

Permit #

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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GARY E. JOHNSON
GOVERNOR



JOHN R. D'ANTONIO, Jr.
SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

September 9, 2002

Dr. John Browne, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. Ralph Erickson, Area Manager
Department of Energy-Los Alamos Area Office
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

**SUBJECT: FINALIZATION OF INSTALLATION WORK PLAN AND
HYDROGEOLOGIC WORKPLAN SCHEDULES
LOS ALAMOS NATIONAL LABORATORY NM0890010515**

Dear Dr. Browne and Mr. Erickson:

This letter finalizes the Installation Work Plan and incorporates the Hydrogeologic Workplan schedules for Fiscal Years 2001 through 2005 submitted by the Department of Energy and the Los Alamos National Laboratory (collectively the Permittees). The specific documents that the Permittees submitted are "Schedule of Groundwater Characterization Program Activities for FY 2001 and 2002" referenced by ESH-18/WQ&H:01-315 and "Supplement to Installation Work Plan for Environmental Restoration (ER), Revision 8: Annual Work Schedule for 2001 through 2005" referenced by ER2001-0277. In accordance with Special Condition D, Corrective Action for Continuing Releases, of the Permittees Hazardous and Solid Waste Amendments module (Module VIII) of the Permittees Hazardous Waste Facility Permit (No. NM0890010515).

After review of the proposed schedules, the New Mexico Environment Department (NMED) modified many of the projected actions as proposed, particularly with respect to the priorities and the timeliness of the environmental corrective action activities. As a result, NMED developed a revised schedule that addresses these concerns. At the agency's discretion, NMED provided a thirty-day comment period to give the public an opportunity to comment on our proposed schedule. Comments were accepted from December 21, 2001 to January 21, 2002. Attached are NMED's final schedule (Attachment 1) and summaries of all written comments received and NMED's responses to the comments (Attachment 2).



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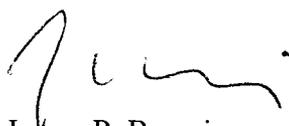
The attached final revised schedule incorporates revisions that address: 1) the timeliness of groundwater characterization, both under the Hydrogeologic Workplan and site-or-canyon-specific work plans; 2) interim site stabilization of solid waste management units (SWMUs) and areas of concern (AOCs); 3) development of investigation work plans for long-term projects such as material disposal area (MDA) G; 4) site- or canyon-specific subsurface characterization requirements; 5) reporting of results from previously implemented work plans; and 6) investigation and remediation of high priority SWMUs/AOCs and high priority aggregates located within individual watersheds (e.g., Middle Mortandad/Ten-Site, Cañon de Valle and DP Site aggregates).

NMED also requires the Permittees to submit a plan that addresses assessment of SWMUs and AOCs for possible contaminant migration and, through prioritization, implements interim stabilization measures at the sites (e.g., source removal, disconnection of piping, and best management practices). The plan should include storm water monitoring and provide a maintenance and inspection plan for the best management practices at sites that require stabilization.

Site-specific investigation requirements will be discussed with the Permittees as the investigation work plans are developed. Many of these requirements as well as the work schedule are included in the draft corrective action order that NMED released for public comment earlier this year.

Should you have any questions regarding this schedule please contact John Young of my staff at (505) 428-2538.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:jry

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cc: G. Lewis, NMED WWMD
D. Cobrain, NMED HWB
J. Kieling, NMED HWB
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J. Vozella, DOE OLASO, MS A316
E. Trollinger, DOE OLASO, MS A316
G. Turner, DOE OLASO, MS A316
B. Ramsey, LANL RRES-DO, MS J591
D. McInroy, LANL RRES-ER, MS M992
W. Neff, LANL RRES-ER, MS M992
M. Kirsch, LANL RRES-ER, MS M992
D. Stavert, LANL RRES-WQH, MS K491
J. Ellvinger, LANL RRES-SWRC, MS K490
G. Bacigalupa, LANL RRES-SWRC, MS K490

File: Reading and LANL Permit (IWP and HWP)

**Attachment 1
Los Alamos National Laboratory Work Schedule
Calendar Years 2002-2006**

SITE	DELIVERABLE	DUE DATE
CY 02		
TA-35 (Middle Mortandad/Ten Site Aggregate)	Integrated Sampling and Analysis Plan	3/31/02
21-011(k)	Voluntary Corrective Measures Plan	4/30/02
Airport Landfill - Drainages (73-001(a))	Interim Measures Plan	7/31/02
260 Outfall (16-021(c), 16-003(k))	Interim Measures Report	7/31/02
MDA H (54-004)	Investigation Report Addendum	9/30/02
Airport Landfill - Mesa Top (73-001(a-d), 73-004(d))	Phase I Investigation Work Plan	9/30/02
South Fork of Acid Canyon(1-002, 45-001)	Interim Action Report	10/31/02
260 Outfall (16-021(c), 16-003(k))	Investigation Work Plan ¹	12/31/02
3-010(a)	Geophysical Investigation Report (if needed)	12/31/02
8 Regional Wells (CY02)	Well Completion Report	Four months after well construction is completed.
CY03		
MDA C (50-009)	Investigation Work Plan ¹	1/31/03
MDA P (16-018), TA-16-387	Closure Report	1/31/03
MDA H (54-004)	Corrective Measures Study Report	3/31/03
21-024(i)	Voluntary Corrective Action Report	3/31/03
MDA G (54-013(b), 54-014(b-d), 54-015(k), 54-017, 54-018, 54-019, 54-020)	Investigation Work Plan ¹	4/30/03
3-010(a)	Groundwater Investigation Work Plan ¹	4/30/03
MDA L (54-006)	Investigation Work Plan ¹	5/31/03
Site-Wide	Stabilization Plan	5/31/03
MDA T (21-001, 21-010(a-h), 21-011(a, c-j), 21-016(a-c), 21-028(a), C-21-009, and C-21-012)	Investigation Work Plan ¹	5/31/03
Mortandad Canyon	Groundwater Investigation Work Plan	6/30/03
Airport Landfill - Drainages (73-001(a))	Interim Measures Report	6/30/03
Water Canyon/Cañon de Valle	Investigation Work Plan ¹	6/30/03

