

2. PURPOSE AND NEED FOR AGENCY ACTION

The U.S. Department of Energy (DOE) currently stores approximately 65,000 cubic meters of low-level mixed waste, alpha-contaminated low-level mixed waste, and transuranic (TRU) waste at the Radioactive Waste Management Complex on the Idaho National Engineering and Environmental Laboratory (INEEL). Approximately 95 percent of this waste is classified as mixed waste which, because it contains both radioactive and chemically hazardous constituents, is regulated as hazardous waste under the *Resource Conservation and Recovery Act* (RCRA). Some of the wastes also contain polychlorinated biphenyls, which are regulated under the *Toxic Substances Control Act* (TSCA). These wastes (i.e., radioactive, RCRA, and TSCA wastes) are intermingled in common containers. DOE needs to place these wastes in a configuration that will allow for their disposal at the Waste Isolation Pilot Plant or another appropriate facility, in a manner consistent with state and Federal law and consistent with the schedule contained in the October 17, 1995 Settlement Agreement/Consent Order in the case of *Public Service Co. of Colorado v. Batt* (Civil No. 91-0035-S-EJL [D. Idaho October 17, 1995] [Consent Order]).

DOE also anticipates that it may need to treat up to an additional 120,000 cubic meters of these same kinds of wastes in preparation for disposal. These wastes are currently located, or may be generated, at other areas on the INEEL and at other DOE sites. Depending on future DOE decisions, the treatment of these wastes could occur at the INEEL. Any future decisions regarding transfers of TRU waste would involve revision of the TRU Record of Decision that DOE issued on the *Final Waste Management Programmatic Environmental Impact Statement*, and be subject to agreements, such as those between DOE and states, relating to the treatment and storage of TRU waste.