



DEPARTMENT OF ENERGY
 Environmental Management Los Alamos Field Office (EM-LA)
 Los Alamos, New Mexico 87544

OCT 12 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

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

Dear Mr. Kieling:

Reference:

1. State of New Mexico Environment Department Compliance Order on Consent U.S. Department of Energy Los Alamos National Laboratory, June 2016

Subject: Withdrawal of Three Corrective Measures Evaluations and Suggested Priorities for New Mexico Environment Department Review of Documents

The U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office (EM-LA) has submitted a number of documents to the New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB) for review pursuant to the 2005 Consent Order and the environmental cleanup at the Los Alamos National Laboratory (LANL). In accordance with Section VI.B of the 2016 Compliance Order on Consent (Reference 1), these documents would normally continue through NMED-HWB review. However, EM-LA would like to formally withdraw three corrective measures evaluations (CME) from consideration:

- *Corrective Measures Evaluation Report for Material Disposal Area G, Solid Waste Management Unit 54-013(b)-99, at Technical Area 54, Revision 3 (LA-UR-11-4910) submitted to NMED on September 9, 2011;*
- *Corrective Measures Evaluation Report for Material Disposal Area H, Solid Waste Management Unit 54-004, at Technical Area 54, revision 1 (LA-UR-11-5079) submitted to NMED on September 9, 2011; and*
- *Corrective Measures Evaluation Report for Material Disposal Area L, Solid Waste Management Unit 54-006, at Technical Area 54, Revision 2 (LA-UR-11-4798) submitted to NMED on September 9, 2011.*

EM-LA has developed its life-cycle cost estimate and nominal schedule for the work remaining under the 2016 Compliance Order on Consent (Reference 1) and determined that the time frame required for other DOE work scope that drives the availability of Material Disposal Areas (MDA) G, H, and L for the execution of any potential remedy is too long and that it is not reasonable for EM-LA to request that NMED-HWB continue the review of the current documents. EM-LA will therefore complete its other DOE work scope in TA-54, evaluate the effects of completion of this other work scope on the MDAs (if any), evaluate any newly available remediation technologies, and conduct and submit new CME reports incorporating all the newly available information in

conjunction with the applicable campaign listed in Appendix C of the 2016 Consent Order (Reference 1). This should allow NMED-HWB to make a decision on 'fresh' information instead of 'dated' information.

With the above withdrawals, EM-LA requests that NMED-HWB complete the review of the only remaining CME at the NMED-HWB for review, *Corrective Measures Evaluation Report for Material Disposal Area C, Solid Waste Management Unit 50-009 at Technical Area 50*, (LA-UR-12-24944) submitted to NMED on September 28, 2012.

In addition, EM-LA would like to offer its priorities for the NMED-HWB review of the remaining LANL documents already submitted and falling under Section VI.B of the 2016 Consent Order. Enclosure 1 summarizes suggested priorities for NMED-HWB reviews. Enclosure 1 reflects the discussion of priorities that EM-LA had in a meeting held with NMED-HWB on July 15, 2016 and identifies the campaign as identified in the 2016 Consent Order Appendix C affiliated with the work scope. EM-LA recognizes that a significant number of documents are currently at the NMED-HWB for review and that the NMED-HWB target review timeframes of Appendix D of the Consent Order are not going to be achievable. In accordance with Section XXIII.D of the Consent Order, EM-LA requests that NMED-HWB meet to determine when they plan on completing the review.

With the issuance of the 2016 Compliance Order on Consent, documents considered to have a specific submittal date to NMED-HWB under the 2005 Consent Order do not have a specific submittal date under the 2016 Consent Order (Sections II.A and VIII). These documents are still necessary, but the work will be executed under the 2016 Consent Order campaigns listed in Appendix C. Enclosure 2 lists the documents that have been previously identified under the 2005 Consent Order and ties the work to the applicable campaigns in the 2016 Consent Order Appendix C.

