



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 12 2008

OFFICE OF
AIR AND RADIATION

David Moody, PhD, Manager
Carlsbad Field Office
U.S. Department of Energy
P.O. Box 3090
Carlsbad, NM 88221

Dear Dr. Moody:

On June 6, 2008, the U.S. Environmental Protection Agency (EPA) was notified by the U.S. Department of Energy (DOE) that an uncertified non-conformant drum (# LAS817174) of transuranic (TRU) waste containing prohibited liquids was shipped from Los Alamos National Laboratory (LANL) in a standard waste box (SWB # LASB00411) on May 20, 2008, and emplaced into the Waste Isolation Pilot Plant (WIPP) repository on May 28, 2008. Based on the available information, we have determined that this action constitutes a violation of the system of controls that we have approved at LANL. Therefore, on June 18, 2008, the Agency will conduct an on-site investigation under our regulatory authority (40 CFR 194.21 and 194.24) to better understand how an uncertified, non-complaint waste container was overpacked and approved for disposal at WIPP and your proposed corrective actions. Additionally, on June 25, 2008, we will conduct a follow-up inspection to verify implementation of the corrective actions.

As mutually agreed, DOE will voluntarily stop waste shipments from LANL until EPA completes its review and concurs with the proposed corrective actions. Our June 18th investigation will enable us to determine whether the DOE-proposed corrective actions are appropriate and if resumption of waste shipments from LANL are warranted. The scope for this inspection is enclosed with this letter. Rajani Joglekar will lead this inspection.

To prepare for this investigation, EPA expects DOE to provide complete and detailed information about this event, including a chronology, what went wrong, and steps taken to prevent such failures in the future. As mutually agreed, this submission will occur no later than June 16, 2008, 3:00 PM (EST).

EPA is concerned that this event may be indicative of system-wide issues – the Central Characterization Program (CCP) in particular. Therefore, as mutually agreed, we will dedicate a portion of our June 24th and 25th discussions on how DOE will ensure that such erroneous

shipments will not occur in the future at other sites. EPA will continue to evaluate this incident further and will determine what, if any, potential future actions may be necessary.

If you have any questions regarding this issue, please call Tom Peake at (202) 343-9765.

Sincerely,



for

Juan Reyes, Director
Radiation Protection Division

Enclosure

cc: Electronic Distribution
Frank Marcinowski, DOE/EM
Alton Harris, DOE/EM
Casey Gadbury, DOE/CBFO
D. K. Ploetz, CBFO/CCP
Dave Haar, CBFO/CCP
Ava Holland, DOE/CBFO
Russ Patterson, DOE/CBFO
George Rael, LANL/LASO
Jerry O'Leary, LANL-CCP
Sue Peterman, LANL-CCP
Steve Zappe, NMED
Nick Stone, EPA Region 6
EPA Docket

bcc: WIPP Team

**Scope of EPA's Inspection of LANL CH TRU
Waste Certification Activities**

DOE Site: Los Alamos National Laboratory (LANL)

Organizations Notified: Department of Energy - Carlsbad Field Office
Department of Energy - LANL Office
New Mexico Environment Department (NMED)
EPA Region VI

Inspection Dates and Location: June 18, 2008, Los Alamos, NM

Inspection Schedule: Wednesday 8:30 am - 4:30 pm

EPA Inspection Team: Rajani Joglekar, EPA
Patrick Kelly and Dorothy Gill, SC&A, EPA Contractor

Inspection Scope:

EPA will conduct an inspection in accordance with 40 CFR 194.24(c)(4) to review the chain of actions that resulted in the disposal of a uncertified, non-complaint contact-handled (CH) transuranic (TRU) homogenous solid waste drum (LAS817174) in a overpack (LASB00411). EPA will evaluate adequacy of corrective actions completed or proposed to prevent the above event from reoccurring at LANL and occurring at other DOE sites serviced by CCP for characterizing CH TRU waste.

Inspection Logistics:

- EPA will need a meeting place (large enough to hold 5 people), equipped with a desktop computer with internet access, and a phone with long distance access on June 18, 2008, 8:30 am - 4:30 pm.
- CBFO is welcome to provide observers for the EPA inspection.
- NMED staff has been invited to attend the inspection as observers.