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*Date:* January 27, 2022  
*Refer To:* N3B-2022-0011

Mr. Rick Shean  
 Bureau Chief  
 Hazardous Waste Bureau  
 New Mexico Environment Department  
 2905 Rodeo Park Drive East, Building 1  
 Santa Fe, NM 87505-6313

**Subject: Response to Request for Information Regarding Middle DP Road Waste Management Approach Changes**

Dear Mr. Shean:

The U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office (EM-LA) and Newport News Nuclear BWXT-Los Alamos, LLC (N3B) have prepared the following information in response to the New Mexico Environment Department's (NMED's) letter addressed to M. Lee Bishop and Joseph Murdock, dated December 28, 2021, regarding EM-LA and N3B's December 23, 2021, request for a 30-day extension for central accumulation area (CAA) Middle DP Road (MDPR) waste (N3B 2021a; NMED 2021a). NMED's letter (NMED 2021a) and a related email dated December 28, 2021 (NMED 2021b) both included requests for information in response to N3B's notification email of December 17, 2021, titled "Notification of MDPR Waste Management Approach Changes" (Enclosure 1 [on CD included with this letter]). Although we no longer need the 30-day extension at this time, EM-LA and N3B are including two comment responses in this letter, first to NMED's December 28, 2021, letter enclosure (with one sentence from the December 28, 2021, email attachment); and second, to the December 28, 2021, letter.

**Background**

Middle DP Road Site is located on land parcels A-16-a and A-8-a. Both parcels were formerly part of Los Alamos National Laboratory (LANL) and were used to support weapons research and development. The land parcels on which MDPR Site is located are currently owned by Los Alamos County (LAC).

On February 14, 2020, an LAC subcontractor encountered debris in subsurface regions of the site while excavating utility trenches. Because of the site history, DOE notified NMED verbally of the site conditions on February 20, 2020. The LANL management and operations contractor, Triad National Security, LLC (Triad) provided support to LAC through completion of the proposed utility corridor on the parcels. This support generated a stockpile of soil and debris, which was staged on

parcel A-16-a. Details pertaining to the initial debris encountered and the initial response by DOE were reported to NMED on March 9, 2020 (DOE 2020).

At the direction of EM-LA, N3B prepared a work plan to (1) characterize and dispose of the Triad-generated soil and debris stockpiles and (2) determine if the site should be included in Appendix A of the Compliance Order on Consent as a newly discovered solid waste management unit (SWMU) or area of concern (AOC). This work plan, "Solid Waste Management Unit Assessment Work Plan for Middle DP Road Site, Revision 1" was approved by NMED on April 5, 2021 (N3B 2021b; NMED 2021c).

N3B containerized the Triad-generated stockpiles into 54 rollon/rolloff bins and characterized this material for appropriate disposal/reuse. Through this process, 25 bins of nonhazardous material were disposed of as low-level waste (LLW) at Waste Control Specialists, LLC (WCS) in Andrews, Texas. Twenty-eight bins met residential soil screening levels (SSLs) and screening action levels (SALs) and were determined eligible for use as fill material at Pit 38 attic space located at Technical Area 54 (TA-54) at LANL. One bin was classified as non-regulated solid waste and was disposed of at Waste Management of New Mexico in Rio Rancho, New Mexico.

Site work under the approved SWMU Assessment Work Plan, Revision 1 (N3B 2021b; NMED 2021c) began in April 2021. As proposed in the work plan, field screening, site surveys, potholing, and excavation were performed to identify and remove buried radiologically contaminated debris; confirmation sampling is underway to confirm that vertical and/or lateral extent of potential contamination associated with excavation of buried debris at the MDPR site are defined. As a result of the assessment activities conducted by N3B, approximately 3300 yd<sup>3</sup> of waste was generated and containerized in 194 rollon/rolloff bins. Because of space limitations, this material was staged at TA-21 in 194 20-yd<sup>3</sup> bins.

N3B anticipated excavated environmental media would qualify as LLW based on a review of available information, including the following:

- analytical data for Triad-generated stockpile characterization (Enclosure 2 [on CD included with this letter]),
- historical site information (refer to assessment work plan [N3B 2021b]), and
- site investigations conducted on parcels A-16-a and A-8-a before transfer of the properties to LAC (refer to assessment work plan [N3B 2021b]).

