



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

3

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

April 11, 2003

Mr. G. Pete Nanos, Interim 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: APPROVAL OF RCRA FACILITY INVESTIGATION REPORT FOR
MATERIAL DISPOSAL AREA H
LOS ALAMOS NATIONAL LABORATORY EPA ID #: NM0890010515
TASK #: HWB-LANL-01-001**

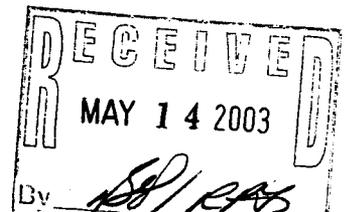
Dear Mr. Nanos and Mr. Gregory:

The New Mexico Environment Department (NMED) has completed review of United States Department of Energy and Los Alamos National Laboratory (the Permittees) report entitled "RFI Report for Material Disposal Area H at Technical Area 54" dated May 2001 (referenced by LA-UR-01-1208 and ER20000699) and subsequent addendum entitled "Addendum to the RFI Report for Material Disposal Area H, (Solid Waste Management Unit 54-004) at Technical Area 54" dated October 2002 (referenced by LA-UR-02-3397 and ER2002-0382). NMED hereby approves the report and the addendum. NMED concurs with the Permittees that the contamination found at the site does not pose any current unacceptable risk to human health or the environment. The site is undergoing corrective measures study (CMS) to address the future risk.

It should be noted that Permittees evaluated tritium based on dose pursuant to DOE Orders, 5400.5 and 435.1; however, NMED requires that radionuclides be assessed for risk based on the



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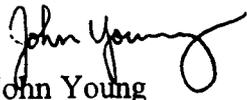


Mr. Nanos and Mr. Gregory
April 11, 2003
Page 2

radionuclide carcinogenic slope factors, as recommended in both the OSWER Directive 9200.4-31P (EPA 540/R/99/006, December 1999 document) and the accompanying cover memo for that directive, not on the comparison to annual dose guidelines. NMED evaluated the risk from radionuclides using the EPA Radionuclide Preliminary Remediation Goals (PRGs) for Superfund calculator (OSWER No. 9355.01-83A). NMED maintains that it has the authority to regulate radioactive wastes, other than source, special nuclear and byproduct material as narrowly defined in the Atomic Energy Act of 1954, and to require the monitoring and reporting of radionuclides as necessary to properly regulate non-exempt wastes.

If you have any questions, please contact Neelam Dhawan at (505) 428-2540.

Sincerely,



John Young
LANL Corrective Action Project Leader
Permits Management Program

JRY:nmd

cc: J. Bearzi, NMED HWB
N. Dhawan, NMED HWB
J. Davis, NMED SWQB
J. Parker, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
J. Vozella, DOE LAAO, MS A316
B. Ramsey, LANL RRES-DO MS J591
D. Stavert, LANL RRES-DO, MS J591
N. Quintana, LANL RRES-ER, MS M992
D. McInroy, LANL RRES-ER, MS M992

File: Reading and HSWA LANL/TA 54[MDA H]

ER PROGRAM COMMUNICATION TRACKER FORM

Date Received: 4/16/03 CT# _____

Requester: JOHN YOUNG

Requester's Organization: NMED

Subject: APPROVAL OF RCRA FACILITY INVESTIGATION REPORT FOR MDA-H
LANL EPA ID# NM0890010515
TASK # HWB-LANL-01-001

Action Assigned To:

Send Copies To:
Nancy Quintanta
CT File
RPF
John Hopkins

JM

Additional Copies To:

Please complete the following action:

Project Office Due Date: _____ Requester's Due Date: _____

Call the Project Office at 7-0808 at least three days prior to the Project Office due date if it cannot be met. The Project Office will work with you to obtain an extension.

Notes: Good work John!

Date Logged In: _____ Logged in By: th

PLEASE NOTE: IF AN ACTION WAS ASSIGNED TO YOU PLEASE REMEMBER TO INCLUDE THIS FORM WITH YOUR RESPONSE. IT HELPS TO KEEP TRACK OF THE ACTION/RESPONSE. THANK YOU