



**Department of Energy**

Field Office, Albuquerque  
Los Alamos Area Office  
Los Alamos, New Mexico 87544

DEC 1 1993

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TA-21

Ms. Barbara Driscoll  
RCRA Permits Branch  
US Environmental Protection Agency  
Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Dear Ms. Driscoll:

In response to your request, this letter is intended to document the schedule slippages due to budget constraints for Operable Unit (OU) 1106.

Background

The response to the Notice of Deficiency (NOD) received from the Environmental Protection Agency (EPA) on OU 1106 (November 5, 1991) indicated that the schedule for this OU would be revised to increase the number of solid waste management units (SWMUs) that would be investigated in Fiscal Year (FY) 1992. Enclosure I is the NOD response letter from the Department of Energy-Los Alamos Area Office (LAAO) to Mr. William Honker, EPA, written in December 1991.

In the revised schedule, vadose zone and Material Disposal Area (MDA) V characterizations were scheduled to begin in the summer of 1992. The NOD response indicated that the revised schedule would be met if adequate funding were obtained in FY 1992 and beyond. A November 5, 1991 letter (Enclosure II) from the Los Alamos National Laboratory (LANL) to LAAO, pointed out the need for additional FY 1992 funding to allow the vadose zone and MDA V studies to begin on the schedule indicated in the NOD response. Because additional funding was not provided to LANL's Environmental Restoration Program and existing funding was not reprogrammed (due to other high priority deliverables), these investigations were not possible in FY 1992.

The approximate OU 1106 budgets requested and those actually obtained are summarized below:

<u>FY</u>	<u>REQUESTED</u>	<u>RECEIVED</u>
1992	\$8.0M	~ \$4.0M
1993	\$7.3M	~ \$4.7M
1994	\$7.2M	~ \$5.7M (est.)

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Current Investigations

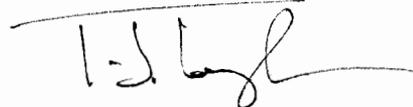
Turnaround times for sample analyses were much longer than anticipated for OU 1106 samples in FY 1992, creating delays in subsequent activities which freed some funds in FY 1993. Some of these delay-freed funds were used instead to begin vadose zone characterization during the summer and fall of 1993. However, the delay-freed funds were not sufficient to cover all of the vadose zone and MDA V investigations. MDA V investigations currently are scheduled to begin in FY 1995, due to inadequate funding over the last two years. As a result of these delays, aspects of the vadose zone investigation will be at least two years behind schedule, and MDA V characterization will be at least three years behind schedule.

Although the vadose zone and MDA V studies have been delayed, surface sampling at MDA T was finished in FY 1993 ahead of schedule. MDA T was considered to be a high priority site. Also, follow-on sampling was conducted in FY 1993 as a result of FY 1992 sampling which identified contamination at several outfalls.

Schedule slippages for other OUs will be documented as soon as the prioritization system results are fully implemented and incorporated into the activity data sheets and the FY 1994 funding is finalized. We expect to have this information in March of 1994.

If you have any questions, please call me at (505) 665-7203.

Sincerely,



Theodore J. Taylor, Manager  
Environmental Restoration Program  
Environment, Safety and Health  
Branch

LESH:7TT-013

Enclosures

cc w/o enclosures:

R. Harris, EM-452, HQ  
J. Vozella, ES&H, LAAO  
T. Taylor, ES&H, LAAO  
S. Fong, ES&H, LAAO  
K. Schenck, Scientech, LAAO  
J. Shipley, ERWM, LANL, MS-J591  
R. Vocke, ERWM, LANL, MS-M992  
RPF, LANL, MS-M707  
K. Bitner, ERPO, AL



**Department of Energy**

Albuquerque Operations

Los Alamos Area Office

Los Alamos, New Mexico 87544

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

*Enclosure*  
(ATTACHMENT I)  
page 1 of 4

Mr. William K. Honker, Chief  
RCRA Permits Branch  
U.S. Environmental Protection Agency  
Region VI  
1445 Ross Avenue  
Dallas, TX 75202

Dear Mr. Honker:

**RE: NOTICE OF DEFICIENCY (NOD) PERTAINING TO RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) FACILITY INVESTIGATION (RFI) WORK PLAN FOR THE TECHNICAL AREA (TA) -21 OPERABLE UNIT (OU)**

Enclosed is our response to your NOD dated October 30, 1991, and received November 5, 1991. This NOD detailed deficiencies pertaining to the schedule for implementation of RFI field work contained in the TA-21 OU RFI Work Plan. Our response to those deficiencies is addressed in the attached addendum. Our response to NOD comments addressing townsite solid waste management unit (SWMU) work plans and risk are addressed in this transmittal letter.