Representative samples were collected for waste characterization verification purposes to confirm that initial waste characterization determinations did not change through the remediation activities. Composite samples to represent each 20-yd<sup>3</sup> container were collected initially as a best management practice; of these, 33 samples were selected at random for full waste characterization analysis (volatile organic compounds, semivolatile organic compounds, polychlorinated biphenyls, target analyte list [TAL] metals, toxicity characteristic leaching procedure [TCLP] metals, cyanide, uranium, moisture, perchlorates, nitrates/nitrites, pH, dioxins/furans, americium-241, isotopic plutonium, isotopic thorium, isotopic uranium, strontium-90, tritium, and technicium-99). Initial analytical results of representative samples were received in December 2021. TCLP results for cadmium identified 2 of the 33 bins as meeting criteria for hazardous waste. The 2 hazardous waste bins were sent off-site for disposal on December 22, 2021. Based on these results, the remaining

samples are being submitted for waste characterization analysis, and the stored wastes are now managed as mixed low-level hazardous waste pending analysis in the CAA. Shipment for appropriate off-site disposal of the remaining containers will be arranged as soon as possible, based on analytical results received.

A summary of the wastes generated, representative samples collected, and analyses received and pending is provided in Enclosure 3 (on CD included with this letter).

### **COMMENT RESPONSE 1: RESPONSE TO NMED LETTER ENCLOSURE REQUEST FOR INFORMATION**

To facilitate review of this response, NMED's comments included in the letter enclosure of December 28, 2021, are included verbatim (in italics) below. Each request is followed with a response from DOE.

#### **NMED Comment**

*Permittees' statement: "Waste characterization sampling data from the analytical data collected from prior excavations and remediation (soil stockpiles that were packaged into 54 roll-on/roll-off bins) did not identify any hazardous constituents at levels of concern. Therefore, we were managing excavated material from MDPR as low-level waste (LLW)."*

*Please provide the following supplemental information for the entire waste generated at MDPR Site:*

- 1. Methods employed by site personnel (e.g., visual inspection, TCLP analysis, etc.) and or the type of field screening performed by DOE and its subcontractors, to characterize waste, during prior excavations and remediation, and prior to packaging the waste into roll-on/roll-off bins.*

#### **DOE Response**

The following methods were employed by N3B personnel and subcontractors to characterize waste from excavations and remediation before packaging the waste into rollon/rolloff bins:

##### **Triad-Generated Debris and Soil**

- Composite samples of the Triad-generated stockpiled debris and soil were collected in May of 2020 to generate representative samples for laboratory analysis. These composite samples were analyzed by an off-site laboratory (GEL Laboratories, LLC) for volatile organic compounds, semivolatile organic compounds, polychlorinated biphenyls, TAL metals, TCLP metals, cyanide, uranium, moisture, perchlorates, nitrates/nitrites, pH, dioxins/furans, americium-241, isotopic plutonium, isotopic thorium, isotopic uranium, strontium-90, tritium, and technicium-99. These analytical results were used to characterize the stockpiled debris and soil and to help plan the MDPR site assessment waste management strategy.

## N3B Assessment and Cleanup

- Throughout excavation and waste packaging operations, continual visual inspections were conducted for indications of debris, such as laboratory-type materials (i.e., vials, bottles, etc.) and soil discoloration.
- Throughout excavation and waste packaging operations, routine on-site radiological field screening was conducted.
- During the waste packaging process, composite samples were collected in 5-gal. buckets for off-site analysis of radiological and chemical constituents. Laboratory analysis included volatile organic compounds, semivolatile organic compounds, polychlorinated biphenyls, TAL metals, TCLP metals, cyanide, uranium, moisture, perchlorates, nitrates/nitrites, pH, dioxins/furans, americium-241, isotopic plutonium, isotopic thorium, isotopic uranium, strontium-90, tritium, and technetium-99.
- Before the initiation of excavation activities, project waste characterization strategy forms (WCSFs) were generated to characterize the anticipated waste streams from the MDPF project. As new information is generated, the corresponding WCSF is updated accordingly.