If you have any questions, please contact me at (505) 665-5325. Thank you.

Sincerely,



David S. Rhodes
Director,
Office of Quality and Regulatory Compliance
Environmental Management
Los Alamos Field Office

Enclosures

1. Suggested EM-LA Priorities for NMED-HWB Review of Documents Submitted Under the 2005 and 2016 Consent Orders
2. 2005 Consent Order Work Deliverable Ties to 2016 Consent Order Appendix C Campaigns

cc w/enclosure:

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EM-LA-32DR-00077-701536

Enclosure 1

Suggested EM-LA Priorities for NMED-HWB Review of Documents Submitted Under the 2005 and 2016 Consent Orders

Priority	Document Title	Date Submitted	Appendix C Campaign
Submitted under the 2005 Consent Order			
1	<i>Request for Certificates of Completion for Three Areas of Concern and Twenty-Six Solid Waste Management Units in the Bayo Aggregate Area, June 15, 2015</i>	June 15, 2015	Other
2	<i>Request for Withdrawal of Phase II Investigation/Remediation Work Plan for Material Disposal Area A, Solid Waste Management Unit 21-014, at Technical Area 21, Revision 1</i>	April 12, 2012	MDA-A & T Remedy Campaign
3	<i>Supplemental Investigation Report for Upper Sandia Canyon Aggregate Area, Revision 1</i>	July 11, 2015	Sandia Canyon Watershed Campaign
4	<i>Supplemental Investigation Report for Potrillo and Fence Canyons Aggregate Area</i>	September 30, 2015	Supplemental Investigation Reports Campaign
5	<i>Supplemental Investigation Report for S-Site Aggregate Area</i>	November 19, 2015	Supplemental Investigation Reports Campaign
6	<i>Supplemental Investigation Report for Upper Mortandad Canyon Aggregate Area</i>	December 18, 2015	Supplemental Investigation Reports Campaign
7	<i>Supplemental Investigation Report for Threemile Canyon Aggregate Area</i>	March 18, 2016	Supplemental Investigation Reports Campaign
16*	<i>Corrective Measures Evaluation Report for Material Disposal Area C, Solid Waste Management Unit 50-009 at Technical Area 50, (LA-UR-12-24944)</i>	September 28, 2012	MDA-C Remedy Campaign
Submitted under the 2016 Consent Order			
8	<i>Sandia Wetland Performance Report</i>	April 28, 2016	Sandia Canyon Watershed Campaign
9	<i>2016 Monitoring Plan for the Los Alamos/Pueblo Watershed Sediment Transport Mitigation Project and 2015 Monitoring Report for the Los Alamos/Pueblo Watershed Sediment Transport Mitigation Project</i>	April 28, 2016	Base program; not tied to a campaign
10	<i>Work Plan for a Tracer Test at Material Disposal Area L</i>	July 13, 2016	
11	<i>Supplemental Investigation Report for Sites at Technical Area 49 Inside the Nuclear Environmental Site Boundary</i>	August 9, 2016	Supplemental Investigation Reports Campaign
12	<i>Supplemental Investigation Report for Sites at Technical Area 49 Outside the Nuclear Environmental Site Boundary</i>	August 9, 2016	Supplemental Investigation Reports Campaign
13	<i>Supplemental Investigation Report for Upper Cañada del Buey Aggregate Area</i>	August 25, 2016	Supplemental Investigation Reports Campaign
15	<i>Investigation Work Plan for Lower Water/Indio Canyons Aggregate Area</i>	June 22, 2016	Southern External Boundary Campaign

* Although submitted under the 2005 Consent Order, this document is the lowest priority of the documents currently at NMED-HWB for review.