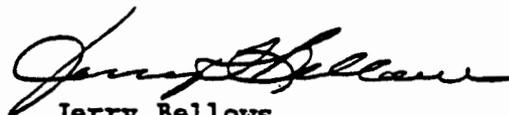
The attached addendum addresses the identified deficiencies by presenting a revised schedule for implementation of the TA-21 OU RFI Work Plan that increases the number of SWMUs addressed in FY92 as required in the NOD. As detailed in the addendum, it replaces information originally provided to the Environmental Protection Agency (EPA) in the May 23, 1991, submittal of the TA-21 OU RFI Work Plan. The schedules in this addendum assume that EPA will approve This RFI Work Plan and the attached addendum by January 1992 so the RFI field work can begin in March 1992. The schedules in the addendum are contingent upon timely EPA approval of this document and upon required Department of Energy (DOE) funding in FY93 and subsequent years to meet these schedules.

The NOD also recommended that Los Alamos National Laboratory (the Laboratory) initiate an accelerated schedule for completion of work plans addressing the Townsite OUs. These work plans are scheduled to be completed by May 1992 as required in the Hazardous Solid Waste Amendments (HSWA) module of the Laboratory's RCRA permit. As you may know, the Laboratory's FY92 Environmental Restoration budget request in the Five Year Plan of approximately \$60 million was not provided; only \$40 million was allocated for FY92. Within this current constrained budget, the Laboratory cannot substantially accelerate townsite OU work plans without modification of HSWA module schedules for other deliverables, or increased funding from DOE. With limited budgets, the Laboratory's priority is to meet all HSWA module permit requirements. However, because we are committed to addressing the

townsite SWMUs as soon as possible, we are reprogramming \$500,000 from existing funds to begin field work in the townsite this FY and will attempt to submit the townsite work plan ahead of the permit schedule. Accelerating field work in the townsite will also then be dependent on timely approval of this Work Plan by EPA. In addition, we are requesting supplemental funding from Department of Energy (DOE) Headquarters for FY92 to further accelerate townsite investigations. Without those additional funds, this will not be possible.

The NOD contained a general comment paragraph addressing risk. In reference to those general comments, the Laboratory has not carried out a detailed prioritization of SWMUs at the Laboratory. However, the results of the DOE Environmental Survey (1987-1989) ranked the liquid waste disposal areas as having the highest risk to the public, equivalent to a lifetime adverse effect of  $5 \times 10^{-5}$ . The most significant of these areas is MDA T at TA-21. This technical area is immediately adjacent to the community, and several of the SWMUs are accessible to the public. The DOE survey incorporated other areas around and near the townsite as potentially, inadequately cleaned up areas with a cumulative risk equivalent to about 1 chance of an adverse effect of much less than 1 in a million. These estimates were developed using the Multi-Media Environmental Pollutant Assessment System model for radiological and non-radiological contaminants and using conservatively cautious transport dynamics parameters. In addition, to have addressed the townsite SWMUs ahead of TA-21 would not have allowed us to investigate the number of SWMUs required in Tables A and B of the HSWA Module. The Townsite SWMUs are being addressed in the early stages of our program as are the SWMUs in areas on the periphery of Laboratory property.

We believe the contents of this letter and the supporting material address the concerns in the NOD. If you have any questions, please contact me or have your staff contact Steve Slaten of my staff at (505)665-5050.



Jerry Bellows  
Area Manager

5BR-003

Enclosure

cc:

J. Ahlquist, DOE-HQ  
R. Sena, DOE-AL  
K. Bitner, DOE-AL  
S. Slaten, LAAO  
A. Tiedman, ADO, MS A120  
T. Gunderson, EM-DO, MS K491  
J. Shipley, ET-AETO, MS F643  
L. Soholt, EM-13, MS M992  
R. Vocke, EM-13, MS M992  
M. Devaurs, EM-13, MS M992  
K. Hargis, EM-8, MS K490  
S. Brown, LC-General, MS A187

# CERTIFICATION

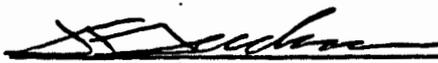
(ATTACHMENT I)

page 4 of 4.

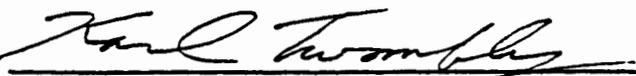
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

## Document Titles:

November 1991 Addendum to TA-21 Operable Unit RFI Work Plan  
for Environmental Restoration, May 1991, LA-UR-91-962

Name:   
James F. Jackson  
Deputy Director  
Los Alamos National Laboratory

Date 12/4/91

Name:   
Karl J. Twombly, Chief  
Environment, Safety, and Health Branch  
Los Alamos Area Office - DOE

