

**Response to comments Received through June 7, 2004 by NMED on the Los Alamos National Laboratory (LANL)
Technical Areas 50 and 55 Container Storage Unit Closure Plans**

No.	Commenter	Location	Subject	NMED Response	Closure Plan Mod. Required
1	Elaine Giovando	General	I am against <u>six</u> hazardous waste storage units above the Rio Grande River - Stop Making It!"	Public comment period was provided to request input regarding the proposed action of approval of Closure Plans for these units. The closure of these units addresses the concern against permitting the six hazardous waste storage units.	N
2	Pueblo of San Ildefonso	General	Please note that the Pueblo has a vested interest in all activities at TA-54, which borders the Pueblo's Sacred Area, and provides a potential pathway to Tribal members for any waste disposed of or stored there.	Noted	N
3	Pueblo of San Ildefonso	General	A concern is the attempt by LANL, and the attempt by HWB to approve, an avoidance of decontamination and sampling of shafts 145 and 146. The justifications are based on a lack of visual or paper trail evidence of contamination, and the concept of "co-detection". These are not adequate justifications for not decontaminating and sampling a hazardous waste unit to demonstrate clean closure, as evidenced by other closure plans requiring sampling	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N

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			under similar circumstances. Please see our specific comments.		
4	Pueblo of San Ildefonso	General	A concern is the determination that shafts 145 and 146 are storage units. There is insufficient evidence presented that these shafts are not in fact, disposal units, like other (if not all other) shafts at TA-54 Area G. Please see our specific comments.	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
5	Pueblo of San Ildefonso	General	A concern is whether these units qualify for Interim Status. The Public Notice states that the units were in existence before June 25, 1990, the effective date of regulation. The closure plan for Technical Area 54 Material Disposal Area G Storage Shafts 145 and 146 (for example) gives their beginning date as simply "1990". The closure plan must provide evidence that the shafts existed before the effective date of regulation. Further, the closure plan must provide evidence that a complete Part B application was submitted to the Administrative Authority within the specified time frame.	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
6	Pueblo of San	General	A concern is that the letter accompanying	NMED agrees that this is a public notice to	N

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	Ildefonso		the Public Notice states that HWB proposes to approve a Class III permit modification for LANL. This may well be a typographical error, as the comment period is not for a permit modification, but for proposed approval of closure plans. The Pueblo understands that HWB cannot modify the permit until after the closure plans are approved, and closure is completed and verified. Please clarify that the subject line of the referenced letter is in error, or on the other hand how a Class III permit modification can be carried out without a public comment period on the proposed permit language.	approve closure plans and not an intent to approve a class 3 permit modification.	
Closure Plan for Technical Area 55 B38 Container Storage Unit					
7	Pueblo of San Ildefonso	1.6 Closure Certification	Change the second sentence from; “The certification will signed by the appropriate...”; to “The certification will be signed by the appropriate...”	Item number 1 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	Y
8	Pueblo of San Ildefonso	8.0 Verification of Decon-	Clarification is needed as to what type of blank is to be used; how will it be prepared and handled? Is it prepared in a lab? Is it	Item number 2 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL)	Y

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		tamination	opened on site? Is it an equipment rinsate blank? Is it water? Is it Alconox wash water solution?	Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	
9	Pueblo of San Ildefonso	10.3.2.3 Analysis Request Form	This section references "...the analytical laboratory". This section should clarify that the laboratory is off-site and approved by the administrative authority.	Item number 3 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	Y
10	Pueblo of San Ildefonso	11.3.1 Field Quality Control	A more specific frequency for field QC samples should be inserted (e.g. 1 per day or one per 20 samples, whichever is more frequent).	Item number 4 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	Y
11	Pueblo of San Ildefonso	11.3.2 Analytical Laboratory QC Samples	This section must list what Laboratory QC samples will be employed, and at what frequency.	Item number 5 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	Y
CLOSURE PLAN TECHNICAL AREA 54 MATERIAL DISPOSAL AREA G STORAGE SHAFTS 145 AND 146					
12	Pueblo of San Ildefonso	General Comments	The closure plan should indicate if any contaminant plumes are present in the vicinity of the shafts. If so, this would logically preclude clean closing the shafts without sampling, as well as reuse of the	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N