## NMED Comment

2. *Timeline of sample collection, excavation, and waste characterization.*

## DOE Response

The following is the timeline of sample collection, excavation, and waste characterization for the two hazardous waste containers about which NMED was notified in the December 17, 2021, email (Enclosure 1). These two bins (containers DB1694 and 6122) were determined to be hazardous on December 14, 2021.

- September 2020. EM-LA/N3B took over operations from DOE's National Nuclear Security Administration Los Alamos Field Office (NA-LA) and Triad. At that time, stockpiled materials consisted of six piles (825 yd<sup>3</sup>) of debris and soil.
- April 15, 2021. N3B began potholing, excavation, and the associated visual and radiological field screening of excavated materials.
- July 26–27, 2021. Filled container DB1694 and moved it to TA-21 (east lot) for storage as LLW in radiological waste storage area #N3B-049.
- August 10, 2021. Filled container 6122 and moved it to TA-21 (east lot) for storage as LLW in radiological waste storage area #N3B-049. Because of the characteristics of the early plutonium, small samples (aliquots) were taken to ship to the analytical laboratory to ensure transportation and laboratory limits are not exceeded when shipping the samples for full analysis. A radiological aliquot sample was collected from container DB1694.
- August 26, 2021. Radiological aliquot sample collected from container 6122.
- August 27, 2021. Radiological aliquot sample data received for container DB1694.
- September 15, 2021. Radiological aliquot sample data received for container 6122.

- October 20, 2021. Completed the excavation of buried radiologically contaminated debris at the MDPR site.
- November 16, 2021. Full suite analytical samples collected from these two containers and sent to off-site laboratory for analysis.
- December 6, 2021. Full suite analytical data received for containers 6122 and DB1694.
- December 13, 2021. Full suite analytical data reviewed, indicating the wastes stored in containers DB1694 and 6122 met criteria for hazardous waste based on TCLP results for cadmium.
- December 14, 2021. CAA set up at TA-21. The two hazardous waste bins (containers 6122 and DB1694) were sent off-site for disposal on December 22, 2021. The remaining 31 containers with analytical data are classified as LLW and are currently being stored in the TA-21 CAA along with the other 161 bins labeled as LLW hazardous waste, analysis pending.
- December 17, 2021. NMED was notified of the change in waste management approach at MDPR.
- Sampling the waste for the remaining 161 containers is ongoing.

Additional information regarding the status of the wastes generated by the MDPR project is provided in Enclosure 3.

### **NMED Comment**

3. *Documentation of labeling, storage location, inspections, etc. of stockpiled soils.*

### **DOE Response**

The soil and debris generated by Triad was stockpiled on plastic sheeting on parcel A-16-a within a portion of the MDPR site. This material was not labeled until it was placed in the rollon/rolloff bins, at which time it was labeled as nonhazardous LLW.

Beginning with Triad's involvement at the site in approximately April 2020, and continuing with N3B's involvement effective September 9, 2020, the site work has been conducted under the 2017 National Pollutant Discharge Elimination System Construction General Permit (CGP). In accordance with 2017 CGP permit requirements, site operations included routine inspections for compliance with the CGP and the site-specific storm water pollution prevention plan (SWPPP), including soil stockpiles.

The N3B-generated wastes were not stockpiled; rather, these materials were deposited directly into 20-yd<sup>3</sup> waste rollon/rolloff bins for staging.

EM-LA and N3B have compiled documentation relevant to this inquiry, including a table summarizing the wastes generated, CAA and radiological waste storage area inspection forms, SWPPP inspection documentation, waste shipment forms, waste profile forms, and training rosters/records. This information is provided in Enclosures 3–8 (on CD included with this letter).

**NMED Comment**

4. *Records of previous and current labels of roll-on/roll-off bins.*

**DOE Response**

Photographs documenting examples of the current labeling on mixed waste containers generated by N3B are provided in the Enclosure 4 folder named MW pending (on CD included with this letter). The other photographs provided in the main Enclosure 4 folder are of the 31 bins determined to be LLW. Because the previous waste bin labels have been removed and replaced by the current labels shown in Enclosure 4, documentation of prior waste bin labeling from the radioactive waste inspection forms is provided in Enclosure 8.

