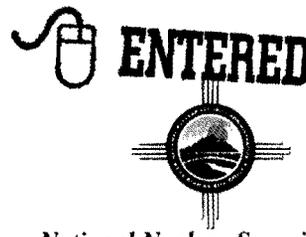


General



Environmental Programs
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Date: DEC 21 2009
Refer To: EP2009-0688

James Bearzi, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Subject: Request for Concurrence on Changes to the Format and Content of Investigation Reports Prepared by the Los Alamos National Laboratory

Dear Mr. Bearzi:

The purpose of this letter is to obtain the New Mexico Environment Department's (NMED's) concurrence on changes to the format and content of investigation reports prepared by Los Alamos National Laboratory (the Laboratory) pursuant to the March 1, 2005, Compliance Order on Consent (the Consent Order). Several comments on report format and content were included in NMED's notice of disapproval (NOD) for the Investigation Report for North Ancho Canyon Aggregate Area (the North Ancho report). On November 18, 2009, staff from the Laboratory and the U.S. Department of Energy (DOE) met with David Cobrain and Kathryn Roberts of your staff to discuss the NOD for the North Ancho report, including comments related to the format and content of the document.

While the Laboratory and the DOE believe the North Ancho report was not deficient with respect to Consent Order requirements for report format and content, we understand the basis for NMED's comments with respect to making documents easier to review, and we will incorporate the changes requested by NMED in future documents. The comments discussed with NMED addressed data review appendices, presentation of screening levels, and requests for certificates of completion. Below, we have outlined the changes we understand NMED would like and wish to receive your concurrence before incorporating these changes into future documents.

Data Review Appendix. The Laboratory has previously provided detailed interpretation of data related to identification of chemicals of potential concern (COPCs) and determination of nature and extent of contamination in a data review appendix rather than in the main body of the report. This approach was based on our understanding of section XI.C.1 of the Consent Order, which requires that interpretation of data only be included in the background, conclusions, and recommendations sections of the main body of the report. The Laboratory understands that NMED would like the discussions presented in the data review appendix to be moved to the main body of the report to facilitate review of the document. In the future, we will include the data evaluations formerly presented in the data review appendix in the "Site Contamination" section of the main body of the



report. Supporting information such as tables presenting the results of statistical tests and figures showing box plots for data will continue to be presented in a separate appendix.

Screening Levels. Section XI.C.8 of the Consent Order allows screening levels to be presented either in a separate table or incorporated into data presentation tables. The Laboratory has used both approaches in the past. The North Ancho report presented screening levels in a separate table and the NOD required them to be incorporated into the data tables. The Laboratory understands NMED's preference is to have the screening levels incorporated into the data tables to facilitate comparison of analytical results with screening levels. The Laboratory will use this approach in future investigation reports.

Requests for Certificates of Completion. Based on the Laboratory's interpretation of section VII.E.6.b of the Consent Order, requests for certificates of completion have previously been included in investigation reports, including the North Ancho report. The NOD for the North Ancho report requires requests for certificates of completion to be submitted under separate cover. After discussing this comment with NMED, the Laboratory understands that NMED prefers investigation reports to recommend, rather than request, sites for certificates of completion. Formal requests for certificates of completion should not be made until administrative action on the report is complete (e.g., the report is approved). At that time, the Laboratory shall submit a request for certificates of completion that references the report and approval letter. The Laboratory will utilize this approach for future investigation reports and requests for certificates of completion.

Please confirm that the changes described above address the concerns addressed in General Comment 1 and Specific Comments 10 and 13 of the NOD for the North Ancho report. The Laboratory will incorporate these changes into future investigation reports submitted in 2010 and beyond. Because of the relatively small size of the North Ancho Canyon Aggregate Area, these changes will also be incorporated into the revised North Ancho report. Because of the large size of the investigation reports for Upper Los Alamos Canyon Aggregate Area and Upper Mortandad Canyon Aggregate Area and the effort involved with reformatting these reports, the Laboratory is requesting that revisions to these two reports follow the currently used format.

If you have any questions, please contact Tori George (505) 667-7883 (torig@lanl.gov) or Suzy Schulman at (505) 606-1962 (sschulman@doeal.gov).

Sincerely,



Michael J. Graham, Associate Director
Environmental Programs
Los Alamos National Laboratory

Sincerely,



David R. Gregory, Project Director
Environmental Operations
Los Alamos Site Office

MG/DG/TG/JE:sm

Cy: (w/att.)

Laurie King, EPA Region 6, Dallas, TX
Steve Yanicak, NMED-DOE-OB, MS M894
Suzy Schulman, DOE-LASO, MS A316
Joe English, WES-DO, MS M992
Kristine Smeltz, EP-WES, MS M992
RPF, MS M707

Cy: (w/o att.)

Tom Skibitski, NMED-OB, Santa Fe, NM
Annette Russell, DOE-LASO (date-stamped letter emailed)
Tori A. George, ENV-COMPLY, MS M991
Michael J. Graham, ADEP, MS M991
IRM-RMMSO, MS A150 (date-stamped letter emailed)