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SITE	DELIVERABLE	DUE DATE
260 Outfall (16-021(c), 16-003(k))	Corrective Measures Study Report for Surface/Alluvial Water	7/31/03
260 Outfall (16-021(c), 16-003(k))	Phase III RCRA Facility Investigation Report	7/31/03
TA-53 Surface Impoundments (53-002(a,b))	Investigation Report	7/31/03
Los Alamos/Pueblo Canyons	Investigation Work Plan Addendum	8/31/03
TA-35	Integrated Sampling and Analysis Plan Addendum	9/30/03
MDA G (54-013(b), 54-014(b-d), 54-015(k), 54-017, 54-018, 54-019, 54-020)	Investigation Report	10/31/03
MDA L (54-006)	Investigation Report	12/31/03
6 Regional Wells (CY03)	Well Completion Report	Four months after well construction is completed.
CY 04		
Site-Wide	Stabilization Report	1/31/04
16-008(a) (90s Line Pond)	Investigation Work Plan ¹	3/31/04
16-003(o) (Fish Ladder)	Investigation Work Plan ¹	3/31/04
MDA H (54-004)	Corrective Measures Implementation Work Plan	3/31/04
MDA G (54-013(b), 54-014(b-d), 54-015(k), 54-017, 54-018, 54-019, 54-020)	Corrective Measures Study Work Plan	4/30/04
Airport Landfill - Mesa Top (73-001(a-d), 73-004(d))	Phase II Investigation Work Plan	4/30/04
MDA C (50-009)	Investigation Report	5/31/04
3-010(a)	Groundwater Investigation Report	5/31/04
Bayo Canyon (10-002(a, b), 10-003(a-o), 10-004(b), 10-007)	Investigation Work Plan ¹	6/30/04
21-011(k)	Voluntary Corrective Measures Report	6/30/04
Site-Wide	Stabilization Report	7/31/04
Pueblo Canyon Aggregate Area	Investigation Work Plan ¹	8/31/04
MDA T (21-001, 21-010(a-h), 21-011(a, c-j), 21-016(a-c), 21-028(a), C-21-009, and C-21-012)	Investigation Report	8/31/04

Attachment 1
Los Alamos National Laboratory Work Schedule
Calendar Years 2002-2006

SITE	DELIVERABLE	DUE DATE
Los Alamos/Pueblo Canyons	Investigation Report	10/31/04
MDA L (54-006)	Corrective Measures Study Work Plan	10/31/04
260 Outfall (16-021(c), 16-003(k))	Corrective Measures Implementation Work Plan for Surface Water/Alluvial Groundwater	10/31/04
MDA U (21-017(a-c), 21-022(f))	Investigation Work Plan ¹	11/30/04
16-008(a) (90s Line Pond)	Investigation Report	11/30/04
MDA P (16-018), TA-16-387	Storm Water Monitoring Plan	11/30/04
MDA G (54-013(b), 54-014(b-d), 54-015(k), 54-017, 54-018, 54-019, 54-020)	Corrective Measures Study Report	12/31/04
MDA B (21-015)	Investigation Work Plan ¹	12/31/04
5 Regional Wells (CY04)	Well Completion Report	Four months after well construction is completed.
CY 05		
Cañon de Valle Watershed Aggregate	Investigation Work Plan ¹	1/31/05
Mortandad Canyon	Investigation Report	1/31/05
Site-Wide	Stabilization Report	1/31/05
Cañon de Valle Watershed Aggregate	Investigation Work Plan ¹	1/31/05
TA-35	Investigation Report	2/28/05
Water Canyon/Cañon de Valle	Investigation Report	2/28/05
DP Site Aggregate	Investigation Work Plan ¹	4/30/05
260 Outfall (16-021(c), 16-003(k))	Investigation Report for Intermediate and Regional Groundwater	4/30/05
Pajarito Canyon	Investigation Report	6/30/05
Site-Wide	Stabilization Report	7/31/05
16-003(o) (Fish Ladder)	Investigation Report	8/31/05
73-002	Investigation Work Plan ¹	8/31/05
Sandia Canyon/Cañada del Buey	Investigation Report	8/31/05

Attachment 1
Los Alamos National Laboratory Work Schedule
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SITE	DELIVERABLE	DUE DATE
Bayo Canyon (10-002(a, b), 10-003(a-o), 10-004(b), 10-007)	Investigation Report	9/30/05
Ancho/Chaquehui/Indio Canyons	Investigation Work Plan ¹	9/30/05
MDA L (54-006)	Corrective Measures Study Report	10/31/05
Potrillo/Fence Canyons	Investigation Work Plan ¹	10/31/05
MDA B (21-015)	Investigation Report	12/31/05
4 Regional Wells (CY05)	Well Completion Report	Four months after well construction is completed.
CY 06		
Site-Wide	Stabilization Report	1/31/06
MDA U (21-017(a-c), 21-022(f))	Investigation Report	2/28/06
MDA V (21-013(b,g), 21-018(a,b))	Investigation Work Plan ¹	3/31/06
260 Outfall (16-021(c), 16-003(k))	Corrective Measures Study Report for Intermediate and Regional Groundwater	3/31/06
Bayo Canyon Aggregate	Investigation Work Plan ¹	4/30/06
73-002	Investigation Report	5/31/06
MDA A (21-014)	Investigation Work Plan ¹	5/31/06
TA-49 (MDA AB, Areas 1, 3, 4, 11, and 12)	Investigation Work Plan ¹	7/31/06
Site-Wide	Stabilization Report	7/31/06
Upper Los Alamos Canyon Aggregate	Investigation Work Plan ¹	10/31/06
Airport Landfill - Mesa Top (73-001(a-d), 73-004(d))	Investigation Report	12/31/06

1. Investigation work plans may include historical data reviews, existing data compilation, site structures assessment, voluntary corrective actions, voluntary corrective measures, RCRA facility investigations, interim actions, interim measures or other types of investigations.