**NMED Comment**

5. *Waste profile forms, and waste manifests.*

**DOE Response**

The waste profile forms generated for the MDPR project are provided in Enclosure 5. The waste shipment forms (including waste manifests) for the wastes in question are provided in Enclosure 6.

**NMED Comment**

6. *Hazardous waste training records for all employees who handled, packaged and transported waste generated at this site.*

**DOE Response**

Documentation of training for employees who handled, packaged, and transported waste generated at the MDPR site are provided as Enclosure 7.

**NMED Comment**

**Permittees' statement:** *"On Monday, December 13, validated waste characterization data for 33 waste roll-on/roll-off bins was received and reviewed. A review of the data showed two of the 33 waste bins exceeding the toxicity characteristic leaching (TCLP) procedure regulatory limit for cadmium. As a result, on Tuesday, December 14, two Central Accumulation Areas (CAAs) were established, one at TA-21 and one at the MDPR site. In addition, containers for which waste characterization analytical data have not been received have now been labeled as "hazardous waste" pending analysis. The two mixed-LLW waste containers are being prepared for shipment."*

*Previous communications to NMED indicated that remediation was completed in September 2021, but the above statement indicates that the Permittees did not perform TCLP analysis on the roll off-bins until December 2021. Please provide a summary of the analysis that was performed for the excavated samples, and a justification for delay in characterizing the waste stored in the roll-off bins.*

**DOE Response**

The October 2021 MDPR Site monthly status email from EM-LA/NA-LA to NMED identified that the investigation and excavation were completed October 20, 2021. The September 2021 email stated that several of the individual sites had been completed, but the project as a whole was still under active investigation.

As required by the assessment work plan (N3B 2021b), during excavation activities, the soil/debris was surveyed for radioactive contamination and placed in rollon/rolloff bins. Composite samples collected to represent each bin were placed in 5-gal. buckets and labeled with the corresponding bin number. A total of 194 waste bins were generated as a result of the remediation and potholing work conducted for the MDPR project. Of the composite samples collected to represent the total population of waste bins generated, 33 were randomly selected for confirmation of initial waste characterization analysis as a best management practice.

The field instruments used were able to detect early plutonium at the site, but because plutonium is easily shielded, the process took additional time. EM-LA/N3B have been performing work systematically to take the time necessary for detection with field instruments. Additionally, off-site radiological analysis was performed on aliquot samples and was used as a prerequisite to ship samples for full analysis. This requirement added several weeks to the characterization confirmation process.

**NMED Comment**

*In addition to the status of the 33 containers mention above, please provide the status of the remaining 21 of 54 roll-on/roll-off bins especially in relation to waste characterization.*

**DOE Response**

Before N3B's involvement with the MDPR site, Triad generated soil and debris stockpiles in conjunction with their effort to assist LAC with the installation of utilities at the site. These stockpiles were characterized and then containerized by N3B into 54 rollon/rolloff containers. No hazardous constituents above regulatory limits were identified. Of the 54 containers, 25 were disposed of as LLW at WCS in Andrews, Texas; 28 containers met criteria for use as attic space fill material at Pit 38 located at TA-54 at LANL; and one container was characterized as non-regulated solid waste and has been disposed of at Waste Management of New Mexico in Rio Rancho, New Mexico.

Apart from the Triad-generated soil stockpiles, N3B generated 194 bins of waste as a result of excavation and potholing efforts. Waste characterization sampling of these bins was completed on 33 bins, or 15% of the total 194 waste bins. Of the 33 bins subjected to waste characterization sampling, two were determined to meet the criteria for Resource Conservation and Recovery Act (RCRA) hazardous waste because of cadmium and therefore are mixed-LLW. Given these results, N3B is now managing the remaining 161 bins as mixed-LLW in an established CCA at TA-21 until further characterization is complete.

Details pertaining to the wastes generated are provided in the summary table in Enclosure 3.

