

Los Alamos National Laboratory

Hazardous and Solid Waste Group (ESH-19)

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Date: April 17, 2000
Refer to: ESH-19:00-031

Mr. John E. Kieling
Program Manager, Permits Management Program
Hazardous & Radioactive Materials Bureau
Environment Department
2044-A Galisteo St.
P.O. Box 26110
Santa Fe, New Mexico 87502

Dear Mr. John Kieling:

SUBJECT: SUBMITTED PERMIT MODIFICATION FOR TA-55

The purpose of this letter is to follow up on our last monthly meeting. You were not in attendance due to illness. At that meeting a proposal was presented to James Bearzi, Stu Dinwiddie, and your staff on expedited permitting through use of "High Performance Teams". Part of that proposal consisted of using the recently submitted permit modification request for the Technical Area (TA)-55 Vitrification Process and associated tanks as an easy, short prototype to demonstrate the potential of this form of permit application processing.

Over the last six months we have been periodically briefing you and your staff on the development of this modification. Due to the current status of the permit renewal the TA-55 waste management sites will not be processed soon. We had agreed that the appropriate vehicle for getting this unit permitted, therefore allowing for its construction, was to modify the existing permit. To that end the laboratory worked to get a modification package in to you as early as possible. It was delivered on February 29, 2000.

At the above meeting when we were making our presentation of the "High Performance Team" approach we were told that we could no longer modify our existing permit. The Hazardous and Radioactive Materials Bureau staff had no information regarding why this was the case. They expressed that "legal" had reservations concerning the modification of the old permit.

We have reviewed this situation and worked through various scenarios concerning it. We have reached the following conclusions. We currently have an active permit in place. It did expire in November 1999 but by virtue of the regulations, §270.51 of Subpart E - Expiration and Continuation of Permits, remains in effect. In §270.51(a)(1)&(2) the statements are made that if the State has not issued a new permit and the facility has made a timely submittal of its complete application for a new permit (the laboratory submitted its complete application approximately six months prior to the deadline for a timely submittal and almost a year prior to the expiration of its existing permit) then its permit remains "fully effective and enforceable".



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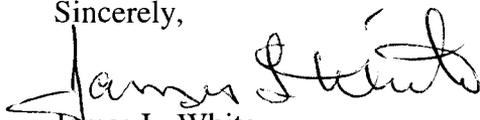
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Module I of our existing permit in Section I.B. states "This permit may be modified, revoked and reissued, or terminated for cause ...". Further, Section I.D. reiterates the requirements of §270.51. With these factors being embodied in the text of the "fully effective" permit the laboratory is allowed to continue operating and to modify its permit as needed.

The laboratory's waste management program is substantial and diverse. The laboratory is unique in that it, unlike most other facilities, sees almost every potential waste in small amounts. We are constantly striving to develop the safest, most effective and efficient and compliant waste management program. With the rapidly changing programs our waste management program has to be flexible enough to adapt to those changing needs. We need to utilize all of the administrative options available to us to maintain the compliant program that we are required to have by state law and regulation.

Based on our previous discussions with Hazardous & Radioactive Materials Bureau (HRMB) and on the regulatory explanation detailed above, we request that HRMB proceed ahead with its review of our permit modification request for addition of the vitrification unit and its associated "slab tanks" located at TA-55 to the Laboratory's hazardous waste permit.

Sincerely,



James L. White
Group Leader

JW/JE/vh

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