Enclosure 2
2005 Consent Order Work Deliverable Ties to 2016 Consent Order Appendix C Campaigns

Item #	Document Title	Previous 2005 Consent Order Submittal Date (No Longer Valid)	Extension Request Denial Date (If Applicable)	Appendix C Campaign
1	<i>Investigation Report for DP Site Aggregate Area Delayed Sites [CU 21-022(b)-99 and sites at MDA T] and DP West Bldg Footprints (21-002, 21-005, 21-150, 21-257) at TA-21</i>	June 19, 2014	June 18, 2014	TA-21 D&D and Cleanup Campaign
2	<i>Response to the Notice of Disapproval for the Investigation Report for Canon de Valle Aggregate Area, Technical Area 14 AND Revision 1</i>	June 30, 2014	June 18, 2014	Upper Water Watershed Campaign
3	<i>Phase II Investigation Work Plan for Potrillo and Fence Canyons Aggregate Area</i>	June 30, 2014	June 18, 2014	Southern External Boundary Campaign
4	<i>Phase II Investigation Work Plan for Lower Sandia Canyon Aggregate Area</i>	June 30, 2014	June 18, 2014	Sandia Canyon Watershed Campaign
5	<i>Supplemental Information for the Bandelier Tuff Unit 4 Background Study Report</i>	June 30, 2014	June 18, 2014	Other
6	<i>Water Application to Bermed Area at MDA T, TA-21 Vadose Zone Moisture Monitoring</i>	June 30, 2014	June 26, 2014	MDAs A & T Remedy Campaign
7	<i>Investigation Work Plan for Additional Investigations in Potrillo and Fence Canyons</i>	June 30, 2014	June 18, 2014	Southern External Boundary Campaign
8	<i>Phase II Investigation Report for Upper Los Alamos Canyon Aggregate Area</i>	June 30, 2014	June 18, 2014	Historical Properties Completion Campaign
9	<i>Phase III Investigation Report for Middle Los Alamos Canyon Aggregate Area</i>	June 30, 2014	June 18, 2014	Historical Properties Completion Campaign
10	<i>Investigation Work Plan for South Ancho Canyon Aggregate Area</i>	June 30, 2014	June 18, 2014	Southern External Boundary Campaign
11	<i>Phase II Investigation/Remediation Report for Material Disposal Area A (Contingent on the IRWP withdrawal in Enclosure 1)</i>	June 30, 2014	June 18, 2014	MDAs A & T Remedy Campaign
12	<i>Investigation Report for Cañon de Valle Aggregate Area, Technical Area 15</i>	July 2, 2014	July 10, 2014	Upper Water Watershed Campaign
13	<i>Investigation Report for Lower Pajarito Canyon Aggregate Area</i>	July 31, 2014	July 22, 2014	Pajarito Watershed Campaign
14	<i>Response to the Third Notice of Disapproval for the Investigation Report for Delta Prime Site Aggregate Area Delayed Sites and the Delta Prime West Building Footprints at Technical Area 21, and Revision 2</i>	August 6, 2014	July 23, 2014	TA-21 D&D and Cleanup Campaign
15	<i>Investigation Report for Twomile Canyon Aggregate Area</i>	August 30, 2014	July 22, 2014	Pajarito Watershed Campaign
16	<i>Remedy Completion Report for Chaquehui Canyon Aggregate Area</i>	August 31, 2014	July 23, 2014	Southern External Boundary Campaign
17	<i>Response to the Notice of Disapproval for the Phase II Investigation Work Plan S-Site Aggregate Area AND Revision 1</i>	September 15, 2014	September 5, 2014	Upper Water Watershed Campaign
18	<i>Phase II Investigation Report for Technical Area 49 Inside the Nuclear Environmental Site Boundary</i>	September 30, 2014	September 23, 2014	MDA AB Remedy Campaign