**NMED Comment**

**Permittees' statement:** *“During our fieldwork efforts, we generated over 250 times the planned volume of waste. It is important to note that due to the age and source of the plutonium at the site, it is difficult to detect using field instruments. Therefore, small aliquots had to be sent for radiological characterization before full-suite waste characterization samples could be shipped for chemical analyses. This added several weeks to the characterization confirmation process.”*

*Please provide a timeline of sample shipments, and a timeframe of shipments relative to originally estimated time frame in the work plan.*

**DOE Response**

While the assessment work plan (N3B 2021b) did not contain a schedule or timeframe for sample shipments, the project schedule anticipated waste container sampling beginning May 10, 2021, and extending through September 9, 2021. Because of project delays to conduct the investigation and excavation of the extra debris, waste sampling began on June 15, 2021, and is still in progress. The status of pending and received analytical results for each waste sample is summarized in Enclosure 3.

**NMED Comment [Note: The last sentence of this NMED comment is from the December 28, 2021 email attachment but not included in the December 28, 2021, letter enclosure.]**

*NMED is concerned that the site characterization was completed based on field instruments that are incapable of detecting early age plutonium. Specifically, NMED is concerned that excavated material that was put back in the excavation areas may have been contaminated with plutonium, which was not detected by the field instrumentation. Please discuss the impact of the field instruments' limitations on the characterization completed for the site. Also, please provide a discussion of impacts on the locations where overburden was put back in the excavations based on field screening results. The excavated material that was placed back in the excavations may have been contaminated with plutonium which was not detected by the field instruments.*

**DOE Response**

While field screening for radioactivity was used throughout project implementation, (including excavation and waste packaging) for worker protection purposes, laboratory analysis of representative samples was used for all waste characterization and confirmation sample determinations. The field instruments used were able to detect early plutonium, but because plutonium is easily shielded, the process took additional time. EM-LA/N3B have been performing work systematically to take the time necessary for detection with field instruments. All overburden material used as backfill was determined through laboratory analysis to meet residential SSLs and SALs. Because of limitations on shipping and receiving radioactive materials for laboratory analysis, samples generated were first subjected to off-site analysis of representative aliquots for radioactivity determination. This step validated the field survey results before larger volume samples were shipped for full suite analysis, including volatile organic compounds, semivolatile organic compounds, polychlorinated biphenyls, TAL metals, TCLP metals, cyanide, uranium,



moisture, perchlorates, nitrates/nitrites, pH, dioxins/furans, americium-241, isotopic plutonium, isotopic thorium, isotopic uranium, strontium-90, tritium, and technicium-99. This step also added time to the waste characterization.

## **COMMENT RESPONSE 2: RESPONSE TO NMED LETTER REQUEST FOR INFORMATION**

To facilitate review of this response, NMED's comments included in the letter dated December 28, 2021, are included verbatim (in italics) below. Each request, assumed to be specific to the two waste containers 6122 and DB1694, is followed with a response from DOE.

### **NMED Comment**

*For NMED to consider the Request, the Permittees must provide the following information:*

- 1. The dates the CCA at Technical Area 21 were established by the Permittees.*

### **DOE Response**

Upon receipt, review, and validation of analytical results representing the waste contents of containers 6122 and DB1694, N3B established CAA #75 at TA-21 on December 14, 2021.

### **NMED Comment**

- 2. The dates CCA started receiving hazardous wastes, the dates of waste generation.*

### **DOE Response**

N3B's CAA #75, located at TA-21, began receiving waste on December 14, 2021. The dates of waste generation are included for each waste container in the summary table provided in Enclosure 3.

### **NMED Comment**

- 3. The dates waste was determined to be hazardous; the dates characterization data was received by the Permittees and analytical methods used to make the determination.*

### **DOE Response**

Following receipt, review, and validation of analytical results representative of waste containers DB1694 and 6122, these wastes were determined to meet criteria for hazardous waste based on TCLP results for cadmium on December 13, 2021. Samples collected from these bins were analyzed for volatile organic compounds, semivolatle organic compounds, polychlorinated biphenyls, TAL metals, TCLP metals, cyanide, uranium, moisture, perchlorates, nitrates/nitrites, pH, dioxins/furans, americium-241, isotopic plutonium, isotopic thorium, isotopic uranium, strontium-90, tritium, and technicium-99. Analytical results were received on December 6, 2021.