Date 12/4/91

(4) 20-10-90-2

Enclosure 2

2 pp

# Los Alamos

Los Alamos National Laboratory  
Los Alamos, New Mexico 87545

DATE  
IN REPLY REFER TO  
MAIL STOP  
TELEPHONE

November 5, 1991  
ADO-91-904  
A120  
(505) 667-9390

Mr. Jerry Bellows, Area Manager  
U.S. Department of Energy  
Los Alamos Area Office, MS A316  
Los Alamos, NM 87544

Dear Mr. Bellows:

Rich Sena, Department of Energy-Albuquerque (DOE-AL), on October 22, 1991, informed the University of California to expect \$41,124,000 during fiscal year (FY) 92. This level of funding is below the FY92 President's Budget of \$80,424,000 that was requested in our FY93 Five-Year Plan (FYP) submittal of March 20, 1991. This level is also lower than recent budget guidance contained in a memorandum from Frank Baca to area offices, September 23, 1991, which stated that Los Alamos National Laboratory (the Laboratory) would receive \$51,687,000 for FY92. It is anticipated that this shortfall may result in noncompliance with the permit to operate the Laboratory under the Hazardous and Solid Waste Amendments (HSWA) Module of the Laboratory's Resource Conservation and Recovery Act (RCRA).

The \$41,124,000 was apparently derived from the DOE's priority system for Environmental Restoration (ER), in which regulatory compliance is the lowest-ranking criterion (see Table 3 of the system's Preliminary Design Report, April 1991). The Environmental Protection Agency (EPA) has not approved the use of this system for projects that it regulates; therefore, the ER FYP budget document should be used for determining the FY92 funding needs.

Currently, the EPA is drafting a Notice of Deficiency (NOD) for unacceptable FY92 and FY93 schedules in the Work Plan for technical area (TA) -21 (ADS 1106) RCRA facility investigation (RFI) field work. The EPA has also requested that we accelerate work on the townsite operable units. The shortfall in funding exacerbates this situation because it will necessitate shifting funds from these activities to ensure that RFI work plans that are ongoing or scheduled to begin this year can be completed by their regulatory deadlines. This is consistent with our response to the August notification of 10% reduction of FY92 budget authority (Gunderson to Sena, August 13, 1991, reference EM-DO:91-042). Even with these funding shifts, we will likely miss deadlines for some of the plans in 1992 and 1993.

We recognize that part of the reason for the budget shortfall was our inability to provide a refined estimate of needs for the current-year work plan by the August 1991 deadline. The primary reason for this failure is that we did not receive our original target budget for FY91, which resulted in less support for cost estimating and resource planning than originally required. The University of California received \$27,138,600 rather than the originally requested \$47,490,000. The reduced support

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**Mr. Bellows**

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for cost estimating and resource planning resulted from the need to fund to the extent possible RFI work plans for delivery to EPA in May 1991 and May 1992. In addition, the reduced support was a significant factor in not meeting the October deadline for the FY94 FYP, which has been delayed because of the DOE Independent Cost Evaluation (ICE). Per DOE guidance, the DOE ICE review is higher priority than the FY94 FYP. Secondly, we did not receive the reduced budget until late in the 2nd quarter of FY91, and only then were we able to add additional staff to support the development of the FY94 FYP. Finally, we were further hampered by the need to prepare for and participate in program audits such as the DOE-Headquarters (HQ) EM-20 Cost Quality Management Assessment (August 19-30, 1991), Laboratory Environmental Safe and Health Self-Assessment, DOE-HQ ICE (began October 7, 1991, and is ongoing), and the DOE-HQ Tiger Team Assessment (September 23 to November 8, 1991).

The University of California recognizes that there is a great deal of uncertainty in the budget estimates given in the ER FY93 FYP and that this uncertainty will remain in the FY94 FYP. However, because only one of 24 RFI work plans has been written and no samples have been taken, uncertainty is to be expected and is consistent with the DOE Cost Estimating Handbook for ER.

We have essentially completed the FY94 FYP at this point and the funding requirements are generally consistent with the FY93 FYP, although slightly higher for most ADSs. We have also identified additional funding to implement a more cost-effective program at the Laboratory over the long term.

Your immediate attention to this serious development is appreciated. Enclosed is a draft letter to Bruce Twining from you. If you have any questions, please contact Bob Vocke or Lars Scholt at 667-0608.

Sincerely,



Allen J. Tisdman  
Associate Director for Operations

AT/RV/rfr

Enclosure: Draft letter to Bruce Twining from Jerry Bellows

Cy: T. Gunderson, EM-DO, MS K491  
R. Vocke, EM-13, MS M992  
L. Scholt, EM-13, MS M992  
J. Shipley, ET-AETO, MS D480  
J. Mitchell, LC-GL, MS A187  
S. Staten, LAAO, MS A316  
N. Simpson, FIN-12, MS A120  
D. Sankey, FIN 18, MS A107  
S. Montoya, EM-DO, MS K491  
EM-13 file, (EM-13:91-873)  
RPF, MS M707  
CRM-4, MS A150