



BILL RICHARDSON  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

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RON CURRY  
SECRETARY

CINDY PADILLA  
DEPUTY SECRETARY

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

July 13, 2007

David Gregory  
Federal Project Director  
Los Alamos Site Office  
Department of Energy  
528 35<sup>th</sup> Street, Mail Stop A316  
Los Alamos, NM 87544

David McInroy  
Remediation Services Deputy Program Director  
Los Alamos National Laboratory  
P.O. Box 1663, Mail Stop M992  
Los Alamos, NM 87545

**RE: LIST OF DOCUMENTS SUBJECT TO STIPULATED PENALTIES UNDER THE  
MARCH 1, 2005 CONSENT ORDER FOR FEDERAL FISCAL YEAR 2008**

Dear Messrs. Gregory and McInroy:

On June 26, 2007, the New Mexico Environment Department (NMED) forwarded to the U.S. Department of Energy and the Los Alamos National Security, LLC (collectively, the "Permittees") a list of submittals required by the March 1, 2005 Consent Order (Order) due to NMED during federal fiscal year (FFY) 08 that NMED proposed to be subject to stipulated penalties. In a conference call on July 11, 2007, the Permittees indicated their disagreement with three documents on the proposed list. The conferees subsequently agreed to remove the "260 CMI Plan for Intermediate and Regional Groundwater" and the "Lower Los Alamos Canyon Aggregate Area Investigation Work Plan" from the list and replace them with the "R-25 Screens 1 & 2 Replacement Report" and the "Upper Cañada del Buey Aggregate Area Investigation Work Plan".

The third document with which the Permittees disagreed is the "DP Site Aggregate Area Investigation Report" (Report), which is scheduled for submittal on November 7, 2007. The Permittees proposed an alternate approach to completing the approved investigation activities that included scaling back the field work and number of sites addressed, contrary to the scope proposed in the original DP Site Aggregate Area Investigation Work Plan (Work Plan) dated August 2004.

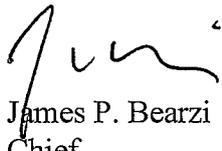
Messrs. Gregory and McInroy  
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NMED does not concur with this approach. The Permittees' Work Plan was approved (with modifications) by NMED on April 11, 2005. When NMED reviews a work plan submitted by the Permittees, it must assume that the Permittees are capable of executing the work they propose. Under the Order, adherence to the terms of approved work plans is mandatory (*see* Section V.E.2 of the Order).

In accordance with Section III.G.1 of the Order, NMED transmits the finalized list of documents subject to stipulated penalties for FFY08 to the Permittees, which includes the DP Site Aggregate Area Investigation Report as contemplated in the approved work plan.

Should you have any questions, please feel free to contact me at (505) 476-6016.

Sincerely,



James P. Bearzi  
Chief

Hazardous Waste Bureau

cc: J. Kieling, NMED HWB  
D. Cobrain, NMED HWB  
K. Roberts, NMED HWB  
A. Vollmer, NMED HWB  
C. deSaillan, NMED OGC  
L. King, EPA 6PD-N  
S. Stiger, ADEP, MS J591  
G. Rael, DOE LASO, MS A316  
file: Reading and LANL General Consent Order

## Consent Order Stipulated Penalty Documents for Federal Fiscal Year 2008

	<b>Deliverable</b>	<b>Consent Order Submittal Date</b>
1	Los Alamos/Pueblo Canyons (TA-21) Well Evaluation and Network Recommendations	12/30/07
2	MDA G CME Report	9/12/08
3	DP Site Aggregate Area Investigation Report	11/7/07
4	MDA C Phase 2 Investigation Report	3/30/08
5	Middle Los Alamos Canyon Aggregate Area Investigation Report	1/19/08
6	R-36 Well Completion Report	TBD
7	Chromium Isotope Data Report	7/31/08
8	Bayo Canyon Aggregate Area Investigation Report	3/1/08
9	16-008(a) 90s-Line Pond Investigation Report	TBD
10	16-003(o) Phase 2 Investigation Report	9/30/08
11	Three-mile Canyon Aggregate Area Work Plan	7/31/08
12	Pajarito Canyon Investigation Report	9/30/08
13	R-25 Screens 1 & 2 Replacement Report	TBD
14	Upper Cañada Del Buey Aggregate Area Investigation Work Plan	6/30/08
15	MDA T Phase 2 Investigation Report	11/15/07

