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NEW MEXICO
ENVIRONMENT DEPARTMENT

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 2, 2010

George J. Rael
Assistant Manager
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, Mail Stop A316
Los Alamos, NM 87544

Michael J. Graham
Associate Director Environmental Programs
Los Alamos National Security, LLC
P.O. Box 1663, MS M991
Los Alamos, NM 87545

**RE: STATUS OF WORK PLAN IMPLEMENTATION
MATERIAL DISPOSAL AREA (MDA) AA
SOLID WASTE MANAGEMENT UNIT 36-001, TECHNICAL AREA 36
POTRILLO-FENCE CANYONS AGGREGATE AREA WORK PLAN
LOS ALAMOS NATIONAL LABORATORY
EPA ID No: NM0890010515
HWB-LANL-09-015**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) has received the United States Department of Energy and the Los Alamos National Security, LLC (collectively, the Permittees) *Status of Corrective Actions at Solid Waste Management Unit 36-001, Material Disposal Area AA* (Letter), dated November 12, 2010 and referenced by EP2010-0527. The Letter states that higher than expected radiation levels and the potential presence of beryllium were encountered during the initial stages of waste removal at MDA AA. These conditions required excavation activities to be suspended pending further characterization and also implementation of additional safety measures prior to resumption of waste removal.

In the Letter, the Permittees propose to submit a work plan to NMED to collect additional characterization data that is necessary to "update worker health and safety documents and

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procedures.” The Permittees state their intention to collect additional samples from within the MDA AA disposal trenches to assess the levels of beryllium and radioactivity within the waste.

Since the waste characterization is being conducted for the stated purpose of updating “worker health and safety documents and procedures,” NMED does not require a work plan for the collection and testing of waste samples at this time. NMED recognizes that the Permittees must conduct additional characterization of the waste in MDA AA in order to accomplish the work proposed in the work plan. Based on the recent discoveries of the types of waste present in the trenches at MDA AA, NMED expects that the Potrillo-Fence Canyons Investigation Report will contain the necessary waste characterization data and also a proposed approach for removal, management and disposal of the waste in the Recommendations section. NMED will then be able to address the future work necessary to complete the remediation at MDA AA, including setting a schedule for completion, in the report approval.

Please contact Dave Cobrain of my staff at (505) 476-6055 if you have questions.

Sincerely,



James Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
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S. Yanicak, NMED DOE OB, MS M894
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File: Reading and LANL/TA-36 - Potrillo-Fence Canyons Aggregate Area 2010