

Los Alamos National Laboratory

Los Alamos, New Mexico 87545

Operated by the University of California for the Department of Energy

BY FAX 827-1544

November 5, 1999

Mr. James P. Bearzi
Chief, Hazardous Waste Bureau
New Mexico Environment Department
2044 Galisteo Building A
Santa Fe, NM 87502

Dear Mr. Bearzi:

In the course of reviewing operations within the Los Alamos National Laboratory's Beryllium Technology Facility, an issue has arisen whether the used HEPA filters, which capture a de minimis amount of particulate matter from the making of beryllium powder, should be managed as solid waste or as hazardous waste.

We've conducted a review of several regulatory interpretations and identified differing positions. One interpretation is that of the Brush Wellman Company of Ohio, the sole manufacturer of beryllium powder in the U.S. Our understanding is that the Brush Wellman Company manages beryllium-containing waste material, including emission control equipment, as non-hazardous waste, and that the State of Ohio concurs in this view.

My staff will provide you shortly with a more detailed exposition of the facts and the differing interpretations. We will also be available to meet with you to discuss the situation. Accordingly, we will request the Environment Department's interpretation of the hazardous waste management rules regarding this situation.

Sincerely,



Thomas C. Gunderson
Special Assistant of the Environment
Office of the Deputy Laboratory Director
for Operations



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Mr. James P. Bearzi

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Cy: David Gurule, USDOE-LAAO, A316
Dick Burick, DLDOPS, A100
Denny Erickson, ESH, K491
Ross Lemons, MST, G754
Sandra Moreno, LC-GL, A187
Joe Rochelle, LC-GL, A187
Jim White, ESH-19, K490
Alice Barr, ESH-19, K498
Lisa Woodrow, MST-OPS, G752
Steve Abeln, MST-6, K741
Raymond Dixon, MST-6, G770