assessment of compliance with facility operating record requirements at permitted and interim status units. The procedure EWMO-AP-20284 was designed to specifically implement the requirements in ADESH-AP-TOOL-803 within the Environmental and Waste Management Operations Associate Directorate. This organization no longer exists at LANL.

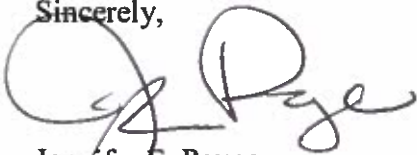
2. For Ordered Action 9, the remaining fifteen documents continue to be utilized by the Respondents to ensure that procedure changes are reviewed by subject matter experts for potential waste management aspects or impacts. Both the procedures EP-AP-10007 and EM-AP-10001 were utilized specifically to implement the LANL-wide requirements directed by P409, *LANL Waste Management* at the Environmental Management Associate Directorate (formerly Environmental Programs Associate Directorate). This organization no longer exists at LANL.

The DOE Office of Environmental Management (DOE/EM-LA) Los Alamos Legacy Cleanup Contractor, Newport News Nuclear BWXT-Los Alamos, LLC (N3B), assumed operational control of permitted and interim status units at Technical Area 54, Areas L, G, and H in April 2018. N3B has developed its own procedures to address regulatory requirements applicable to ongoing N3B operations. The following N3B procedures address the requirements met by the cancelled Triad procedures referenced in Enclosure 1 of the EPC-DO: 19-240 correspondence:

- N3B-EWMO-AP-20284, *N3B RCRA Permit Operating Record and Compliance Programs*
- N3B-AP-ENS-10007, *Technical Procedure Development*
- N3B-P311-1, *Creating, Revising, and Cancelling N3B Non-Technical Procedures*

A summary of document contents and copies of the subject N3B procedures were presented by N3B Technical Staff to NMED Hazardous Waste Bureau Technical Staff in a meeting held at NMED-HWB on January 7, 2020. If you have comments or questions regarding the N3B procedures or content thereof, please contact David Nickless, DOE/EM-LA, directly (phone: (505) 257-7933 or email: david.nickless@em.doe.gov) and he will provide any additional information you may require. Should you have any comments or questions regarding this submittal from the NNSA Respondent please contact Patrick L. Padilla (Triad) at (505) 667-3932 or Karen Armijo (NA-LA) at (505) 665-7314.

Sincerely,



Jennifer E. Payne
Division Leader
Environmental Protection and Compliance Division
Triad National Security, LLC
Los Alamos National Laboratory

Sincerely,



Karen E. Armijo
Permitting and Compliance Program Manager
National Nuclear Security Administration
Los Alamos Field Office
U.S. Department of Energy

Send to: Mr. Kevin Pierard
EPC-DO: 20-019

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JEP/KEA/PLP:sdg

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CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Jennifer E. Payne
Division Leader
Environmental Protection and Compliance Division
Triad National Security, LLC

22 January 2020
Date Signed



Karen E. Armijo
Permitting and Compliance Program Manager
National Nuclear Security Administration
Los Alamos Field Office
U.S. Department of Energy

31 January 2020
Date Signed