Attachment 2
Installation Work Plan Schedule 2001-2005
Response to Public Notice No. 01-10

	Sender	Comment	Response
1	LANL/ER Project	In some instances, deliverables specified in the NMED Proposed Revised Schedule, or their due dates, appear unwarranted based on LANL's and NMED's existing knowledge of the site and its known or suspected contribution to human-health or ecological risk. Additionally, a number of NMED's proposed actions conflict directly with ER Project actions and approaches that NMED has already approved. Some examples of apparent conflicts include:	Based on NMED's site prioritization and existing data from LANL, NMED believes the proposed revised schedule reflects warranted work.
1a		Clean closure of Material Disposal Area (MDA) P is nearly complete; however, the monitoring requirements outlined in the NMED Proposed Revised Schedule conflict with clean closure requirements	NMED has not determined that MDA P can be clean closed because sampling data has not been submitted.
1b		Much of the work proposed for MDAs, particularly in FY02 and FY03, represents entirely new work of a significant deviation from current schedules.	When prioritizing the MDAs, NMED sought LANL's input and approval. LANL, however, did not provide input. Had LANL been a part of the prioritization process, it would have been aware of NMED's priorities before issuance of the revised schedule.
1c		NMED proposes an investigation work plan be prepared for MDA C by March 31, 2002, although an RFI report is already being prepared in accordance with an RFI work plan previously approved by NMED.	Based on investigation data, the extent of contamination found at depths has not been determined. Additional sampling needs to be performed.
1d		The NMED Proposed Revised Schedule requires an investigation report be prepared by January 31, 2002 for MDA H. An RFI report was submitted in 2001, and an RFI addendum and CMS report are being prepared for submittal in FY02 in accordance with an approved high performing team (HPT) schedule.	The revised schedule will be changed to have the MDA H Investigation Report Addendum due on September 30, 2002.
1e		In response to discussions on prioritization with NMED during the spring of 2001, LANL accelerated work at MDAs A, B, and U to begin in FY02; significant FY02 resources were assigned to meet these NMED priorities. This work is well under way. However, the NMED Proposed Revised Schedule postpones this work until 2004-2005 and proposes instead the acceleration of work at MDA T, which would redirect resources from these investigations which are nearly completed.	NMED will consider revising the schedule to reflect the accelerated work at MDAs A, B, and U that began in FY02.
1f		The NMED Proposed Revised Schedule requires a number of new deliverables that represent a substantial amount of work to be completed during FY02 and FY03. This new work was never presented to or discussed with LANL as a priority; therefore, LANL has not requested funding for these projects.	NMED is aware that the amount of work that can be performed is partly based on available funding. However, NMED believes that the deliverables outlined in the revised schedule for FY 02 and FY 03 represent warranted investigations in the near future. It is the Permittee's responsibility to ensure that necessary funding is available.

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Installation Work Plan Schedule 2001-2005
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1g		The NMED Proposed Revised Schedule requires investigation work plans and reports for MDAs G, H, and L to delineate the nature, rate and extent of subsurface contamination, stating that this determination is incomplete for these MDAs. These proposed requirements take no account of and would duplicate the ongoing RFI investigations being performed in accordance with an NMED-approved RFI work plan. Additionally, the proposed requirements appear to conflict with the December 21, 2001 letter from James Bearzi to John Browne and David Gurule denying the completeness of the closure and post-closure care plans for these MDAs.	Characterization data for MDAs G, H, and L are not adequate to delineate the extent of the contaminant releases or to determine the threat to human health and the environment from direct exposures and from contaminant migration to groundwater. Without sufficient data, closure and post-closure care cannot be addressed. Additionally, MDA G is currently being used for the disposal of low-level radioactive waste in pits and storage of mixed and transuranic waste.
2	LANL/ER Project	The NMED Proposed Revised Schedule, as drafted, would negatively impact the progress of cleanup and completion at many LANL ER Project sites. Since 1999, the ER Project has executed its work based on the watershed approach developed in conjunction with the Department of Energy (DOE) and NMED. This well-reasoned and technically sound approach set priorities for how quickly sites needed to be addressed based on their risks to human health and the environment. It also incorporated all NMED recommendations concerning watershed and aggregate prioritization (see <i>HRMB Recommendations Concerning the Proposed Watershed and Aggregate Prioritization, Los Alamos National Laboratory, NM 0890010515</i> , S. Dinwiddie to T. Taylor and J. Browne, dated March 24, 1999) and has been used thereafter as the basis for scheduling work in the ER Project <u>Baseline</u> .	There are other factors, besides the watershed approach, that must be considered to determine the ER Project's priorities for investigation and cleanup (for example, land transfer). NMED does not believe that its revised work schedule would negatively impact progress at any high priority site because ongoing investigations were considered when developing the schedule.
		The work in the ER Project baseline over the next few years focuses principally on the Mortandad and Los Alamos/Pueblo watersheds. However, the NMED Proposed Revised Schedule redirects much FY02 and FY03 work to watersheds and sites outside the two highest-priority watersheds. These changes would significantly impact the schedule for completing ER Project work in the key-priority watersheds. Further, it departs from the carefully constructed logic on which the current watershed approach was based, as agreed upon by the NMED and ER Project three years ago. We request NMED assess very carefully the impact of changing the sequence of events mid-stream, as any change will have a domino effect resulting in loss of a great deal of work done to date.	Although there are higher priority watersheds that need addressing more quickly than lower priority watersheds, there are high priority sites and aggregates within those lower priority watersheds that need immediate attention. In addition, much of the work scheduled for CY 02 and CY 03 was either ongoing work that should continue or work that was previously agreed upon by HPTs or other entities. In addition, work done to date will not be "lost" unless LANL intends to delete the accumulated data from their database.
3	LANL/ER Project	Some deliverables listed in the NMED Proposed Revised Schedule are difficult to comment on because the intent behind the deliverable is unclear. For example:	

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Installation Work Plan Schedule 2001-2005
Response to Public Notice No. 01-10

