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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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EP2011-5573

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 29, 2011

George J. Rael, Manager
Environmental Projects Office
U.S. Department of Energy/National
Nuclear Security Administration
Los Alamos Site Office
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael J. Graham, Associate Director
Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

**RE: APPROVAL WITH MODIFICATIONS
PHASE II INVESTIGATION WORK PLAN FOR
UPPER CAÑADA DEL BUEY AGGREGATE AREA
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-11-086**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) *Phase II Investigation Work Plan for Upper Cañada del Buey Aggregate Area* (IWP), dated November, 2011, received November 23, 2011, and referenced by LA-UR-11-6363 and EP2011-0372. NMED has completed review of the IWP and hereby issues this Approval with the following modifications:

Modifications:

1. Section 4.2.1.3 Proposed Sampling at SWMU 46-003(b), first paragraph, page 9:

Permittees' Statement: "The presence of a permanent guardrail adjacent to location 46-611590 prevents access by a drill rig; therefore, a sample will be collected as deep as possible, with a target depth of 15–16 ft bgs."

NMED Comment: Indicate what type of equipment will be used to advance the boring and collect the samples at location 46-611590.

2. Section 4.2.7.3 Proposed Sampling at SWMU 46-004(a), first paragraph, page 17:

Permittees' Statement: "The proximity of sampling locations 46-611588 and 46-611589 to building 46-31 may prevent a drill rig from collecting samples at these existing locations. If so, samples will be collected as close as possible to the existing sampling locations."

NMED Comment: Indicate what type of alternate equipment will be used to advance the borings and collect the samples.

3. Section 4.2.38.3 Proposed Sampling at SWMU 46-009(a), first paragraph, last sentence, page 55:

Permittees' Statement: "The steep slope at locations 46-610984, 46-610987, and 46-610988 prevents access by a drill rig; therefore, sample collection is limited to one depth at these locations.

NMED Comment: Indicate what type of equipment will be used to collect the samples.

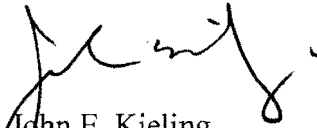
The Permittees have indicated the Phase II fieldwork will be completed by July 2014. Given the limited scope of work proposed in the IWP, the Permittees should be able to complete the work within one year. The Phase II Investigation Report for the Upper Cañada del Buey Aggregate Area (IR) must be submitted by no later than **December 28, 2012**.

The Permittees must submit a response letter which addresses the three NMED comments listed above by no later than **January 31, 2012**. In the event it is necessary to move any sample locations from those proposed in the IWP, the Permittees must provide figures in the IR which reflect the final sample collection location(s).

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If you have any questions regarding this letter, please contact Daniel Comeau at (505) 476-6043.

Sincerely,



John E. Kieling
Acting Chief
Hazardous Waste Bureau

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