



Department of Energy
Washington, DC 20585

April 6, 2007

Mr. Mohinder Sandhu, Chief
Northern California Permitting Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
Sacramento Field Office
880 Cal Center Drive
Sacramento, CA 95826-3200

SUBJECT: Radioactive Materials Handling Facility (RMHF) Resource Conservation and Recovery Act (RCRA) Closure Requirements Integration with Comprehensive Environmental Response, Compensation Liability Act (CERCLA) Non-Time Critical Removal Action

Dear Mr. Sandhu:

This letter is Department of Energy's (DOE's) documentation of the significant points of discussion by the participants at a technical meeting with representatives of management and legal staffs of DTSC, DOE, and Boeing on March 19, 2007.

The objectives of the meeting were to generally introduce the RMHF Engineering Evaluation/Cost Analysis (EE/CA) document and near-term schedule, present a brief overview of how Non-Time Critical Removal actions (NTC-RA) have been conducted at other DOE sites, and to provide a framework for the integration of the NTC-RA with the RCRA Closure Plan at the RMHF.

Three significant items were discussed: Identification of the Project Applicable or Relevant and Appropriate Requirements (ARARs), the determination of residual risk following site cleanup in a manner consistent with the EPA, and the possible inclusion of chemical Constituents of Concern during the verification soil sampling stage of the project. Summary of the three significant points of discussion is provided below.

Generally speaking, the non-time critical removal actions at RMHF must be consistent with the CERCLA ARARs. Our discussion involved the useful nature of including several specific ARARs representing State and local requirements such as the management of Decommissioned Materials generated during the project and mitigation actions to maintain air quality. The DOE agreed to identify those requirements and recognize them in a revised EE/CA document.

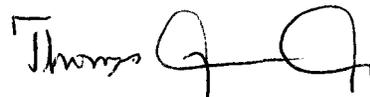


DTSC requested clarification on how the department would be able to achieve a 10^{-6} risk level cleanup of both radionuclides and chemicals at the RMHF site. This was resolved by the attendees acknowledging that DOE would first pursue removal of the radiological risks to fall within the designated risk range for RMHF (10^{-4} to 10^{-6} , with 10^{-6} as the point of departure) utilizing its authority as lead agency. Following the removal of RMHF above and below-grade improvements, the DOE will conduct a radiological survey to determine the risk posed by any radioactive materials remaining at the site. The EE/CA notes that the DOE will submit a sampling and analysis plan to the EPA for comment. It is the intention of the DOE to perform the sampling and risk determination in a manner consistent with CERCLA and EPA guidance.

The RMHF EE/CA discusses the demolition of the RCRA Interim Status storage and treatment units. Waste generated from this removal action will be characterized and segregated by waste type (i.e., decommissioning materials, low level waste, and mixed low level waste) and dispositioned in accordance with the appropriate regulations. The attendees also acknowledged that in order to meet the DTSC permit requirements for clean closure, the Chemicals of Concern would also require removal to a 10^{-6} risk level for the specific chemicals. To this end, DOE agreed to perform verification sampling for chemical constituents at the time of the Final Status Survey (performed to determine residual levels of any remaining radioactive materials) and to provide DTSC the opportunity to take split samples prior to backfill of the RMHF excavated footprint.

Our discussions together were engaging and thoughtful. I appreciate the DTSC staff taking the time to meet with my team. If your recollections are substantially different than represented here, or if you would like to discuss the RMHF further, please contact me at 818-466-8959.

Sincerely,



Thomas Johnson, Jr.
Deputy Federal Project Director
Oakland Projects Office

Enclosure

cc: R. Amar, Boeing w/encl

ATTENDEES

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Mohinder Sandhu

Joe Smith

Marilee Hanson

Wei Wei Chui

Guenther Moskat

CALIFORNIA ATTORNEY GENERAL'S OFFICE

Ann Rushton

DEPARTMENT OF ENERGY

Thomas Johnson, Jr.

Simon Lipstein

Steve Golian

BOEING

Ravnesh Amar

Brian Sujata