Sender	Comment	Response
3a	<p>The NMED Proposed Revised Schedule requires that a groundwater investigation work plan for Mortandad Canyon be prepared by 8/31/02. Groundwater investigations were required as part of the existing Mortandad Canyon Work Plan and the Hydrogeologic Work Plan (HWP) submitted to NMED on 9/25/97 and 6/14/93 respectively. In accordance with these two work plans, the ER Project has completed intermediate wells and 2 deep wells in Mortandad Canyon. Alluvial wells are currently scheduled for installation and sampling in FY03. Under current regulatory process for review and approval of documents and the scope of work within, if NMED believes groundwater in Mortandad Canyon would not be sufficiently characterized by executing these plans as written, the Laboratory would expect to receive written direction to revise these plans, rather than a mandate to develop an entirely new investigation work plan.</p>	<p>NMED believes that groundwater in Mortandad Canyon is not sufficiently characterized by the Mortandad Canyon Work Plan and the HWP. Several additional alluvial, intermediate, and regional wells are required as part of the revised schedule. NMED will require a work plan for installation of all wells. Written direction for this additional investigation is expected to be provided by September 30, 2002.</p>
3b	<p>Three deliverables listed on the NMED Proposed Revised Schedule for Cañon de Valle are consistent with currently planned work in that watershed; however, a fourth deliverable, the Investigation Work Plan for Cañon de Valle watershed aggregate, due 3/31/03, appears somewhat duplicative of the other three and places Cañon de Valle watershed work ahead of the higher-priority Mortandad and LA/Pueblo watershed work.</p>	<p>The NMED does not consider the Investigation Work Plan for Cañon de Valle aggregate to be duplicative. It will describe the investigation for the remaining SWMUs and AOCs in the watershed. Although the Mortandad and LA/Pueblo watersheds are higher priority than the Cañon de Valle watershed, high priority aggregates within watersheds need to be addressed more quickly than low priority aggregates in high priority watersheds.</p>
3c	<p>Numerous deep wells are specified for completion in FY02 and FY03 in the NMED Proposed Revised Schedule. LANL proposed two deep wells in its March 30, 2001 proposed IWP schedule, and several other additional deep wells to be constructed under the HWP, based on budgetary constraints and discussions with the NMED. Some of the many wells NMED listed for FY02 completion are characterization wells associated with the HWP. They are associated with regional characterization of the LANL subsurface environment for purposes of determining an appropriate detection monitoring system for RCRA permitted operating units. Only wells associated with characterization of releases are appropriate for inclusion in the IWP schedule (although not on the timetable proposed by NMED). The requirements for regional characterization wells (implemented under the HWP, not the IWP) are not appropriate for inclusion in this proposed work schedule.</p>	<p>All wells to be drilled were included as a matter of completeness for the schedule. Some wells serve a dual purpose, for both regional characterization and characterization of releases.</p>
3d	<p>The content of a well completion report continues to remain unclear for both parties; therefore, it is difficult to comment on the reasonableness of a four-month turn-around time for these reports.</p>	<p>The well completion report format currently being used is complete, thorough, and is acceptable to NMED.</p>

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Installation Work Plan Schedule 2001-2005
Response to Public Notice No. 01-10

	Sender	Comment	Response
4	LANL/ER Project	In numerous instances, the NMED Proposed Revised Schedule requires an investigation report be completed one year after the work plan has been submitted to the agency. Past experience has shown repeatedly that review of LANL deliverables (either work plans or reports) has taken NMED several months to a few years, forcing LANL to either execute work based on unapproved plans or delay the work pending regulatory agency approval. Therefore, the ER Project recommends eliminating all deliverable due dates for reports listed in a work plan that has not been approved by NMED. LANL recommends instead that due dates for investigation or study reports be specified on a case-by-case basis when the work plan is approved. Requiring a 12-month cycle of completing the report after work plan submittal does not account for variations in site complexity, the extent of the required investigation, or delays in work plan approval by the agency.	The revised schedule was designed with regard to NMED resources; however, NMED recognizes that there are circumstances that will cause changes in the schedule (for example, site conditions, acts of nature, work plan quality). NMED may grant extensions on document submittals to compensate for these circumstances. NMED also recognizes that there are issues regarding lengthy review times and will implement mechanisms to ensure timely reviews.
5	LANL/ER Project	The NMED Proposed Revised Schedule requires a January 2002 deadline. It is unclear as to how NMED would enforce this deliverable when that date will have passed by the time a new work schedule is issued.	NMED's revised schedule includes deliverable dates that were previously agreed upon prior to the development of the revised schedule, therefore, where applicable, the dates have not been changed.

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Installation Work Plan Schedule 2001-2005
Response to Public Notice No. 01-10

Sender	Comment	Response
6 LANL/ER Project	<p>The NMED Proposed Revised Schedule would exceed what is possible given the reductions under the Bush FY02 budget. NMED has proposed a significant amount of new work, including requirements to drill numerous deep wells and submit completion reports, and additional work in canyons, MDAs, and high explosive production sites. NMED has demonstrated neither imminent and substantial endangerment nor other conditions warranting interim measures as defined in the current Module VIII. Therefore, no driver is evident that requires the extensive suite of new or accelerated actions in the NMED Proposed Revised Schedule to be completed in FY02 and FY03. Given both parties' knowledge of site conditions, NMED has presented neither the rationale for its departure from the agreed-upon site prioritization and schedule nor the justification for the additional out-year actions (or schedule acceleration for expected future activities). As NMED is aware, the Federal budget process cannot accommodate changes of this magnitude to a current fiscal year budget, especially in mid-year.</p>	<p>NMED's position is that additional work is necessary to adequately characterize and reduce risk at high priority SWMUs, AOCs, and aggregates in order to adequately protect human health and the environment. NMED does not have to demonstrate imminent and substantial endangerment to warrant interim measures. Permit Module VIII states the following factors may be considered when determining the need for interim measure: actual and potential exposure to receptors; actual and potential contamination of drinking water supplies and ecosystems; potential for further degradation of the medium absent interim measures; and presence and concentration of hazardous waste, including hazardous constituents in soil that have the potential to migrate to surface water and groundwater. Also, Module II, Section N, states that the permittee shall take corrective action, as required by Section 74-4-4.2B NMSA 1978 (as amended 1989), for all releases of hazardous wastes or constituents from any solid waste management unit at [t]his facility.</p>
		<p>It is NMED's position that the revised schedule does not represent a significant deviation from the agreed-upon approach (for example, high priority sites are included).</p>
7 Ms. Jerilyn Bowen	<p>NMED provides no information on what is being done through the IWP schedule or how it is being revised. "Since that makes it impossible for me to comment, I would simply like to go on record as being adamantly opposed to the dumping and storage of radioactive materials at LANL, in the Jemez Mtns, or <u>anywhere</u> in NM where public health is at risk. For way too long "national security" has been interpreted as a rationale for endangering the health and well-being of human beings who live in this state - not to mention other living beings and the environment. Please do your job and protect the <u>people</u> of this state, not the U.S. government, the military, and the corporations who profit from their contracts with LANL."</p>	<p>The NMED revised schedule can be found at the Hazardous Waste Bureau's office at 2905 Rodeo Park Drive East or at the NMED website at www.nmenv.state.nm.us/hwb/publicnotice.html. The schedule includes the sites under investigation, the investigations being required, the key components of the investigations, and deliverable due dates.</p>

