



December 2, 2021

Lee Bishop, Director  
Office of Quality and Regulatory Compliance  
Environmental Management  
Los Alamos Field Office  
1200 Trinity Drive, Suite 400  
Los Alamos, NM 87544

Joseph Murdock  
Program Manager  
N3B-Los Alamos  
1200 Trinity Drive, Suite 150  
Los Alamos, NM 87544

**RE: REQUEST FOR SUPPLEMENTAL INFORMATION  
ENERGY SOLUTIONS WASTE SHIPMENT CORRECTIVE ACTIONS EFFECTIVENESS REVIEW  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID#NM0890010515  
HWB-LANL-MISC-FFCO**

Dear Lee Bishop and Joseph Murdock:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and Newport News Nuclear BWXT-Los Alamos, LLC (N3B) (Collectively, the Permittees) *Energy Solutions Waste Shipment Corrective Actions Effectiveness Review* (Effectiveness Review) dated and received October 29, 2021, and referenced by N3B-2021-0328.

**Background:**

On June 1, 2020, the Permittees notified NMED of a potential waste discrepancy, identified by Energy Solutions in the drums shipped to them. A total of 14 individual drums were reviewed, 8 of which, were identified to have contaminants (tetrachloroethylene, selenium, and/or benzene) above the Resource Conservation and Recovery Act (RCRA) regulatory limits.

The Permittees may use generator (acceptable knowledge or AK) to characterize waste and apply hazardous waste codes. On June 25, 2020, the Permittees provided additional details to NMED and committed to conduct root cause analysis to prevent reoccurrence and initiate corrective action.

On August 6, 2020 the Permittees presented their root cause analysis to NMED where they identified three (3) root causes:

- lack of employee ownership of waste management process,
- lack of controls in AK process, and
- gaps in the information provided by waste generators to the waste management group.

On September 3, 2020, the Permittees submitted *Energy Solutions Waste Shipment Root Cause Analysis Results and Path Forward* (referenced by N3B-2020-0340) which included a Draft Decision Tree to enable full characterization of waste and committed to providing an evaluation of the corrective actions taken, via the Effectiveness Review.

On November 8, 2020, NMED commented on the information provided in a supplemental information request via informal email requesting more details on the causal analysis and documentation and summaries of the specific corrective actions taken.

NMED has reviewed the Effectiveness Review and has the following comments:

NMED Comments:

1. The Respondents have provided a bulleted list of actions but have not provided sufficient detail or documentation of review activities.
2. The Permittees must provide a technical report or a summary in sufficient detail for NMED's review that must include:
  - a. when the review occurred,
  - b. what waste streams and locations were reviewed,
  - c. what criteria were used to review the effectiveness,
  - d. which entities performed the review,
  - e. was the waste characterization review done by visual examination or by testing, and finally,
  - f. if the reviewers had any comments or recommendations to ensure that waste is characterized correctly in the future.

The Permittees must provide this information for NMED to determine that adequate corrective action has been taken to prevent reoccurrences.

If you have any questions regarding this letter, please contact Siona Briley (505) 690-5160.

Sincerely,

**Rick Shean**  
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Rick Shean  
Chief  
Hazardous Waste Bureau

cc:

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Effectiveness Review  
LANL-MISC-FFCO