**NMED Comment**

4. *The status of characterization of all 194 roll-off/roll-on containers. The number of containers that have been determined to contain hazardous waste to date. The number of containers that are awaiting characterization.*

**DOE Response**

The summary table provided in Enclosure 3 provides (1) a summary of wastes generated, (2) a summary of wastes having received and pending analyses, and (3) characterization and status.

**References**

- DOE (U.S. Department of Energy), March 9, 2020. "Response to the February 28, 2020 New Mexico Environment Department Request for Information on the Potential Newly Discovered Solid Waste Management Unit or Area of Concern Los Alamos National Laboratory (EPA ID #NM0890010515 HWB-LANL-MISC-CO)," U.S. Department of Energy letter (MAI: 08PM-2020-001227) to K. Pierard (NMED-HWB) from T. Johnson (EM-LA) and M.J. Weis (NA-LA), Los Alamos, New Mexico. (DOE 2020)
- N3B (Newport News Nuclear BWXT-Los Alamos, LLC), December 23, 2021. "Request for 30-Day Extension for Central Accumulation Area Middle DP Road Waste," Newport News Nuclear BWXT-Los Alamos, LLC, letter to R. Shean (NMED-HWB) from J. Murdock (N3B) and M.L. Bishop (EM-LA), Los Alamos, New Mexico. (N3B 2021a)
- N3B (Newport News Nuclear BWXT-Los Alamos, LLC), March 25, 2021. "Solid Waste Management Unit Assessment Work Plan for Middle DP Road Site, Revision 1," document EM2021-0095, Los Alamos, New Mexico. (N3B 2021b)
- NMED (New Mexico Environment Department), December 28, 2021. "Request for 30-Day Extension for Central Accumulation Area Middle DP Road Waste," New Mexico Environment Department letter to L. Bishop (EM-LA) and J. Murdock (N3B) from R. Shean (NMED-HWB), Santa Fe, New Mexico. (NMED 2021a)
- NMED (New Mexico Environment Department), December 28, 2021. "Re: Notification of MDPR Waste Management Approach Changes," New Mexico Environment Department email to C. Maupin (N3B) from N. Dhawan (NMED-HWB), Santa Fe, New Mexico. (NMED 2021b)
- NMED (New Mexico Environment Department), April, 2021. "Approval, Solid Waste Management Unit Assessment Work Plan for Middle DP Road Site, Revision 1," New Mexico Environment Department letter to A. Duran (EM-LA) from K. Pierard (NMED-HWB), Santa Fe, New Mexico. (NMED 2021c)

If you have any questions regarding the information provided, please contact Vince Rodriguez at (505) 309-1351 (vince.rodriguez@em-la.doe.gov), Michael Erickson at (505) 309-1349 (michael.erickson@em-la.doe.gov), or M. Lee Bishop at (702) 218-4460 (lee.bishop@em.doe.gov).

Sincerely,



Joseph Murdock  
Program Manager  
Environment, Safety and Health  
N3B-Los Alamos

Sincerely,

**M Lee Bishop** Digitally signed by M Lee Bishop  
Date: 2022.01.27 12:02:39 -07'00'

M. Lee Bishop, Director  
Office of Quality and Regulatory Compliance  
U.S. Department of Energy  
Environmental Management  
Los Alamos Field Office

Enclosure(s): Included on the attached CD

1. N3B/NMED Correspondence
2. Triad Soil Data
3. Waste Data Tracking Table
4. Photographs of Waste Bin Labels
5. Waste Profile Forms
6. Waste Shipment Forms
7. Training Documentation
8. Inspection Documentation

cc (letter emailed):

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*Enclosure 1*  
*N3B/NMED Correspondence*  
*(on CD included with this document)*

*Enclosure 2*  
*Triad Soil Data*  
*(on CD included with this document)*

*Enclosure 3*  
*Waste Data Tracking Table*  
*(on CD included with this document)*

*Enclosure 4*  
*Photographs of Waste Bin Labels*  
*(on CD included with this document)*



*Enclosure 5*  
*Waste Profile Forms*  
*(on CD included with this document)*

*Enclosure 6*  
*Waste Shipment Forms*  
*(on CD included with this document)*

*Enclosure 7*  
*Training Documentation*  
*(on CD included with this document)*

*Enclosure 8*  
*Inspection Documentation*  
*(on CD included with this document)*