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	Sender	Comment	Response
8	Global Resource Action Center for the Environment	Stop all production of new radioactive waste.	This comment is beyond the scope of the revised schedule and is not the topic of this public notice.
9	Global Resource Action Center for the Environment	Do a technology review to evaluate what works for the safe storage of radioactive materials.	This comment is beyond the scope of the revised schedule and is not the topic of this public notice.
10	Global Resource Action Center for the Environment	Consider the many proposals from entrepreneurs and small businesses for new, safer ways of containing the waste, filtering it from the soil and water, and storing it safely.	This comment is beyond the scope of the revised schedule and is not the topic of this public notice.
11	Global Resource Action Center for the Environment	Stop relying on the usual big contractors and their flawed plans.	This comment is beyond the scope of the revised schedule and is not the topic of this public notice.
12	Global Resource Action Center for the Environment	All plans should contain provisions for keeping the waste as close as is safely possible to the site where it was generated.	This comment is beyond the scope of the revised schedule and is not the topic of this public notice.
13	Global Resource Action Center for the Environment	Do not plan to ship nuclear waste to be dumped in an unsatisfactory storage facility, Yucca Mountain in Nevada.	This comment is beyond the scope of the revised schedule and is not the topic of this public notice.
14	Global Resource Action Center for the Environment	Do not endanger communities along a transportation route or leave us open to terrorist sabotage.	This comment is beyond the scope of the revised schedule and is not the topic of this public notice.
15	Global Resource Action Center for the Environment	Make plans for adequate guns, gates, and guards to keep nuclear material where it is stored and to prevent theft.	This comment is beyond the scope of the revised schedule and is not the topic of this public notice.
16	Nuclear Watch of New Mexico	We strongly urge that the NMED not only consider all comments received from the public, but also provide written response to those comments. In our experience, public comment periods have a beneficial impact upon the proposed work and therefore agencies should do their utmost to encourage participation.	NMED is responding to all comments received.
17	Nuclear Watch of New Mexico	NWNM believes that Revision 8 of the Installation Work Plan (IWP) constitutes a major modification to Module VIII of the Los Alamos National Laboratory (LANL) Hazardous and Solid Waste Act (HSWA) Permit and is therefore subject to the rules and regulations promulgated under 40 CFR §270.42 and 20.4.1.900 NMAC.	The LANL IWP (including its annual revision, updating, and approval) is a requirement of LANL's HSWA Permit and not a modification and, therefore, is not subject to 40 CFR §270.42 and 20.4.1.900 NMAC. Module VIII of LANL's Permit, Section Q, states that "the Permittee shall prepare a single installation-wide work plan, which shall be updated annually."

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Installation Work Plan Schedule 2001-2005
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	Sender	Comment	Response
18	Nuclear Watch of New Mexico	NWNM would like to compliment NMED on its forward thinking in its proposed list of deliverables from LANL up to FY 05 in its draft Work Schedule. This foresight is conspicuously lacking on LANL's part. Nevertheless, NWNM finds that NMED's description of those deliverables and scheduled dates are often vague or completely lacking. This is of particular concern as there is a substantial lack of supporting data and documentation for the deliverables NMED requests from LANL. Both LANL and NMED are responsible for this, and this oversight seriously impedes educated public participation.	The revised schedule was developed based on existing data and documentation that can be found at the Hazardous Waste Bureau's office at 2905 Rodeo Park Drive East. The intentionally brief descriptions of the deliverables were appropriate for NMED's reponse to LANL's submittal. The revised schedule was not intended to include supporting information.
19	Nuclear Watch of New Mexico	The NMED has denied access to draft corrective action plans, and despite a number of requests NMED has failed to publicly release a list of known Resource Conservation and Recovery Act (RCRA) violations at LANL. Furthermore, LANL has closed much of its Environmental Restoration web site's virtual library. This library was the only electronic source for documents such as RCRA Facility Investigations (RFIs) and Canyon Reach Reports, all of which have direct relevance to the IWP and LANL RCRA permit renewal process. NWNM requests both NMED and LANL to expedite the release (or re-release) of <u>these documents to the public.</u>	The documents submitted to NMED by LANL are available for review at the Hazardous Waste Bureau office located at 2905 Rodeo Park Drive East, builing , in Santa Fe.
20	Nuclear Watch of New Mexico	NWNM also requests that NMED provide a more detailed description to its "Key Components to Investigation" in its draft Work Schedule, including but not limited to justification for requesting those key components. Without such a justification, it is unclear why NMED has prioritized its requested deliverables in the manner that it does. NMED has requested public comment on its IWP Work Schedule. Yet that proposed Work Schedule will likely be largely superceded by NMED's corrective action plans, which have not been released to the public. As a result, public comment on NMED's LANL IWP schedule is rendered nearly meaningless.	NMED agrees that the information provided in the revised schedule is not detailed. However, the terms used were meant to provide a brief description of the sites and the deliverables that were due, and not be inclusive of all the details and background information used to create the schedule. Background information is available at the Hazardous Waste Bureau's office at 2905 Rodeo Park Drive East, Building 1. The schedule outlined in the IWP and the final Order will reflect the revised schedule.

