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JAN 29 2015

NMED
Hazardous Waste Bureau

National Nuclear Security Administration
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Date: JAN 29 2015
Refer To: ADESH-15-003
 LAUR: N/A
Locates Action No.: N/A

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

Subject: Request to Defer Submittal of the Phase II Investigation Report for Upper Mortandad Canyon Aggregate Area

Dear Mr. Kieling:

This letter requests a deferral of the January 31, 2015, deadline to submit the Phase II Investigation Report for Upper Mortandad Canyon Aggregate Area. The U.S. Department of Energy (DOE) and Los Alamos National Security, LLC (LANS) would like to prepare and submit a supplemental investigation report (SIR) for this aggregate area before the Phase II investigation report is submitted. Although the Upper Mortandad Canyon Aggregate Area SIR is currently not required under the March 2005 Compliance Order on Consent (the Consent Order), DOE/LANS intend to submit the SIR to the New Mexico Environment Department (NMED) by April 30, 2015.

In January 2012, NMED and DOE/LANS entered into a Framework Agreement for Realignment of Environmental Priorities (Framework Agreement) at Los Alamos National Laboratory (the Laboratory). Under the Framework Agreement, NMED and DOE/LANS agree to review characterization efforts undertaken to date pursuant to the Consent Order to identify those sites where the nature and extent of contamination have been adequately characterized. The Framework Agreement also stipulated the use of U.S. Environmental Protection Agency (EPA) guidance in this process, except in cases where EPA guidance is not supported by sound science. Pursuant to the Framework Agreement, DOE/LANS reviewed the data evaluation process with respect to EPA guidance and the Framework Agreement principles and concluded that this process could be revised to complete site characterization more efficiently while providing full protection of human health and the environment. Specifically, the process for evaluating data to define extent of contamination was revised to provide a greater emphasis on risk/dose reduction, consistent with EPA guidance.

Upper Mortandad Canyon Aggregate Area is 1 of 11 aggregate area investigation reports proposed to be reevaluated and SIRs submitted. The SIRs will present recommendations for sites requiring additional

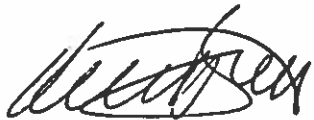


sampling and/or remediation and recommend certificates of completion with or without controls, as appropriate. The SIRs will also propose new dates for Phase II work plans or revisions to existing work plans should additional characterization sampling or remediation actions be warranted. DOE/LANS request the January 31, 2015, date to submit the Phase II investigation report be deferred until the SIR for Upper Mortandad Canyon Aggregate Area is submitted and NMED has the opportunity to review and comment on the report.

The first SIR submitted to NMED in August 2013 was for Upper Sandia Canyon Aggregate Area. Because of the new extent evaluation process, it was agreed by both parties that the submittal of the next SIR would be held off until NMED had a chance to review and comment on the Upper Sandia Canyon Aggregate Area SIR so modifications could be incorporated into future SIR submittals. During this period DOE/LANS also submitted a site-specific investigation report for Area of Concern (AOC) 01-007(k), which incorporated the revised data evaluation process and also new evaluation approaches for considering polycyclic aromatic hydrocarbons and chemicals of potential concern. The review process for AOC 01-007(k) was completed in December 2014. Although comments are still pending from NMED on the Upper Sandia Canyon Aggregate Area SIR, based on comments received for AOC 01-007(k), the Laboratory has begun preparing the remaining aggregate area SIRs. The April 30, 2015, SIR submittal date reflects the time required to complete the Upper Mortandad Aggregate Area SIR.

If you have any questions, please contact Kent Rich at (505) 665-4272 (krich@lanl.gov) or Cheryl Rodriguez at (505) 665-5330 (cheryl.rodriguez@nnsa.doe.gov).

Sincerely,



Michael T. Brandt, DrPH, CIH, Associate Director
Environment, Safety, and Health
Los Alamos National Laboratory

Sincerely,



Peter Maggiore, Assistant Manager
Environmental Projects Office
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MB/PM/DM/KR:sm

Cy: Laurie King, EPA Region 6, Dallas, TX (date-stamped letter emailed)
Tom Skibitski, NMED-DOE-OB (date-stamped letter emailed)
Steve Yanicak, NMED-DOE-OB, MS M894
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Annette Russell, DOE-NA-LA (date-stamped letter emailed)
Cheryl Rodriguez, DOE-NA-LA (date-stamped letter emailed)
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Michael Lansing, PADOPS (date-stamped letter emailed)
PRS Database
Public Reading Room (EPRR)
ADESH Records (electronic copy)