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Date: JUL 0 1 2010
Refer To: EP2010-0293

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

Subject: Request for Certificates of Completion for Three SWMUs and Three AOCs in the Upper Mortandad Canyon Aggregate Area

Dear Mr. Bearzi:

In accordance with Section VII.E.6.b of the Compliance Order on Consent (Consent Order), Los Alamos National Laboratory (the Laboratory) and the Department of Energy (DOE) are requesting Certificates of Completion without controls for the following Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) within the Upper Mortandad Canyon Aggregate Area:

- AOC 03-041, Underground Tank,
- AOC 48-002(e), Container Storage Area,
- SWMU 48-007(a), Outfall,
- SWMU 48-007(d), Outfall, and
- SWMU 48-010, Surface Impoundment.

Each of these sites was recommended for Corrective Action Complete without Controls in the report entitled *Investigation Report for Upper Mortandad Canyon Aggregate Area, Revision 1* (LA-UR-10-2046/EP2010-0149). The report substantiates that the nature and extent of contamination is defined at each of the above-listed sites and demonstrates that each site does not pose potential unacceptable risks or doses to human health under the residential scenario. In addition, the report demonstrates that each of above listed sites does not pose potential risk to ecological receptors. Therefore, neither site controls nor additional future actions under the Consent Order are necessary at the five above-listed sites.

Additionally, the Laboratory and DOE are requesting a Certificate of Completion with Controls for AOC 48-012, an Area of Soil Contamination. AOC 48-012 was proposed for Corrective Action Complete with Controls in the report entitled *Investigation Report for Upper Mortandad Canyon Aggregate Area, Revision 1* (LA-UR-10-2046/EP2010-0149). The report substantiates that the nature and extent of contamination is defined at AOC 48-012 and demonstrates that the AOC does not pose potential unacceptable risks or doses to human health under the industrial and construction

worker scenarios. However, there is a potential unacceptable risk at AOC 48-012 under the residential scenario. Because AOC 48-012 does not pose a potential unacceptable risk or dose under the industrial scenario, which is the current and reasonably foreseeable future land use, a Certificate of Completion with Controls is being requested for this AOC. Therefore, under the Consent Order, site control (the maintenance of the site as industrial) is required for AOC 48-012. This site is located on DOE property and will remain so for the foreseeable future, ensuring that it will not be used for residential purposes.

The report was approved in a letter dated, June 4, 2010, Notice of Approval for the Investigation Report for Upper Mortandad Canyon Aggregate Area, Revision 1.

If you have any questions, please contact Kent Rich at (505) 665-4272 (krich@lanl.gov) or Cheryl Rodriguez at (505) 665-5330 (crodriguez2@doeal.gov).

Sincerely,

Michael J. Graham, Associate Director
Environmental Programs
Los Alamos National Laboratory

Sincerely,

George J. Rael, Manager
Environmental Projects Office
Los Alamos Site Office

MG/DM/KR/LN:sm

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