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			shafts.		
13	Pueblo of San Ildefonso	General Comments	There is insufficient evidence presented that these shafts are not disposal units like the other shafts at TA-54 Area G. The closure plan should provide proof that these shafts were intended for storage and not disposal.	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
14	Pueblo of San Ildefonso	1.0 General Closure Introduction	This section states; "Storage Shafts 145 and 146 have interim status..." This has not been demonstrated. The closure plan must provide evidence of this.	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
15	Pueblo of San Ildefonso	1.2 Facility Description	The fifth paragraph states; "Storage Shafts 145 and 146 at TA-54, Area G were constructed in 1990..." This does not indicate that the units were constructed before the effective date of regulation.	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
16	Pueblo of San Ildefonso	1.3 Description of Waste Managed	The first paragraph states; "Storage Shafts 145 and 146 were employed to develop and demonstrate storage operational protocols." The closure plan should provide documentation of this programmatic course of action.	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
17	Pueblo of San Ildefonso	1.3 Description	The first paragraph states; "No wastes containing free liquids were placed in the	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to	N

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		of Waste Managed	drums.” How was this verified?	approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two interim status units at this time.	
18	Pueblo of San Ildefonso	1.3 Description of Waste Managed	Has HWB reviewed the weekly inspection reports?	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
19	Pueblo of San Ildefonso	1.3 Description of Waste Managed	If the reports have been reviewed do they specify how the bottom of the sixty foot deep shafts were inspected to insure no leakage had occurred?	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
20	Pueblo of San Ildefonso	1.3 Description of Waste Managed	How were the shafts inspected for radioactive contamination on a weekly basis?	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
21	Pueblo of San Ildefonso	2.0 Closure Procedure	This section states; “The waste management procedures employed during the active period for Storage Shafts 145 and 146, as well as inspection records and waste containerization protocols, <i>indicate</i>	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N

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			<p>(emphasis added) that contamination of the shafts from waste management activities is <i>unlikely</i>.” (emphasis added). This is hardly prima facie evidence that LANL can clean close these shafts without decontamination and sampling. Studies (A. Beele, et al, 1981) indicate tritium is migrating into adjacent soils from asphalt-lined shafts in MDA-G, and there is nothing to demonstrate that a simple metal culvert is more protective than asphalt, thus it is inexcusable to propose, and for HWB to propose to approve, clean closure of shafts without decontamination and sampling.</p> <p>Further, the other closure plans presented for review and comment concurrent with this one are proposing decontamination and sampling under similar circumstances. The <i>Closure Plan for the B38 Container Storage Unit</i> does not even broach the subject of whether there is a record of spills or contamination; it simply describes the sampling to take place. The <i>Closure Plan</i></p>		

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			<i>for Interim Status Container Storage Units TA-50-1, Room 59 and TA-50-37 mentions that PCBs were found by swipes during closure of the CAI, with no mention of spills or visible contamination. The plan for Room 59 states; "...containers stored in the CSU were not stacked beyond the height of a 55-gallon drum and were not opened within the unit and there is no record of any spills." Yet in this instance LANL is not using these facts as an excuse to not decontaminate and sample the unit. The shafts must be decontaminated and sampled.</i>		
22	Pueblo of San Ildefonso	2.2 Closure	The first paragraph states; "The drums did not contain any liquid waste." This has not been demonstrated by the closure plan.	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
23	Pueblo of San Ildefonso	2.2 Closure	The first paragraph states; "The storage shafts and drums were inspected weekly; inspection records confirm there were no signs of leaks or waste releases." The closure plan does not describe a method for inspecting the sixty foot deep shafts which	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N

