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*Date:* December 11, 2007  
*Refer To:* EP2007-0783

James P. Bearzi, Bureau Chief  
 Hazardous Waste Bureau  
 New Mexico Environment Department  
 2905 Rodeo Park Drive East, Building 1  
 Santa Fe, NM 87505-6303

**Subject: Response to Intent to Assess Stipulated Penalties Delta Prime Site Aggregate Area Investigation Report Technical Area 21**

Dear Mr. Bearzi:

The Department of Energy (DOE) and Los Alamos National Security, LLC (LANS) are in receipt of the November 20, 2007 New Mexico Environment Department (NMED) "Intent to Assess Stipulated Penalties Delta Prime Site Aggregate Area Investigation Report Technical Area 21". The DOE and LANS believe that the Investigation Report complies with the intent and specifications set forth in the approved Investigation Work Plan (IWP) and therefore the March 1, 2005 Order on Consent. All investigation and remediation activities described in the IWP for Solid Waste Management Units (SWMUs) and Consolidated Units (CUs) that did not have restricted access associated with active operations or active utility lines were completed and the results reported by the Consent Order milestone date of November 7, 2007.

During the planning phase for this project Los Alamos National Laboratory (LANL) recognized that there were uncertainties regarding existing structures and associated utilities. LANL's intent was to characterize the site and complete the investigation by conventional methods and did not plan or budget for less efficient and complicated field activities at any areas where access was restricted to active facilities and utilities. In July 2005, LANL revised Section 5.0, Scope of Activities for Corrective Action Sites, of the approved work plan to clarify and document their intent on completing all work. The revised Section 5.0 reflected the uncertainty regarding the status of mission completion in some facilities and the utilities that service these structures. This uncertainty was documented in the introduction to the revision to Section 5.0 of the IWP. The IWP did describe how SWMUs and CUs impacted by active buildings or adjacent utilities would be addressed in the future, and included the following elements:

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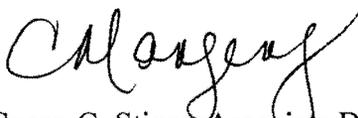
- Identified specific SWMUs and CUs that contained pipelines connected to active buildings or located near utility lines currently in use.
- Committed to verify SWMU and CU status (currently in use or not in use) prior to initiation of activities at these sites.
- Stated that pipelines in use or near other active utilities will be removed at a later date when they were no longer active.
- Stated that portions of SWMUs underneath structures will be addressed as these areas become accessible.

Knowing that future Consent Order activities depended on continued investigation and remediation progress, LANL made every attempt to complete approved Investigation Work Plan scope for as many SWMUs and CUs as reasonably possible. LANL will continue to complete the approved scope as expeditiously as possible so that the investigatory results can be reported to NMED and decisions regarding potential future actions at these sites can be made.

LANL will submit a schedule for this additional data reporting as soon as field activities at the impacted SWMUs are complete. If the analytical results derived from execution of this work plan do not provide data sufficient to fully characterize these sites, LANL will perform additional nature and extent sampling, beyond that in the approved Investigation Work Plan, to ensure NMED has sufficient information to evaluate any potential risk posed to human health and the environment from these AOCs and SWMUs. Identification of the locations for this additional sampling will be coordinated with your technical staff and proposed in a letter work plan that will be submitted to NMED for review and approval.

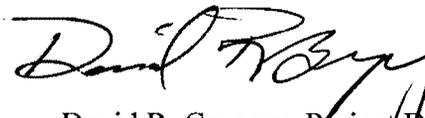
If you have any questions, please contact Mark Thacker at (505) 665-5342 (mthacker@lanl.gov) or Woody Woodworth at (505) 665-5820 (lwoodworth@doeal.gov).

Sincerely,



Susan G. Stiger, Associate Director  
Environmental Programs  
Los Alamos National Laboratory

Sincerely,



David R. Gregory, Project Director  
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Los Alamos Site Office

SGS/DRG/AC/MST:sm

Cy:

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