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ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 19, 2010

Kevin W. Smith, Manager
Los Alamos Site Office
Department of Energy
3747 W. Jemez Road, Mail Stop A316
Los Alamos, NM 87544

J. Chris Cantwell, Associate Director
Environment, Safety, Health, & Quality
Los Alamos National Security, LLC
P.O. Box 1663, MS K491
Los Alamos, NM 87545

**RE: EXTENSION REQUEST APPROVAL
REQUEST FOR INFORMATION
MIXED TRANSURANIC WASTE CHARACTERIZATION ACTIVITIES
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-MISC**

Dear Messrs. Smith and Cantwell:

On October 8, 2010, the New Mexico Environment Department (NMED) requested information regarding mixed transuranic (TRU) characterization at Los Alamos National Laboratory (LANL) from the Department of energy and Los Alamos National Security (Permittees). NMED required this information be provided no later than November 12, 2010.

On November 12, 2010, NMED received part of the information that was requested. The Permittees' transmittal stated, "As discussed during a phone conversation with Environmental Stewardship Division (ENV-DO) staff on November 9, 2010, the New Mexico Hazardous Waste Bureau (NMED-HWB) is granting an extension for responses to questions 1, 2, 3, and 6." No such extension was requested by the Permittees, nor was one granted by NMED, during the November 9, 2010 phone conversation. Discussions during meetings are not part of the record and NMED does not take actions during meetings. For this reason, NMED informed the Permittees by phone on November 15, 2010 that they must submit an extension request in writing for NMED's consideration.

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On November 15, 2010, NMED received by email a letter from the Permittees that stated NMED "offered an extension for responses to questions 1, 2, 3, and 6" during the November 9, 2010, phone conversation. That letter further stated that on November 15, 2010, NMED "requested the Permittees submit a written request reflecting our discussion on November 9, 2010 for extensions to submittal questions, 1, 2, 3 and 6." These statements not only misrepresent the discussions during these phone conversations, but they imply that NMED made an *a priori* decision regarding a request for extension that NMED had not yet received.

Despite the Permittees' misrepresentation and failure to provide the required written requests, in the interest of comity NMED grants an extension for questions 1, 2, 3, and 6 in its October 8, 2010 request for information letter. The Permittees must submit responses to these questions on or before December 13, 2010.

Please submit your response to Tim Hall at the address on the letterhead no later than December 13, 2010. If you have any questions regarding this letter please contact Mr. Hall of my staff at (505) 476-6049.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:th

cc:

J. Kieling, NMED HWB
A. Vollmer, NMED HWB
T. Hall, NMED HWB
S. Pullen, NMED HWB
S. Zappe, NMED HWB
G. Rael, DOE-LASO, MS A316
A. Grieggs, ENV-RCRA, MS K490
M. Graham, ADEP, MS M991
P. Powers, END-RRO, MS K404
E. Ziemianski, DOE-CBFO
F. Sharif, WTS-WIPP
S. Yanicak, NMED DOE OB, MS M894
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
File: Reading and LANL '10, General