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Governor

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NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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DAVE MARTIN  
Cabinet Secretary

RAJ SOLOMON, P.E.  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 24, 2011

George J. Rael, Assistant Manager  
Environmental Projects Office  
Department of Energy/National  
Nuclear Security Administration  
Los Alamos Site Office  
3747 West Jemez Road, MS A316  
Los Alamos, NM 87544

Michael J. Graham, Associate Director  
Environmental Programs  
Los Alamos National Security, LLC  
P.O. Box 1663, MS M991  
Los Alamos, NM 87545

**RE: APPROVAL WITH MODIFICATION  
PHASE II INVESTIGATION WORK PLAN  
UPPER MORTANDAD CANYON AGGREGATE AREA  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID #NM0890010515  
HWB-LANL-10-092**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security, LLC (LANS) (collectively, the Permittees) response to the April 1, 2011 Notice of Disapproval (NOD) for the *Phase II Investigation Work Plan for Upper Mortandad Canyon Aggregate Area* and revision 1 of the plan, dated May 2011 and referenced by EP2011-0149. NMED hereby issues the Approval with the following modification.

The NOD comments 8.b and 9.b-h require either justification for not collecting additional samples or collection of additional samples to define the extent of the contamination at solid waste management unit (SWMU) 50-006(d). The Permittees state in their response that the area encompassing the identified sampling locations is included within reaches E-1E and M-2W of

34566



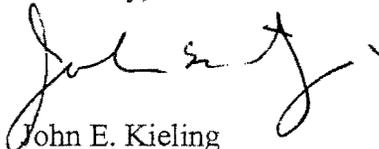
Messrs. Rael and Graham  
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Mortandad Canyon. Mortandad Canyon was investigated separately and the investigation report was submitted in October 2006. The investigation report concluded that there is a potential for an excess radiological dose in reach E-1E under a trail user scenario. The canyon is closed to recreational use, and no remedial action was recommended. For tracking purposes, the investigation report must state that the off-site contaminant migration from SWMU 50-006(d) is addressed under the Mortandad Canyon investigations.

The Phase II investigation report must be submitted no later than **January 31, 2013**. All submittals (including maps and tables) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order.

Please contact Neelam Dhawan of my staff at (505) 476-6042 should you have any questions.

Sincerely,



John E. Kieling  
Acting Chief  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
N. Dhawan, NMED HWB  
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File: LANL, Upper Mortandad Canyon Aggregate Area Phase II IWP, 2011.  
LANL 10-092