



Department of Energy

Field Office, Albuquerque
Los Alamos Area Office
Los Alamos, New Mexico 87544

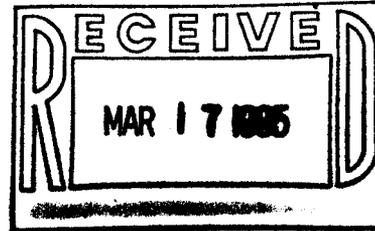


MAR 10 1995

TA 54?

D. B. Brito
Bastan
file LANL

Dr. Allyn M. Davis
Environmental Protection Agency
Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733



Dear Dr. Davis:

In our letter dated December 23, 1994, the Department of Energy's Los Alamos Area Office (DOE) requested a modification to one of the milestones in the Federal Facility Compliance Agreement (FFCAgreement) for Land Disposal Restriction requirements at Los Alamos National Laboratory (LANL). The request was to modify milestone CAI 200, "Complete RCRA Trial Burn," which is an activity required to be completed before commencement of the Controlled Air Incinerator's (CAI) waste treatment operations. The modification was intended to redefine and reschedule this particular activity. In EPA's response, the request for a different activity was denied, but an opportunity to discuss a new schedule was offered.

Since that time, we have met with your staff and have discussed new developments at DOE and LANL and alternatives to the original modification request. DOE has considered these alternatives and we have decided to revise our original modification request to propose instead to substitute a new commitment for those current milestone requirements for the CAI.

During our February 3, 1995 meeting with EPA, we discussed with your staff the CAI's inclusion in the Site-Wide Environmental Impact Statement (EIS) for LANL and the developing impacts from DOE's nationwide budget reductions. DOE has decided, based on public input, to commit to evaluate the environmental impacts of CAI operations in the Site-Wide EIS process. The Record of Decision on the Site-Wide EIS is scheduled to be issued in March 1997, and we believe now that the best strategy for establishing commitments, such as the schedule for the Trial Burn, is to wait until after it has been determined that the CAI is the chosen option. The "Notice of Intent" for the Site-Wide EIS is scheduled to be issued to the public this month, and another round of public meetings to solicit public comments will begin soon after.

The impacts of recently reduced funding for this and future years are now forcing DOE and LANL to look again at prioritizing activities, redirecting funds and seeking other alternatives. The deletion of requirements for the CAI would allow a slowdown of the start-up activities, review of other alternatives, and reduction of future expenditures until a final NEPA decision is made on whether or not to proceed with the project. This will lower some of the risk in continuing to fully fund an uncertain project and will also allow the trial burn to be scheduled more appropriately with start-up activities if the Record of Decision determines the CAI will operate.



FFCO

72

Dr. Allyn M. Davis

2

Also, due to changing technology and capacities, DOE is reevaluating projects such as the CAI to see if they are the most effective means of addressing operational and regulatory requirements. The DOE Albuquerque Operations Office Mixed Waste Treatment Program was implemented last year, and since then has broadened the scope of the skid development program described in the FFC Agreement. Treatment skids are being developed at other sites as well as LANL and will be available for use at LANL and a number of other DOE sites. Part of the program has been looking at "skid-sized" technologies which are alternatives to incineration. The alternatives which prove to be feasible, will be available for use at LANL. The development and operation of all of these treatment skids is going to be presented in DOE/LANL's Proposed Site Treatment Plan which will be submitted to the New Mexico Environment Department (NMED) this month. If other alternatives are determined to be more suitable through development of the Site Treatment Plan and operation of the CAI is not supported in the Record of Decision, then the CAI will not operate. The Site Treatment Plan for LANL will be subject to public comment before it is approved by NMED.

Based on these uncertainties, DOE is proposing to delete the current requirements for the CAI as follows:

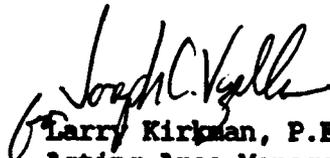
- Delete the CAI milestones (CAI 100, CAI 200, and CAI 300) and the table at the top of page 15 of the Compliance Plan, and,
- Replace the last paragraph of page 14 with the following:

In the first annual report following issuance of the ROD for the LANL Site-Wide EIS, DOE will provide a new CAI milestone, which will contain: (1) a schedule (or a date for providing a schedule) for start up of the CAI and work off of mixed wastes to be treated in the CAI, if the ROD provides that the CAI will operate, or (2) a plan and schedule (or date by which plan and schedule will be submitted) for treating such mixed waste at an alternate facility (or by an alternate method), if the ROD provides that the CAI will not operate.

This modification request is being made under the requirements of Section XIV of the FFC Agreement. We are available at any time to provide additional information and discuss any comments resulting from your review.

If you have any questions, please call me at (505) 667-5105; or Joseph Vozella, Acting Assistant Area Manager, Office of Environment and Projects, at (505) 665-5027.

Sincerely,


Larry Kirpman, P.E.
Acting Area Manager

LAAMEP:2JM-027

cc:
See page 3

MAR 10 1995

Dr. Allyn M. Davis

3

NEW MEXICO
ENVIRONMENT DEPARTMENT

cc:

Mark Potts

ALOM (6H-CS)

U. S. Environmental Protection Agency

Region 6

1445 Ross Avenue

Dallas, Texas 75202

1995 MAR 15 AM 10:33

OFFICE OF THE SECRETARY

Ed Kelly

Water and Waste Management Division

New Mexico Environment Department

P. O. Box 26110

Santa Fe, New Mexico 87502

Benito Garcia

Hazardous & Radioactive Materials

Bureau

New Mexico Environment Department

525 Camino de los Marquez

P. O. Box 26110

Santa Fe, New Mexico 87502

Pete Siebach, EM-352, HQ

Ron Hansen, OEPM, AL

Marilyn Bange, WMD, AL

Tom Baca, EM, LANL, MS-J591