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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

July 14, 2003

Mr. G. Pete Nanos, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. David Gregory, Project Manager
Office of Los Alamos Site Operations
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

SUBJECT: COMMENTS AND APPROVAL OF VOLUNTARY CORRECTIVE MEASURES PLAN FOR SOLID WASTE MANAGEMENT UNIT 21-011(k) AT TECHNICAL AREA 21 (REVISION 3). LOS ALAMOS NATIONAL LABORATORY EPA ID# NM0890010515 NMED HWB TASK NUMBER 02-020

Dear Messrs. Nanos and Gregory:

The New Mexico Environment Department (NMED) is in receipt of Los Alamos National Laboratory and U.S Department of Energy's (Permittees) work plan dated May 2003, titled "Voluntary Corrective Measures Plan for Solid Waste Management Unit 21-011(k) at Technical Area 21 (Revision 3) " referenced by LA-UR-03-3026 (ER2003-0326). NMED hereby approves the aforementioned voluntary corrective measures (VCM) plan with the following conditions:

- NMED requires the Permittees to evaluate risk to human health based on lifetime carcinogenic risk as outlined in the NMED letter dated April 22, 2003 and titled "Comments and Conditions for Notice of Deficiency Response, Solid Management Unit (SWMU) 21-011(k) VCM Plan". In order to determine if the proposed remedy may be considered as a final remedy for SWMU 21-011(k), the risk assessment must contain an estimate of dose and risk over time for a residential receptor. NMED evaluates risk in accordance with published EPA literature, including "Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation Manual (RAGS)". NMED is requiring



10699

Messrs. Nanos and Gregory
July 14, 2003
Page 2

the Permittees to provide information on radionuclides in a format that is consistent with EPA guidance (i.e. RAGS).

- All deviations from the approved VCM plan must be detailed in the VCM Completion Report.

In addition to the conditions for approval outlined above, NMED has the following comments on the VCM plan:

- Although a dose of 15 mrem/year may be deemed acceptable to the Permittees, NMED evaluates risk, not dose and therefore a dose of 15 mrem/year may not be acceptable to NMED.
- The Permittees assert the remedial approach selected (removal and off-site disposal) is a cost-effective and proactive remedial alternative, and is preferred over no action, fencing the site, and/or onsite stabilization. This assertion by the Permittees does not reflect the opinion of NMED.

As outlined in the VCM plan, the VCM Completion Report for SWMU 21-011(k) shall be submitted to NMED for review and approval on or before October 30, 2003. Should you have any questions regarding this approval letter or the deadline for submittal of the VCM Completion Report, please feel free to contact me at (505) 428-2546.

Sincerely,



Vickie Maranville
Project Manager
Permits Management Program

- cc: D. Cobrain, NMED HWB
J. Young, NMED HWB
M. Leavitt, NMED SWQB
C. Voorhes NMED DOE OB
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L. King, EPA Region 6 (6PD-N)
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Messrs. Nanos and Gregory
July 14, 2003
Page 3

W. Woodworth, DOE OLASO, MS A316
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