

LANL TA 54

Office of Governor



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SI-GC04-210

Route 5, Box 315-A
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June 1, 2004

John E. Kieling, Manager
Permits Management Program
NMED Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303



Re: Public Notice No. 04-06

Dear Mr. Kieling:

The Pueblo of San Ildefonso (Pueblo) Department of Environmental and Cultural Protection (DECP) has received Public Notice No. 04-06. This Notice allows Public Comment on the proposal by the Hazardous Waste Bureau (HWB) to approve Closure Plans for Interim Status storage units at Los Alamos National Laboratory (LANL). DECP has reviewed the Closure Plans, and comments are attached. Please note that the Pueblo has a vested interest in all activities at TA-54, which borders the Pueblo's Sacred Area, and provides a potential pathway to Tribal members for any waste disposed of or stored there.

A concern of the Pueblo is the attempt by LANL, and the attempt by HWB to approve, an avoidance of decontamination and sampling of shafts 145 and 146. The justifications are based on a lack of visual or paper trail evidence of contamination, and the concept of "co-detection". These are not adequate justifications for not decontaminating and sampling a hazardous waste unit to demonstrate clean closure, as evidenced by other closure plans requiring sampling under similar circumstances. Please see our specific comments.

A second concern is the determination that shafts 145 and 146 are storage units. There is insufficient evidence presented that these shafts are not in fact, disposal units, like other (if not all other), shafts at TA-54 Area G. Please see our specific comments.

A third concern is whether these units qualify for Interim Status. The Public Notice states that the units were in existence before June 25, 1990, the effective date of regulation. The closure plan for Technical Area 54 Material Disposal Area G Storage Shafts 145 and 146 (for example) gives their beginning date as simply "1990". The closure plan must provide evidence that the shafts existed before the effective date of regulation. Further, the closure plan must provide evidence that a complete Part B application was submitted to the Administrative Authority within the specified time frame.

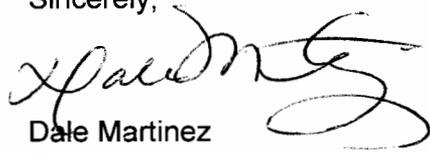


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A final concern is that the letter accompanying the Public Notice states that HWB proposes to approve a Class III permit modification for LANL. This may well be a typographical error, as the comment period is not for a permit modification, but for proposed approval of closure plans. The Pueblo understands that HWB cannot modify the permit until after the closure plans are approved, and closure is completed and verified. Please clarify that the subject line of the referenced letter is in error, or on the other hand how a Class III permit modification can be carried out without a public comment period on the proposed permit language.

Please feel free to contact Neil Weber, Department of Environmental and Cultural Preservation Director at 455-4119 to discuss the Pueblo's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Martinez", written in a cursive style.

Dale Martinez
Governor

Attachment

CC: Neil Weber, DECP