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Environmental Protection Division
Water Quality & RCRA Group (ENV-RCRA)
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Date: November 21, 2008
Refer To: ENV-RCRA-08-234

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ms. Rebecca Kay
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303



Dear Ms. Kay:

SUBJECT: REQUEST FOR WITHDRAWAL OF PROPOSED EXTENSION DATE FOR MILESTONE ACTIVITY 3.1.5(A) IN THE LOS ALAMOS NATIONAL LABORATORY (LANL) FISCAL YEAR 2007 COMPLIANCE PLAN VOLUME (CPV), SITE TREATMENT PLAN (STP)

The purpose of this letter is to withdraw the request for approval to extend the Los Alamos National Laboratory (LANL) Site Treatment Plan (STP) Fiscal Year 2007 (FY07) Compliance Plan Volume Section 3.1.5(A) milestone compliance activity date.

The proposed FY07 STP Annual Update Revision 18, delivered to the New Mexico Environment Department (NMED) on April 29, 2008 contained requested extensions of milestone activity dates for several Compliance Plan Volume activities. Among those activities, the FY07 STP Revision 18 proposed extending the Section 3.1.5(A) milestone for completion of off-site shipment of the remaining volume of treatability group LA-W922 "Noncombustible debris" mixed low-level waste from December 31, 2008 to December 31, 2009. At the time the FY07 STP annual update was being drafted, it appeared that Los Alamos National Security, LLC (LANS) would not meet the previously approved milestone compliance due date, December 31, 2008, for off-site shipping and treatment of the mixed low-level waste volume covered under Section 3.1.5(A). Hence, the proposed FY07 STP contained a revised Section 3.1.5 compliance date, December 31, 2009.

Following the April 29, 2008 submittal of the FY07 STP, LANS continued to seek a path forward for the Section 3.1.5 waste. A treatment option was found and LANS then proceeded to obtain authorizations to ship the waste. NMED was notified in an August 28, 2008 letter that LANS anticipated it could ship the waste prior to the milestone compliance due date and that an extension would most likely not be necessary. NMED had previously notified LANS that, should an extension to a milestone date be required, LANS must provide a written request to NMED 60 days in advance of the milestone due date. Although

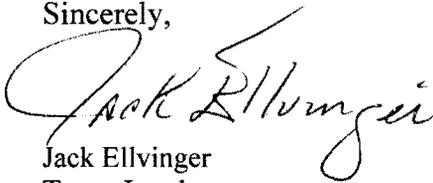


LANS was making final arrangements to ship the waste, the August 28, 2008 letter also contained a caveat that LANS would meet the required 60 day notice for an extension request if a problem arose that would delay shipment of the waste beyond December 31, 2008.

On September 22, 2008, all of the remaining STP-covered Section 3.1.5 waste was shipped to an offsite treatment facility. NMED was notified by a letter dated September 25, 2008, that the milestone compliance activity date for Section 3.1.5(A) had been achieved. Further, NMED was provided final documentation by letter dated October 22, 2008, that the waste was received for treatment at an approved off-site facility.

As discussed during our meeting of November 19, 2008, the extension to milestone activity 3.1.5(A) is no longer necessary. LANS respectfully withdraws the request for an extension. LANS would like to recognize the efforts NMED has put forth in assisting LANS staff in bringing the LANL STP up to date. LANS appreciates the opportunities provided by NMED to meet and discuss the issues surrounding the STP. LANS looks forward to a continued productive relationship with NMED in tracking the waste streams at LANL that pose challenges in identifying suitable disposal options. Please contact Albert Dye at (505) 667-4715 or by email at dyea@lanl.gov if you have any questions.

Sincerely,



Jack Ellvinger
Team Leader
Water Quality & RCRA Group (ENV-RCRA)

AD/lm

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