Enclosure 2

2005 Consent Order Work Deliverable Ties to 2016 Consent Order Appendix C Campaigns

19	<i>Phase II Investigation Report for Technical Area 49 Outside the Nuclear Environmental Site Boundary</i>	September 30, 2014	September 23, 2014	MDA AB Remedy Campaign
20	<i>Phase II Investigation Report for North Ancho Canyon Aggregate Area</i>	September 30, 2014	September 23, 2014	Southern External Boundary Campaign
21	<i>Investigation Report for TA-16 Subaggregates (Canon de Valle Aggregate Area)</i>	December 15, 2014	December 19, 2014	Upper Water Watershed Campaign
22	<i>Phase II Investigation Report for Upper Canada del Buey Aggregate Area</i>	December 28, 2014	December 29, 2014	Sandia Canyon Watershed Campaign
23	<i>Installation and Instrumentation of Six Boreholes at MDA T, TA-21 Vadose Zone Moisture Monitoring</i>	December 31, 2014	December 9, 2014	MDAs A & T Remedy Campaign
24	<i>Investigation Report for Starmer/Upper Pajarito Canyon Aggregate Area</i>	December 31, 2014	December 29, 2014	Pajarito Watershed Campaign
25	<i>Investigation Report for Upper Water Canyon Aggregate Area</i>	December 31, 2014	December 29, 2014	Upper Water Watershed Campaign
26	<i>DP West Buildings 21-005 and 21-150 Building Foot Print Letter Work Plans</i>	December 31, 2014	December 31, 2014	TA-21 D&D and Cleanup Campaign
27	<i>Phase II Investigation Report for Upper Mortandad Canyon Aggregate Area</i>	January 31, 2015	February 3, 2015	Sandia Canyon Watershed Campaign
28	<i>Response to the Notice of Disapproval AND Revision 1 of the Investigation Report for Water Canyon/Canon de Valle (South Canyons)</i>	January 31, 2015	February 3, 2015	Upper Water Watershed Campaign
29	<i>Remedy Completion Report for Material Disposal Area AB, at Technical Area 49</i>	January 31, 2015	February 3, 2015	MDA AB Remedy Campaign
30	<i>Remedy Completion Report for Ancho Canyon Aggregate Area</i>	February 28, 2015	n/a	Southern External Boundary Campaign
31	<i>Investigation Report for Chaquehui Canyon Aggregate Area</i>	March 31, 2015	March 3, 2015	Southern External Boundary Campaign
32	<i>Report Summarizing the Results of the TA-21 Vadose Zone Moisture Monitoring Work Plan aka Completion Report Moisture Monitoring Wells MDA T, TA-21</i>	April 20, 2015	December 9, 2014	MDAs A & T Remedy Campaign
33	<i>Phase II Investigation Report for Upper Sandia Canyon Aggregate Area</i>	April 30, 2015	n/a	Sandia Canyon Watershed Campaign
34	<i>Remedy Completion Report for Pajarito Canyon Aggregate Area</i>	April 30, 2015	n/a	Pajarito Watershed Campaign
35	<i>Corrective Measures Evaluation Report for Material Disposal Area T (MDA T)</i>	June 30, 2015	Only 5 month extension granted December 19, 2014	MDAs A & T Remedy Campaign
36	<i>Phase II Investigation Report for Threemile Canyon Aggregate Area</i>	August 31, 2015	n/a	Pajarito Watershed Campaign
37	<i>Remedy Completion Report for Water Canyon/Canon de Valle Aggregate Areas</i>	August 31, 2015	n/a	Upper Water Watershed Campaign
38	<i>Remedy Completion Report for Material Disposal Area L (MDA L)</i>	December 4, 2015	n/a	MDAs G & L Remedy Campaign
39	<i>Corrective Measures Implementation Plan for Material Disposal Area T (MDA T)</i>	December 15, 2015	n/a	MDAs A & T Remedy Campaign
40	<i>Remedy Completion Report for Material Disposal Area G (MDA G)</i>	December 31, 2015	n/a	MDAs G & L Remedy Campaign
41	<i>Remedy Completion Report for Material Disposal Area T</i>	Required but not dated	n/a	MDAs A & T Remedy Campaign
42	<i>Investigation Report for South Ancho Canyon Aggregate Area</i>	October 28, 2016		Southern External Boundary Campaign