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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 19, 2006

Mr. Johnny Guelker (PXO-ESEP)
Lead for Site Support
Department of Energy
Albuquerque Field Office
P.O. Box 30030
Amarillo, TX 79120

Mr. Dennis Huddleston, Manager
Department of Energy
Albuquerque Field Office
P.O. Box 30030
Amarillo, TX 79120

Re: **Conditional Approval - Nuclear Weapon Accident Residue Storage Unit (NWAR) Human Health Risk Assessment dated August 2006**
U.S. Department of Energy (DOE), Pantex Plant
TCEQ Solid Waste Registration No. 30459
TCEQ Hazardous Waste Permit No. HW-50284
EPA ID No. TX4890110527

Dear Messrs. Guelker and Huddleston:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the August 2006 "Nuclear Weapon Accident Residue Storage Unit (NWAR) Human Health Risk Assessment" (NWAR HHRA) report. The August 2006 NWAR HHRA report reflects revisions made to the August 2005 NWAR HHRA report to address comments per TCEQ correspondence dated May 16, 2006, and Environmental Protection Agency (EPA) correspondence dated March 16, 2006, and July 28, 2006. Additional supporting information which addresses the TCEQ comments on the August 2005 NWAR HHRA report is included in DOE Pantex correspondence dated June 29, 2006 and entitled, "Response to TCEQ Comments on the Nuclear Weapon Accident Residue Storage Unit (NWAR) Human Health Risk Assessment (August 2005)".

The August 2006 NWAR HHRA report presents the methodology and results of a human health risk assessment conducted for Solid Waste Management Unit (SWMU) 82 Nuclear Weapon Accident Residue Storage Unit. Based on our review, the NWAR HHRA report satisfies the requirement in 30 Texas Administrative Code (TAC) §335.553(b)(2) for a baseline risk assessment of SWMU 82. TCEQ approval of the August 2006 NWAR HHRA is contingent upon DOE-Pantex implementing long-term monitoring to

uncertainties in the investigation record and subsurface fate and transport modeling. The LTM plan will be established as part of the forthcoming Compliance Plan (CP-50284) process.

2. The risk assessment conclusions shall not justify any reduction of aspects of the LTM plan (e.g., COCs analyzed for, frequency and duration of monitoring, number and location of monitoring wells, etc.) that are necessary to sufficiently manage uncertainties in both the investigation record and risk assessment conclusions.
3. a.) The risk assessment relies on subsurface fate and transport modeling to evaluate whether or not current concentrations of COCs in soil may result in future concentrations in the Ogallala aquifer that exceed risk levels. The results of the modeling do not indicate a future impact to the Ogallala aquifer. Although many of the assumptions and input parameters used in the modeling are conservative in nature, there is inherent uncertainty in the simulations themselves, as well as uncertainties between model predictions and past observations in site data.

b.) In the event that analytical results obtained through implementation of the LTM plan are not commensurate with conclusions of the investigation and/or risk assessment, DOE-Pantex must implement any additional assessment and/or corrective measures necessary to protect human health and the environment; therefore, the LTM plan shall include a well-defined contingency plan specifying the monitoring locations and concentrations of COCs that would trigger implementation of the contingency plan and the actions to be taken to mitigate the risk.
4. The evaluation of risk associated with radionuclide compounds at SWMU 82 was not conducted by TCEQ and is therefore not associated with the TCEQ's approval of the NWAR HHRA report. EPA Region 6 is the delegated authority of radionuclide compounds per the December 21, 1994 Memorandum of Agreement between the EPA and the TCEQ.
5. DOE-Pantex must address any unresolved issues and/or conditions of approval associated with EPA Region 6's review of the NWAR HHRA report as a condition of TCEQ's approval.

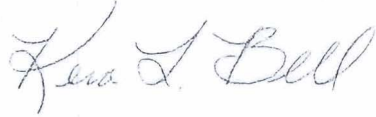
Please be aware that it is the continuing obligation of persons associated with a site to ensure that municipal hazardous waste and industrial solid waste are managed in a manner which does not cause the discharge or imminent threat of discharge of waste into or adjacent to waters in the state, a nuisance, or the endangerment of the public health and welfare as required by 30 TAC §335.4.

Questions concerning this letter should be directed to me at (512) 239-6875. When responding by mail, please submit an original and one copy of all correspondence to the TCEQ Environmental Cleanup Section I at the letterhead address using mail code number MC-127. An additional copy should be submitted to the

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TCEQ Region 1 Office in Amarillo. The TCEQ Solid Waste Registration number should be referenced in all submittals.

Sincerely,



Kera L. Bell, Project Manager
Environmental Cleanup Section I, Team 2
Remediation Division
Texas Commission on Environmental Quality

KB/al

cc: Mr. Jim McWilliams, Project Manager, TCEQ Region 1 Office - Amarillo
Ms. Camille Hueni, Superfund Division, Texas Section (6SF-AP), USEPA Region VI