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March 9, 2011

DCN: NMED-2011-08

Mr. David Cobrain
New Mexico Environment Department (NMED)
Hazardous Waste Bureau
2905 Rodeo Park Dr. E/Bldg 1
Santa Fe, NM 87505

RE: Evaluation of the Response to Notice of Disapproval for the *S-Site Aggregate Area Investigation Report*, Los Alamos National Laboratory, New Mexico, dated December 22, 2010.

Dear Mr. Cobrain:

This letter addresses the evaluation of Los Alamos National Laboratory's (LANL) responses to Notice of Disapproval comments on *S-Site Aggregate Area Investigation Report*, LANL, New Mexico (December 2010). As noted in an email dated March 1, 2011, Ms. Neelam Dhawan requested an evaluation of the responses to the risk assessment-related comments. With the exception of General Comments 1 and 3, the responses to the other General Comments, and any subsequent revisions to the report were adequate as provided. The responses to the specific risk assessment-related comments and subsequent revisions to the report are adequate as provided.

Comment No. 1: LANL's response explains that the construction worker receptor was not evaluated at solid waste management units (SWMUs) 16-004(a), 16-004(e), 16-017(p)-99, and 16-029(d) as no demolition and decommissioning or remediation activities are proposed at these sites. It is agreed, as noted in Comment Number 1, that evaluation of a construction worker receptor was not warranted at these sites. However, based on LANL's response to this comment, it is unclear whether they intend to evaluate the construction worker receptor in all future risk assessments. To clarify, all future risk assessments (specifically those conducted at S-Site Aggregate Area) must include the evaluation of all potential receptors if LANL is proposing corrective action complete without controls. This would include the construction worker receptor, whether demolition and decommissioning or remediation activities are proposed or not. The rationale is based on the premise that: 1) current and foreseeable future land use is industrial; 2) for some metals, the screening levels for a construction worker are more conservative than those for a resident, as explained in Comment Number 1; and 3) in the case of corrective action complete without controls, no land controls would be instated to prevent construction activities. This may continue to be an ongoing issue/comment.

Comment No. 3: Although the extent of contamination at the Courtyard Periphery Area remains undefined, the report continues to state that the site poses no unacceptable risks/hazards to recreational and ecological receptors. It is incorrect to draw such conclusions from a risk



assessment based on data from an exposure area where the extent of contamination has not been defined. It is recognized that additional samples will be collected as part of the Phase II investigations, as specified in the response to this comment and in the Investigation Report for S-Site Aggregate Area. An updated risk assessment is warranted following Phase II investigations to address the risks/hazards to recreational and ecological receptors as additional data become available and the extent of contamination at the Courtyard Periphery Area is determined to be adequately characterized.

If you have any questions, please contact me at (801) 451-2864 or via email at paigewalton@msn.com.

Thank you,

A handwritten signature in black ink that reads "Paige Walton". The signature is written in a cursive, flowing style.

Paige Walton
AQS Senior Scientist and Program Manager

cc: Neelam Dhawan, NMED (electronic)
Joel Workman, AQS (electronic)
Sunny McBride, AQS (electronic)