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**DEPARTMENT OF ENERGY**  
National Nuclear Security Administration  
Los Alamos Site Office  
Los Alamos, New Mexico 87544



**APR 21 2006**



Mr. James P. Bearzi, Chief  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87503-6303

RE: Management of Waste Generated During Corrective Action of Solid Waste Management Unit (SWMU) 73-002, Los Alamos National Laboratory (LANL), EPA ID# NM0890010515

Dear Mr. Bearzi:

The purpose of this letter is to request approval of a deviation from the Work Plan for Corrective Action of SWMU 73-002 and Investigation of Consolidated Unit 73-002-99 (work plan). This work plan, which is presently being implemented by the Department of Energy (DOE), includes removal of incinerator ash and miscellaneous debris from solid waste management unit (SWMU) 73-002, also referred to as the airport ash pile. This work plan was approved by the New Mexico Environment Department (NMED) on September 30, 2005. Appendix B of the approved work plan contains the investigation-derived waste (IDW) plan. Sections 2.2, 3.1, and 4.4 of Appendix B specify that ash and other IDW designated as low-level radioactive waste (LLRW) will be disposed of at the EnviroCare of Utah disposal facility. DOE requests a deviation from this specification to allow disposal of LLRW at other on-site and/or off-site LLRW disposal facilities. This deviation will allow DOE greater flexibility in managing LLRW in the most cost-effective manner.

A second purpose of this letter is to clarify how DOE will implement certain waste characterization and management activities pursuant to the work plan. Specifically, the work plan lacks clarity in how debris which may have previously been in contact with incinerator ash should be managed. The work plan does not completely address the Resource Conservation and Recovery Act (RCRA) characterization status of the waste and does not specifically describe how the debris is to be evaluated to determine whether it should be managed as LLRW. The approach to be taken by DOE to address these two issues is described below.

Section 4.1 of Appendix B of the approved work plan addresses the RCRA waste classification of the incinerator ash. The evaluation presented in Section 4.1 specifically addresses RCRA hazardous waste characteristics (i.e., ignitability, corrosivity, reactivity, and toxicity), but does not address whether the ash would be listed as hazardous waste under 40 CFR 261 Subpart D (incorporated by 20.4.1.200 NMAC). In order for DOE to properly characterize the debris to determine whether it would be hazardous waste, it was necessary to evaluate whether the ash was a listed hazardous waste.



If the ash is a listed hazardous waste, any debris that had been mixed with the ash would also be a listed hazardous waste per 40 CFR 261.3(a)(iv) (incorporated by 20.4.1.200 NMAC). DOE's evaluation of the incinerator ash to determine whether it is listed hazardous waste is presented in Attachment 1 and concludes that the ash is not listed hazardous waste. Alternately, if NMED does not concur with this conclusion, DOE requests that NMED make a "contained-in" determination for the ash, based on existing analytical data, so that the ash and debris can be managed as non-hazardous wastes. These analytical data were previously provided to NMED in the approved work plan and in a submittal from DOE dated January 18, 2006.

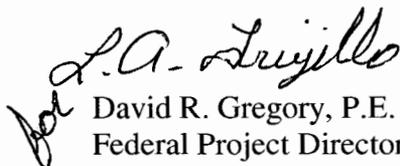
Section 4.2 of Appendix B of the approved work plan addresses the radiological waste classification of the incinerator ash, but does not specifically address the radiological waste classification of debris. Section 4.2 concludes that the ash is LLRW on the basis of elevated concentrations of certain radionuclides in the ash. Section 5.1.11.1 of the approved work plan indicates that debris "in contact with or otherwise directly associated with the ash" will be managed as LLRW. The work plan, however, does not contain guidance on how to determine if debris is "otherwise directly associated with the ash." Therefore, DOE evaluated the debris in accordance with guidelines for classification of wastes generated in radioactive materials management areas to determine the radiological status of debris that may have previously been in contact with (i.e., directly associated with) ash. This evaluation, which is presented in Attachment 2, concludes that debris that is currently not in contact with or containing ash meets DOE radiological release guidelines and does not need to be managed as LLRW. This determination will be verified through field screening. Specifically, debris will be screened by radiological control technicians to verify that the surface contamination release guidelines from DOE Order 5400.5 are met.

In summary, the approved work plan does not provide clear guidance on the RCRA and radiological waste classification of debris waste that will be removed from SWMU 73-002. DOE has evaluated the RCRA and radiological status of the debris and concluded that debris not observed to be mixed with or containing ash will be designated as non-hazardous, non-radioactive solid waste unless DOE radiological release guidelines are exceeded. This non-hazardous, non-radioactive waste stream will be disposed of at an off-site industrial waste landfill.

DOE requests approval of a deviation from the work plan to allow disposal of LLRW at LLRW disposal facilities other than EnviroCare of Utah and also requests concurrence with the approach for characterization and management of debris waste described above. If NMED does not concur that the ash is not listed hazardous waste, DOE requests that NMED make a "contained-in" determination for the ash based on existing analytical data.

Should you have any questions, please contact me at (505) 667-5808 or Bob Enz at (505) 667-7640...

Sincerely,

  
David R. Gregory, P.E.  
Federal Project Director

ES: 2DG-002

cc w/attachments:

Darlene Goering, Environmental Scientist & Specialist  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505

Kathryn Chamberlain, Environmental Scientist & Specialist  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505

John Volkerding, Acting Chief  
New Mexico Environment Department  
Department of Energy Oversight Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505

Laurie King, Chief (6PD-N)  
New Mexico Federal Facilities Section  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

B. Enz, OES, LASO  
G. Rodriguez, OES, LASO  
G. Turner, OES, LASO  
S. Yanicak, DOE-LA-AO, LANL, MS-J993  
K. Hargis, RRESIDO, LANL, MS-A316  
N. Quintana, EIER, LANL, MS- M992  
D. McInroy, EIER, LANL, MS- M992