



**INSTITUTE FOR ENERGY AND
ENVIRONMENTAL RESEARCH**

6935 Laurel Avenue, Suite 201
Takoma Park, MD 20912

Phone: (301) 270-5500
FAX: (301) 270-3029
e-mail: ieer@ieer.org
<http://www.ieer.org>

22 March 2006

Ms. Elizabeth Forinash
Center for Federal Regulations (6608J)
Office of Radiation and Indoor Air
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Dear Ms. Forinash:

On September 29, 2003, the Department of Energy (DOE) Carlsbad Field Office (CBFO), informed you that it had suspended waste shipments from the Los Alamos National Laboratory (LANL) to the Waste Isolation Pilot Plant (WIPP). That suspension was caused by failure of LANL's Non-Destructive Assay (NDA) operations.

In response to that situation, EPA wrote to CBFO, stating that it viewed "the infractions at LANL as very serious and believe that a high level of scrutiny is warranted at the site." Frank Marcinowski, EPA Radiation Protection Division to Lloyd Piper, CBFO, January 15, 2004. LANL waste shipments to WIPP did not resume until April 2005.

As the enclosed correspondence between the Institute of Energy and Environmental Research (IEER) and Linton Brooks of the DOE National Nuclear Security Administration (NNSA) indicates, there are current concerns about whether LANL is properly accounting for its plutonium, including that going to WIPP. Therefore, we believe that another suspension of waste shipments from LANL to WIPP is warranted.

For many years, there have been substantial discrepancies in LANL's accounting of plutonium that it produced and managed. On November 29, 2005, IEER released its report, *Weapons Plutonium in Los Alamos Soil and Waste: Environmental, Health, and Security Implications*, that found, among other things, that "the unaccounted for plutonium amounts to at least 300 kilograms and could be over 1,000 kilograms, though the higher figure appears unlikely." The report also found that "[i]t is possible that more plutonium is going to the Waste Isolation Pilot Plant than indicated by DOE documentation." It is enclosed for your convenience.

On February 28, 2006, Administrator Brooks of NNSA responded to the IEER report and stated that because LANL safeguards and waste management organizations “track and account for SNM [special nuclear material]... for different purposes, it is recognized that the two systems will have different information.” Thus, the implication is that waste management operations may not be fully tracking the plutonium that it receives, stores, and disposes.

While there are various possible explanations for the plutonium discrepancy, any discrepancies in the amount of plutonium going to WIPP could indicate violations of EPA’s certification of WIPP, including the waste certification requirements. Therefore, we believe that EPA should require DOE, LANL, and CBFO to fully investigate the plutonium accounting discrepancies and report the results to EPA.

Given the history of LANL’s noncompliance with EPA requirements for WIPP, and EPA’s previous serious concerns about such problems, we request that EPA take immediate action:

- 1) Communicate to CBFO, asking for its response to whether the LANL NDA process and other procedures are fully and accurately accounting for all plutonium being characterized for disposal at WIPP and requesting that CBFO suspend LANL shipments to WIPP until LANL responds and demonstrates that the NDA system and other WIPP-related waste management processes are functioning properly and fully accounting for all plutonium being characterized and disposed at WIPP.
- 2) Keep us informed as to your actions and CBFO’s response on this matter.

We would be pleased to provide further information and assistance in your efforts on this important matter.

Sincerely,

Arjun Makhijani, Ph.D.
President, IEER
301-270-5500, arjun@ieer.org

Don Hancock
Southwest Research and Information Center
505-262-1862, sricdon@earthlink.net

Enclosures: November 2005 IEER report
December 19, 2005, IEER letter to Linton Brooks
February 28, 2006, Administrator Brooks letter to IEER with enclosed
LANL February 12, 2006 letter
March 16, 2006, IEER letter to Linton Brooks

cc: Elizabeth Cotsworth, EPA
David Moody, CBFO Manager
Linton Brooks, Administrator, NNSA