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			would allow such a conformation to be made.		
24	Pueblo of San Ildefonso	2.2 Closure	The second paragraph states; “The storage shafts were designed (See Section 1.2) to divert runoff away from the shafts and the shaft covers prevented storm water seepage into the shafts, precluding migration of tritium or hazardous constituents out of the drums.” The closure plan should clarify how it was determined that the design was effective. Concrete may crack, allowing water to enter the shafts. Are not the lids simply slabs of metal laid on top of the shaft; how was it determined that the fit was water-tight? Were the lids inspected for cracks and/or holes?	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N
25	Pueblo of San Ildefonso	2.2 Closure	The third paragraph states; “Based on the concept of co-detection, hazardous waste constituents from the previously stored containers are not present in the storage shafts.” The Pueblo finds the concept implausible. Chemical properties vary even among radionuclides, so that to claim that	In a June 3, 2004 public notice NMED rescinded the Public Notice and its intent to approve the Closure Plan for Storage Shafts 145 and 146. NMED does not intend to take action on these two units at this time.	N

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			the behavior of metals, VOCs SVOCs, high explosives, etc, will precisely mimic radionuclides is implausible. This must not be allowed to be used as an excuse to not decontaminate and sample the shafts to demonstrate clean closure. If this were a plausible concept, LANL would apply it to every mixed waste storage unit.		
Closure Plan for Interim Status Container Storage Units TA-50-1, Room 59 and TA-50-37					
26	Pueblo of San Ildefonso	General	HWB must clarify the regulatory status of the subject units. The first paragraph states; "...Closure for the Technical Area (TA) 50, Building 1 (TA-50-1), Room 59 and TA-50-37 interim status container storage units (CSUs)... in accordance with the closure performance standards specified in 20.4.1.600 NMAC § 265.111 [6-14-00]." The citation is for interim status units. However, the second paragraph states' "decontamination and verification activities at the TA-50-1, Room 59 CSU were conducted from September 20, 2002 to September 23, 2002 in accordance with	Item number 6 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	Y

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			20.4.1.500 NMAC § 264.112(e) [6-14-00]...” This citation is for permitted units. What is the regulatory status of the units?		
27	Pueblo of San Ildefonso	3.2.2 Structural Assessment	This section states; “The sample will be analyzed for the hazardous contaminates...” This should be changed to “The sample will be analyzed for the hazardous contaminants...”	Item number 7 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment..	Y
28	Pueblo of San Ildefonso	4.1 Sampling Strategy/Approach	The last sentence of the first paragraph states; “These results from these samples will be used to determine if the equipment used for closure to determine if these materials contribute any contaminants to the samples.” This is garbled; please clarify.	Item number 8 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	Y
29	Pueblo of San Ildefonso	4.3 Sample Management Procedures	This section mentions “An approved laboratory...” By whom is the laboratory approved? Is the laboratory off-site?	Item number 9 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	Y
30	Pueblo of San Ildefonso	4.4.3.1 Field Quality Control	This section states; “For each CSU sampled during decontamination verification, at least one field duplicate will be collected.” A more specific frequency for field QC samples should be inserted (e.g. 1 per day or	Item number 10 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	Y

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			one per 20 samples, whichever is more frequent).		
31	Pueblo of San Ildefonso	4.4.3.2 Analytical Laboratory Quality Control Samples	This section must list what Laboratory QC samples will be employed, and at what frequency.	Item number 11 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	Y
32	Pueblo of San Ildefonso	4.4.4 Data Reduction, Verification, Validation, and Reporting	This section should specify verification and validation procedures.	Item number 12 in Table A - Required Modifications to the Los Alamos National Laboratory (LANL) Technical Areas 50 and 55 Container Storage Unit Closure Plans addresses this comment.	Y