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21	Nuclear Watch of New Mexico	<p>NWNM is concerned that the deliverables in NMED's Work Schedule are only "process" requests in that they request much data but mandate little (if any) actual cleanup. Process requests are, without doubt, valuable in identifying the nature and volume of contaminants located at LANL facilities. NMED, however, must by now have substantive data to support real environmental restoration at a number of LANL facilities. NMED, however, should have had, beginning decades ago, enough substantive data to support mandating real environmental restoration. It is under NMED's jurisdiction to order cleanup at LANL facilities, and such orders should be included in the NMED Work Schedule list of deliverables. Anything short of this would be negligent on the part of NMED, particularly when, for example, the National Nuclear Security Agency admits that there is a "Future potential risk due to proximity to [the] local water supply well field" as Los Alamos.</p>	<p>In the recent past, NMED has mandated cleanup at many sites (for example, Acid Canyon and MDA P) where existing data supported such corrective actions. Several sites (for example, the TA-16-260 Outfall, MDA G, and MDA H) are either beginning or are in the process of performing corrective measures studies. However, many sites at LANL have not yet been adequately characterized and investigated. These are sites where NMED and LANL lack adequate supporting information to make risk-based, corrective action decisions. Information on extent of surface and subsurface contamination and rates of contaminant migration are key components to these decisions. Additional groundwater characterization is needed to determine if there is a risk to the local water supply from activities at LANL.</p>
21a		<p>Declining Department of Energy cleanup budgets jeopardize efforts that will address such "potential risk[s]." All of this is amplified by the residual effects of the Cerro Grande Fire. NMED bears the responsibility to prioritize cleanup efforts at LANL, mandate cleanup programs, and enforce those mandates if necessary. An aggressively mandated cleanup schedule, backed by NMED's authority to enforce, will force the Department of Energy to allocate more funds for LANL cleanup.</p>	<p>NMED believes that the IWP schedule adequately prioritizes site investigations and the identified cleanup actions. The results of the scheduled site investigations will identify the needs for further corrective actions which will be added to the schedule.</p>

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22	Nuclear Watch of New Mexico	<p>In a letter to NMED, LANL asserts that "budget uncertainties made it impossible to provide realistic drilling targets last spring" for the test wells drilled in support of the Hydrogeologic Workplan (HWP). The letter goes on to state that "budget uncertainties still persist."</p> <p>NMED has failed to mandate an aggressive drilling schedule for the test wells that support the HWP. NMED must do so, and if LANL is not capable of meeting the NMED drilling schedule, it is within NMED's authority to enforce that schedule. In a word, LANL's claim that "budget uncertainties" dictate the rate of drilling is ridiculous. Because of NMED's jurisdiction over this process, NMED can directly influence monetary appropriations to LANL for this project by issuing compliance orders to LANL to complete this project by the target date. At the current rate of drilling, LANL will fail to meet the target date. Again, NMED would be negligent if it allowed LANL to fail. NMED demonstrates too much leniency in its Work Plan when it fails to mandate specific dates for Well Completion Reports.</p>	<p>Annually, NMED and LANL discuss which HWP wells will be drilled in the upcoming fiscal year. Due to use of the Data Quality Objectives review process described in the HWP, the precise well locations and the order in which the wells will be drilled and installed are reviewed and subject to change. Currently, NMED has mandated in its revised schedule eight wells for calendar year 2002, six wells for 2003, five wells for 2004, and four wells for 2005. LANL has committed to completing all of the HWP wells. Updates are provided at the Quarterly meetings. NMED has determined that four months is an appropriate length of time once a well has been installed to complete a well completion report.</p>
22a		<p>NMED must specify due dates for these Well Completion Reports, and thereby provide LANL with a mandated prioritized schedule for the completion of those test wells 4 months prior to the release of the Well Completion Reports. NMED must also be prepared to enforce that schedule if LANL does not comply.</p>	
23	Nuclear Watch of New Mexico	<p>NMED has failed to vigorously mandate the completion of RFIs for LANL. This seriously compromises both NMED's ability to prioritize cleanup efforts at LANL as well as LANL's ability to adequately mitigate contaminants at its facilities. In LANL's own words, "the scope of the RCRA corrective action process include[s] performing a RCRA facility investigation (RFI), followed by a corrective measures study (CMS), if applicable, and a corrective measures implementation (CMI)." NMED must mandate a rigorous plan to complete the remaining RFIs, and be prepared to take action to enforce that plan if LANL does not maintain it. If past history is any indication, there is a good probability of LANL's failure to formulate RFIs in a timely manner. This failure will block real cleanup at LANL.</p>	<p>The revised schedule does not impede the already mandated (see LANL's HSWA Module VIII in the RCRA Permit) completion of RFIs at LANL. The RFI process includes providing a description of current site conditions, submitting a work plan, performing the investigation, analyzing the data, and submitting a report. All of these steps are encompassed within the deliverables on the revised schedule.</p>

