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CERTIFIED MAIL -RETURN RECEIPT REQUESTED

February 20, 2007

David Gregory, Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

David McInroy, Deputy Project Director
Environmental Services
Los Alamos National Laboratory
P.O. Box 1663
Mail Stop M992
Los Alamos, New Mexico 87545

**RE: DIRECTION TO MODIFY THE INVESTIGATION REPORT FOR MATERIAL DISPOSAL AREA V, CONSOLIDATED UNIT 21-018(a)-99, AT TECHNICAL AREA 21
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515,
HWB-LANL-06-021**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the Department of Energy and the Los Alamos National Security, LLC's (collectively, the Permittees) *Response to the Notice of Disapproval for the Investigation Report for Material Disposal Area V, Consolidated Unit 21-018(a)-99, at Technical Area 21* dated February 9, 2007 and referenced by LA-UR-07-0709/EP2007-0071 (Response). The aforementioned letter was in response to NMED's Notice of Disapproval (NOD) dated January 8, 2007 for the *Investigation Report for Material Disposal Area V, Consolidated Unit 21-018(a)-99, at Technical Area 21*, dated October 2006 and referenced by LA-UR-06-6609/EP2006-0436. In the Response, the Permittees proposed to submit a revised investigation report in July of 2007.



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NMED therefore directs the Permittees to modify, pursuant to Section III.M.2 of the March 1, 2005 Consent Order (Order), the Report as follows:

(The comment numbers referenced below correspond to the item numbers in the Response)

- 2) The Permittees state in their response that additional sampling locations, both laterally and vertically, are needed to confirm that residential soil screening levels (SSLs) have been met for benzo(a)anthracene at Solid Waste Management Unit (SWMU) 21-013(b). NMED concurs with the proposed sampling locations and depths. All sampling results must be included in the revised Investigation Report.

The Permittees shall also evaluate the potential human health risk from volatile organic compounds (VOCs) using the Johnson and Ettinger vapor intrusion model based on a residential scenario. The results of the vapor intrusion modeling must be presented in the modified risk assessment (Appendix H) to be included in the revised Investigation Report.

- 3) The Permittees state that subsurface tritium contamination in pore-gas should be evaluated on a mesa-wide basis in the near future. This does not address the more immediate concern of vapor-phase tritium contamination found in the subsurface at MDA V. NMED reiterates that an increase in tritium concentrations with depth suggests the existence of preferential pathways for relatively rapid downward transport of contaminants. NMED cannot make a determination of "Corrective Action Complete" for MDA V until the extent of vapor-phase tritium and the associated migration pathways are defined, and the potential for an adverse effect on groundwater is shown to be minimal.
- 5) The Permittees state that the area north of absorption bed 3 and south of location 21-02523 requires further evaluation for hazardous constituents and radionuclides. The Permittees also propose that additional sampling to address this area be incorporated into the DP Site Aggregate Area investigation. NMED concurs with this approach.

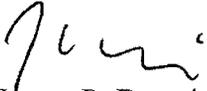
NMED agrees that the due date for the revised Investigation Report for MDA V will be July 16, 2007. The notice date as defined in Section III.M.2 of the Order will be November 15, 2007.

In accordance with Section XI.A of the Order, all submittals must be in the form of two paper copies and one electronic copy.

Messrs. Gregory and McInroy
February 20, 2007
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Should you have any questions, please contact Kathryn Chamberlain at (505) 476-6046.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:kmc

cc: K. Chamberlain, NMED HWB
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file: Reading and LANL TA-21 '07 [SWMU 21-018(a)-99]