



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

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

August 7, 2006

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop MS M992
Los Alamos, NM 87545

**RE: REQUEST FOR DEVIATION FOR MANAGEMENT OF WASTE GENERATED DURING CORRECTIVE ACTION OF SOLID WASTE MANAGEMENT UNIT (SWMU) 73-002
LOS ALAMOS NATIONAL LABORATORY (LANL),
EPA ID #NM0890010515, HWB-LANL-05-005**

Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy's (DOE) *Management of Waste Generated During Corrective Action of Solid Waste Management Unit (SWMU) 73-002*, dated April 21, 2006. NMED has the following comments.

1) DOE requested a deviation from the approved *Work Plan for Corrective Action of SWMU 73-002 and Investigation of Consolidated Unit 73-002-99* (Work Plan) for disposal of low level radioactive waste (LLRW) at a facility other than EnviroCare. Specifically, the Permittees requested the deviation to allow greater flexibility in managing LLRW in the most cost-effective manner. Based on the 2005 waste characterization results provided in the approved work plan and from sampling results obtained in July 2006, NMED concurs that the waste does not exhibit any characteristics (ignitable, toxic, reactive, corrosive) of a hazardous waste and does not contain any listed hazardous constituents. NMED hereby approves the deviation from the

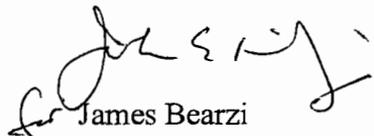


approved Work Plan to allow disposal of LLRW at an approved LLRW disposal facility other than EnviroCare.

2) The second purpose of DOE's request was to clarify how waste characterization and management activities would be implemented. Specifically, DOE explained how debris, which is currently in contact or may have been in contact with incinerator ash, should be managed. DOE completed an evaluation of the RCRA and radiological status of the debris and concluded that debris not observed to be mixed with or containing ash should be designated non-hazardous, non-radioactive waste. However, it was noted that the determination would be verified through field-screening. NMED concurs with the approach for characterization and management of debris waste based on Attachments 1 and 2 of the request as well as analytical data submitted as part of the Response to Information Request, dated January 18, 2006. Debris not observed to be mixed with or containing ash will be designated as non-hazardous, non-radioactive solid waste unless field screening indicates otherwise. The non-hazardous, non-radioactive waste material will be disposed of at an approved off-site industrial waste landfill.

Should you have any questions, please contact Kathryn Chamberlain at (505) 428-2546.

Sincerely,



James Bearzi
Chief
Hazardous Waste Bureau

JPB:kc

cc: K. Chamberlain, NMED HWB
D. Goering, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
A. Phelps, AD LANS, MS J591
N. Quintana, LANL E/ER, MS M992
file: Reading and LANL TA-73 '06 (SWMU 73-002-99: (73-002, 73-003, 73-004(a,b), 73-006)