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24	Nuclear Watch of New Mexico	The Work Plan is also deficient because it does not mandate closure plans for material disposal areas (MDAs) G and L at Technical Area 54. As NMED is aware, closure plans are required for MDAs when no active RCRA permit exists. Such is currently the case with LANL. NMED must demand closure plans for these MDAs, and be prepared to enforce such a request if LANL does not expedite the development of those plans. Closure plans are particularly important in light of statements made by LANL that "MDA G will be operated as an active waste management site under institutional control. Eventually, institutional control will be transferred to Bandelier National Monument." Without doubt, mitigation of MDA G will be extensive as the site contains "reactor control rods and PCB soil." This confirmed contamination only heightens the need to create closure plans for a facility that will at some point become public land. Furthermore, because MDAs G and L have not had an active permit since 1985, they are required to close under 40 CFR §§ 265.112(d)(3) and 265.113(b).	The revised schedule only addresses corrective action requirements as limited by LANL's operating permit. The reissuance of the permit will address any closure/post-closure requirements. Additionally, MDA G is currently being used for the disposal of low-level radioactive waste in pits and storage of mixed and transuranic waste.
25	Nuclear Watch of New Mexico	The Defense Nuclear Facilities Safety Board (DNFSB) recently released a report citing construction flaws and structural integrity uncertainties regarding the Pajarito Dam. As of yet, LANL has not completed a reach report for Pajarito Canyon. In its Work Schedule, NMED must request that that study be completed so that a clear understanding of the environmental risks posed by contaminants in the Pajarito Canyon Reach system is understood. That reach report should now include analysis of the status of the dam. Following the completion of that reach report, NMED must be prepared to order LANL to begin mitigation of those contaminants.	LANL has submitted the Pajarito Canyon Work Plan, which will address the alluvial system upgradient and downgradient of the dam. The investigation report, due in March 2005, will summarize the surface and subsurface contamination, including any contamination which is associated with the dam. LANL has prepared a Predecisional Draft Environmental Assessment that addresses future disposition of sediments eroded by the conditions resulting from the Cerro Grande Fire. NMED has provided comments on the draft, which are available from NMED's Office of the Secretary.
26	Nuclear Watch of New Mexico	There has been recent evidence that perchlorates may have found their way into springs and stream systems leading to the Rio Grande. NMED must mandate LANL to expeditiously identify possible sources and do the necessary remediation to eliminate potential contamination.	Perchlorate is a high priority contaminant and will be included in the investigation work plans mandated under the revised schedule.
27	Nuclear Watch of New Mexico	Furthermore, NWNM feels that TA-21, the 260 Outfall, and Mortandad Canyon all require special attention and rigorous investigations in the near future, leading to substantial cleanup.	All of these sites are scheduled for further investigation.

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28	NM Attorney General's Office/Lindsay Lovejoy (April 25, 2001)	We are concerned at the failure to mention any field activities. Without going into detail, we suggest that field sampling at any location now scheduled, and any corrective measures, be incorporated into the schedule. Furthermore, work under the Hydrogeologic Workplan is central to environmental restoration at Los Alamos. The drilling and completion of boreholes scheduled for FY 2002 should be included in the schedule as well as well reports for any wells on which such reports have not been published.	The revised schedule addresses deliverables only and does not include the field activities associated with these deliverables. Field activities are implied between work plans and report submittal. In addition, all HWP wells and well completion reports are included in the revised schedule. The wells identified in the schedule are acting as place holders for the number of wells to be drilled each year.
29	NM Attorney General's Office/Lindsay Lovejoy (April 25, 2001)	Sampling and Analysis Plans should also be scheduled in the IWP amendment (TA-53, underground tanks; TA-0, hospital waste lines; TA-21, soil contamination area, container storage, septic system, MDAs B, T, and V; TA-22, misc. sites; TA-35, misc. sites, integrated SAP; TA-15, misc. sites; TA-26, misc. sites; TA-50, misc. sites; TA-00, mortar impact areas; TA-3, 48, 50, 60 integrated SAP; TA-4, 52 integrated SAP; TA-3, 32, 41, 43 integrated SAP; TA-5 integrated SAP; TA-46 integrated SAP; TA-4, 5, 52, 63, integrated SAP; and TA-42, 55, integrated SAP).	The work included in the aforementioned SAPs will be presented in aggregate submittals outlined in the revised schedule. Depending on NMED prioritization some of these submittals will occur sooner than others.
30	NM Attorney General's Office/Lindsay Lovejoy (April 25, 2001)	The FY 2001-05 schedule should specify the due dates for RFI reports, to the extent not yet filed and should include the following: TA-21, MDAs B, U, V (also A, T?); TA-11, misc. sites; TA-54, MDAs G, L; TA-49, MDA AB shafts; TA-50, MDA C; TA-53, impoundments; TA-15, detonation ground and MDA N; TA-20, landfill; TA-5, firing site; TA-4, firing site; TA-16, 260 outfall).	The work included in the aforementioned RFIs will be presented in aggregate submittals outlined in the revised schedule. Depending on NMED prioritization some of these submittals will occur sooner than others.
31	NM Attorney General's Office/Lindsay Lovejoy (April 25, 2001)	Corrective Measures Study Plans and Report should be scheduled in the IWP amendment for: TA-54, MDA G disposal areas; TA-16, 260 outfall; TA-54, MDAs H and L; other potential release sites, such as MDAs in TA-21 and MDA C.	Since the revised schedule only addresses work activities through calendar year 2006, all the corrective measure plans/reports are not shown. In addition, depending on the results of the investigations, the CMS process may or may not be necessary.
32	NM Attorney General's Office/Lindsay Lovejoy (April 25, 2001)	Include the schedule for the canyons investigations. The IWP schedule should include work through the completion of CMS reports. This includes plans for Mortandad Canyon, Pajarito, Twomile, and Threemile Canyons, Cañon de Valle, Water Canyon, Ancho Canyon, Chaquehui Canyon, Sandia Canyon, Cañada del Buey, Guaje Canyon, Rendija Canyon, Barrancas Canyon, Bayo Canyon, Potrillo Canyon, and Fence Canyon.	Since the revised schedule only addresses work activities through calendar year 2006, all the canyons work plans are not shown depending on NMED prioritization. In addition, depending on the results of the investigations, the CMS process may or may not be necessary.

