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Date: JUL 21 2021
Symbol: EPC-DO-21-222
LA-UR: LA-UR-21-26813
Locates Action No.: U2100570

Mr. Ricardo Maestas, Acting Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Subject: Response to Second Notice of Disapproval Closure Certification Report and Proposed Actions for Technical Area 16-399 Open Burn Unit, Los Alamos National Laboratory, EPA ID#NM0890010515

Dear Mr. Maestas:

This letter provides the U.S. Department of Energy (DOE) National Nuclear Security Administration-Los Alamos Field Office (NA-LA) and Triad National Security, LLC (Triad) response to the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB) May 25, 2021 letter *Second Notice of Disapproval of Closure Certification Report for Technical Area 16-399 Open Burn Unit Los Alamos National Laboratory EPA ID#NM0890010515, HWB-LANL-20-006* (Disapproval Letter). The NMED-HWB provided comments to the report and supporting documentation included in the March 18, 2021, *Response to the Disapproval Closure Certification Report for Technical Area 16-399 Open Burn Unit, Los Alamos National Laboratory, EPA ID#NM0890010515* (EPC-DO-21-078, LA-UR-21-22037). The closure certification report, *Los Alamos National Laboratory Closure Certification Report for Open Burning Treatment Unit Technical Area 16-399 Burn Tray* (EPC-DO-20-061, LA-UR-20-20437) was submitted February 20, 2020.

A virtual meeting with NMED-HWB staff and risk assessment subject matter expert personnel was held on June 30, 2021, to discuss content and clarify a path forward for closure of the Technical Area (TA) 16-399 Burn Tray located at the Los Alamos National Laboratory (LANL). The guidance provided during and after the meeting by NMED-HWB was utilized to draft this response which provides next steps for closure activities and future deliverables.

NA-LA and Triad respectfully propose the following activities and timelines for continued efforts to clean close the TA-16-399 Burn Tray, and requests the NMED-HWB to approve this proposed path forward.

- Remove soil at two locations with the intention of reducing the potential risk to human health and the environment associated with dioxin/furan congeners and barium at the site. Excavation of soil will occur and confirmation samples will be collected from the areas surrounding Sample Locations 4 and 9 as depicted in *Final Action and Response to Comments Closure Plan for Technical Area 16-399 Open Burn Unit, Los Alamos National Laboratory, EPA ID #NM0890010515* issued on January 17, 2019. At Sample Location 4, the area directly below the former burn tray, the soil removal extent will be supervised by an Explosives Safety Officer and guided by explosive field screening tests that detect the presence of minor amounts of explosives. At Sample Location 9, there are no field tests available to guide the extent of soil removal, as explosives are not detected in the area. Therefore, soil removal from the drainage area across the road and

south of the former burn tray will be guided by past analytical results in the area and the depth of soil to the tuff surface. The volume of soil removed will be recorded and all of the soil removed from the site will be disposed of in accordance with all applicable characterization and management requirements as waste.

- Confirmation samples will be collected from both soil removal areas and analyzed for metals and explosives in the case of Sample Location 4, and dioxin/furan congeners and metals in the case of Sample Location 9. The excavated surface will be sampled at the location of the highest concentration of the respective constituent of concern, and an additional four surface samples (one in each direction) will be collected from the excavated area in locations stepping away from the original sample location. The samples are anticipated to be collected at the boundaries of the excavation. All sampling activities will be conducted in accordance with approved closure plan requirements.
- Updated and revised risk calculations using previously collected data and data from the confirmation sampling will be generated for discussion with the NMED-HWB staff and risk assessment subject matter expert personnel, to ensure that risk goals are met at the site and confirm the information within the revised certification report is sufficient to address NMED-HWB clean closure requirements.
- The closure certification report will be revised to include a description of all closure activities conducted at the site and an updated risk assessment for review. The revised certification report will also include responses to NMED-HWB comments from the letter dated May 25, 2021, as appropriate, for completeness.

Due to planning constraints for outdoor work in the summer months, time for analytical data turn around, and holiday complications associated with requesting 120 days to complete these activities, NA-LA and Triad request that a revised closure certification report be due to the NMED-HWB on or before January 31, 2022.

If you have questions, comments, or would like to further discuss this request, NA-LA and Triad would appreciate the opportunity. Please contact Karen E. Armijo, NA-LA, at (505) 221-3664, or Patrick L. Padilla, Triad, at (505) 412-0462 with meeting requests.

Sincerely,

JENNIFER PAYNE (Affiliate)
Digitally signed by JENNIFER PAYNE (Affiliate)
Date: 2021.07.21 10:36:48 -06'00'

Jennifer E. Payne
Division Leader
Environmental Protection and Compliance Division
Triad National Security, LLC
Los Alamos National Laboratory

Sincerely,

Karen E. Armijo
Digitally signed by Karen E. Armijo
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Karen E. Armijo
Permitting and Compliance Program Manager
National Nuclear Security Administration
Los Alamos Field Office
U.S. Department of Energy

JEP/KEA/PLP

Enclosures (s): None

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