

**DEPARTMENT OF ENERGY**

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

EMLA-2020-1431-04-017

Date: July 15, 2020

Mr. Kevin Pierard  
Bureau Chief  
Hazardous Waste Bureau  
New Mexico Environment Department (NMED)  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6313

Subject: Response to June 17, 2020 NMED Letter Regarding Potential Newly Discovered  
SWMU or AOC Middle DP Road Site Los Alamos National Laboratory, EPA ID  
#NM0890010515 LANL-MISC-CO

Dear Mr. Pierard:

In response to your June 17, 2020 letter to the Department of Energy (DOE) Office of Environmental Management and the National Nuclear Security Administration Los Alamos Field Offices (EM-LA and NA-LA) expressing concern over the perceived lack of progress on the required Preliminary Screening Plan (PSP) for the Middle DP Road (MDPR) Site, EM-LA and NA-LA met with your office on June 18, 2020 to provide status of work performed to date related to the PSP. EM-LA provided information on three points of concern in your June 17, 2020 letter: 1) NMED's assertion that DOE is focused on installation of upgraded sewage infrastructure for two housing projects rather than planning for the investigation and cleanup of the site; 2) continued delay in development of the PSP; and 3) the pace at which DOE is investigating the matter.

Regarding NMED's assertion that DOE is focused on installation of upgraded sewage infrastructure for two housing projects rather than planning for the investigation and cleanup of the site: EM-LA explained that information obtained from visual and field screening verification trenching along Parcel A-8-B sewer line will provide additional information west of the MDPR Site. Information obtained from Parcel A-8-B activities, and activities supporting the Los Alamos County infrastructure installation, will be incorporated as necessary into the MDPR Site PSP investigation. Please be assured that radiological surveys have been implemented and characterization of waste for radiological constituents has occurred. Spoils from the original trench that was excavated in February 2020 have been returned to the original trench. Remaining spoils piles have been placed on visqueen, covered in plastic, are being managed pursuant to a Storm Water Pollution Prevention Plan (SWPPP) and await characterization for hazardous constituents. Finally, air monitoring activities are on-going and the site continues to be maintained in a safe and stable configuration while protecting public health and the environment.

Regarding the delay in development of the PSP: EM-LA explained that since the April 17, 2020 joint response, EM-LA initiated discussions with its Los Alamos Legacy Cleanup Contract contractor, Newport News Nuclear BWXT, Los Alamos (N3B), regarding characterization of the

MDPR Site to meet the requirements of Section X of the 2016 Compliance Order on Consent (Consent Order). For more than a month, EM-LA has been vetting a \$10M characterization planning proposal, encompassing the PSP and extensive characterization of the MDPR Site. EM-LA is prepared to initiate contracting actions, including congressional notification, allowing N3B to proceed with internal procurement efforts for planning and implementation of MDPR Site characterization scope. EM-LA agreed to provide the general scope of work to NMED to ensure it captures NMED expectations and will be compliant with requirements of Section X of the Consent Order. N3B's proposed general approach was electronically submitted to NMED on June 26, 2020. NMED provided comments on June 30, 2020 and a follow-up meeting was held on June 30, 2020. NMED requested information during that meeting; all existing information was provided to NMED by July 8, 2020. EM-LA and N3B will meet with NMED during PSP preparation to ensure scope alignment and compliance with requirements of the Consent Order prior to submittal of the PSP to NMED.

In regards to the pace at which DOE is investigating the matter: EM-LA explained that, the fiscal year (FY) 2021 response related to MDPR Site PSP work was based on uncertainties related to returning to work from current COVID-19 Essential Mission Critical Activities status. Additionally, EM-LA explained that upon completion of contract actions, N3B will need to contract and procure support services necessary to plan and implement the scope resulting in NMED's review of the PSP and related field work occurring in FY 2021.

Although these activities were occurring, the weekly updates provided to NMED did not include this information. EM-LA committed to providing PSP related information in the weekly updates. The first PSP update was provided in the June 15, 2020 weekly update. EM-LA and NA-LA commit to continued weekly activity updates on both the continued support provided to Los Alamos County as they complete sewer line installation and progress related to the MDPR Site PSP activities.

EM-LA will issue a Task Order to N3B in mid to late July 2020. Within six to eight months of issuance, PSP field work will begin. During the six to eight months prior to field work, N3B will meet with NMED and prepare the PSP, submit the PSP to NMED for review and approval, contract and procure support services to implement the plan and work to obtain access agreements from the property owners. At the time of this letter, a project schedule was not available; however, under the Task Order, a project schedule will be developed and provided to NMED. Anticipated date for submission of the project schedule is early September 2020.

As stated in the joint April 17, 2020 response letter, the MDPR Site excavation area remains currently posted with radiological warnings and secure with fencing; it is locked to prevent unauthorized access. NA-LA has completed over-excavation of the lift station area where additional contaminated debris (wood and oxidized processed uranium) was discovered. It is our understanding that Los Alamos County will install the lift station and backfill the excavation with clean fill beginning the week of July 13, 2020. Installation of clean fill is deemed important to facilitate safe infrastructure maintenance should that need occur. Excavated debris and soil piles, from the MDPR Site trench and the lift station excavation, have been placed on Parcel A-16-A behind a locked gate and covered in plastic to prevent possible spread of contamination; they are being managed pursuant to a SWPPP. Sampling will be conducted by N3B under the

Task Order to characterize the soil piles for proper disposition. Two air monitoring stations are currently deployed and functioning; one on DP Road and one within the immediate vicinity of the lift station excavation. Both monitoring stations continue to show no detectable radiological activity above background.

If you have any questions, please contact Cheryl Rodriguez at (505) 414-0450 / Cheryl.Rodriguez@em.doe.gov or Peter Maggiore at (505) 665-5025, (505) 695-5109 / Peter.Maggiore@nasa.doe.gov.

Sincerely,

**Kirk D. Lachman**  
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Kirk D. Lachman  
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Michael J. Weis  
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