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33	NM Attorney General's Office/Lindsay Lovejoy (April 25, 2001)	Individual PRSs should have specific dates when final cleanup is to be accomplished as well as intermediate dates. Failure to meet these dates should have a built-in penalty structure.	The revised schedule includes dates for submittal of investigation work plans and reports. The penalty for noncompliance is described in 40 CFR 270.30 which states that the permittee must comply with all conditions of the permit and any permit noncompliance constitutes a violation of the appropriate Act and is grounds for enforcement, permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application.
34	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1071: Concerning the Los Alamos airport landfill sites, PRSs 73-001(a-d) and 73-004(d). The AGO recommends that sufficient planning, risk assessment, and field work, including a CMS and interim measures to reduce the public hazards in FY 02.	All of the SWMUs, AOCs, and other sites at LANL will be characterized and remediated individually, as part of an aggregate, or as part of a canyon system. The revised schedule includes work plans and reports associated with each individual site, aggregate, or canyon. If further data collection is required, a CMS has not been scheduled. However, several of the sites listed in the comment are undergoing some type of remediation or other corrective action. The dates listed in the revised schedule for plans and reports are based on available data, NMED's prioritization of the site, aggregate, or canyon, and on the suspected or known amount of work that needs to be performed.
35	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1078: LANL should be required to submit a proposal to delete PRSs in OU-1078 from the permit or, alternatively, to conduct a CMS and complete a CMS report on such PRSs (for example, Hillside 138).	
36	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1079: NMED should direct the completion of whatever sampling needs to be done in these PRSs (for example, those at TA-10 and Bayo Canyon) and, as appropriate, the submission of CMS work plans and the carrying out of such plans in FY 02. NMED should direct that any needed additional sampling be completed at TA-32 and that RFI report supplementation be completed in FY 02.	
37	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1082: At the 260 outfall, the AGO strongly suggests that a schedule be set that includes such wells penetrating the regional aquifer as are called for to measure the extent of the contamination and that a deadline be established for the completion of investigations and preparation of a CMS report.	
38	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1086: List for completion the TA-15 firing site RFIs in FY 02 that have already been started.	
39	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1093: For the criticality test area at TA-18, schedule the completion of the SAP, field work pursuant to the SAP, and CMS report in FY 02.	
40	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1100: For the TA-53 surface impoundments, schedule any sampling, analysis, and submission of an RFI report for FY 02.	

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41	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1106: Require LANL to complete all planned sampling and finish investigatory reports for MDAs T, U, B, A, and V and schedule any approved interim action in connection with outfalls 21-024(i) and 21-011(k) in FY02.	
42	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU 1114: For PRS 3-010(a), schedule the completion of further characterization of groundwater impacts and report submittal in FY 02.	
43	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1122: For TA-33 firing sites and MDAs, schedule additional sampling to determine radiological contamination extent and potential risks of contaminant migration to springs, and report submittal in FY 02.	
44	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1129: Complete Phase II sampling at TA-35. Perform additional sampling at outfalls connected to the TA-48 radiochemistry site in FY 02 (EPA advised NMED in 1998 that outfall sampling was inadequate).	
45	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1130: File and complete SAP for TA-36 firing sites and surface disposal areas in FY 02.	
46	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1132: Complete RFI report for TA-39 in FY 02.	
47	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1144: Complete RFI report for MDA AB, PRSs 49-001(a-g) in FY 02.	
48	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU- 1147: Complete RFI report and submit recommendation for further action for MDA C, PRS 50-009.	
49	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1148: NMED should require submission and execution of RCRA closure plans for MDAs G, H, and L. RFI reports should be completed and a CMS should be conducted and reported in FY 02.	
50	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	OU-1157: Complete investigations and submit RFI reports for MDAs M and Q in TA-8 and TA-9 in FY 02.	
51	NM Attorney General's Office/Lindsay Lovejoy (September 27, 2001)	Canyons: NMED should require submission of any incomplete canyon work plans in mid-FY 02 and completion of reach reports for Mortendad, Sandia, and Pajarito Canyons in FY 02.	

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52	NM Attorney General's Office/Lindsay Lovejoy (January 22, 2002)	The AGO believes the proposed schedule constitutes a permit modification and that the public processes for permit modifications apply here and should be followed....Submitted and approved ongoing reports and schedules, direction for corrective measures, changes such as a no-further-action determination, and adoption of a different task (such as interim corrective measures) should all be processed as major modifications, if appropriate, annually. Modification to the Corrective Action Schedule of Compliance in Module VIII is also subject to public processes....It seems clear that the permit modification procedures of 40 CFR § 270.41 or § 270.42 apply here.	The LANL IWP (including its annual revision, updating, and approval) is a requirement of LANL's HSWA Permit and not a modification and, thus, is not subject to 40 CFR § 270.41 or § 270.42. Module VIII of LANL's Permit, Section Q, states that "the Permittee shall prepare a single installation-wide work plan, which shall be updated annually."
53	NM Attorney General's Office/Lindsay Lovejoy (January 22, 2002)	The proposed LANL Work Schedule is almost unintelligible, except to one who has assiduously and continuously studied corrective action at Los Alamos. References to "21-011(k)", "260 Outfall", and "R-13" lack meaning without an explanation of the origins of the contamination and the progress of remediation. Even more troublesome is the use of cryptic terms such as "Investigation Work Plan" and the listing of "key components" such as "delineate nature, rate, and extent of subsurface contamination..." The stated requirements are so cursory that the public cannot tell what is being demanded. The rules require more than this. NMED is required to prepare a Fact Sheet which would explain the role to be played by each of the scheduled submittals and actions in the corrective action process, according to 20 NMAC 4.1.901.D(1).	NMED agrees that the information provided in the revised schedule is not detailed. However, the terms used were meant to provide a brief description of the sites and the deliverables that were due, and not be inclusive of all the details and background information used to create the schedule. Background information is available at the Hazardous Waste Bureau's office at 2905 Rodeo Park Drive. Since this is not a permit modification, 20 NMAC 4.1.901.D(1) does not apply to this revised schedule.
54	NM Attorney General's Office/Lindsay Lovejoy (January 22, 2002)	NMED needs to state how it will use the collected data to eliminate risk. It needs to articulate the methodology it has chosen to govern decision-making as to final corrective action. The public cannot adequately comment upon a program of further drilling and data-gathering without this information. The public should be allowed to comment on the specifics of NMED's planning, based on an explanation of the design of the overall plan.	The NMED does not use data to eliminate risk. Data is used by LANL to determine risk. NMED, in turn, uses this assessment to determine the need for the appropriate corrective action(s). The public is asked to comment on the corrective action process if NMED requires a CMS. The public also has the opportunity to comment during the permit modification process for no further action determinations.