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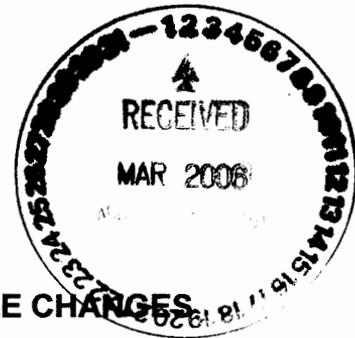


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Date: February 27, 2006
Refer To: ER2006-0171

Mr. John E. Kieling, Program Manager
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East
Building 1
Santa Fe, NM 87505-6303



SUBJECT: ORDER ON CONSENT-PROPOSED SCHEDULE CHANGES

Dear Mr. Kieling:

Los Alamos National Laboratory (LANL) has reviewed the proposed schedule changes to the March 1, 2005, Compliance Order on Consent issued by the New Mexico Environment Department on December 27, 2005. LANL's comments on the proposed schedule changes are attached.

If you have any questions or comments, please contact me at (505) 667-0819 or email mcinroy@lanl.gov.

Sincerely,

David McInroy, Deputy Program Director
Remediation Services and Surveillance
Los Alamos National Laboratory



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Mr. John E. Kieling
ER2006-0171

February 27, 2006

Attachment: "Los Alamos Laboratory (LANL) Comments on December 27, 2005,
Proposed Changes to Consent Order Schedules."

JE/DM/jk

Cy :

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ATTACHMENT

Los Alamos National Laboratory (LANL) Comments on December 27, 2005, Proposed Changes to Consent Order Schedules

1. **Material Disposal Area (MDA) B –** The New Mexico Environment Department's (NMED's) proposed schedule gives a new due date of March 26, 2006, for the investigation report for MDA B. This date is no longer accurate. In a letter dated February 2, 2006, NMED approved LANL's request to withdraw the approved investigation work plan for MDA B and submit a work plan for investigation and accelerated cleanup of MDA B. The NMED letter indicated that the investigation report for MDA B is no longer due March 26, 2006. A new due date for the investigation report for MDA B will be determined upon approval of the new work plan. LANL requests that the March 26, 2006, due date be removed from page 1 of Table XII-1, page 1 of Table XII-2, and page 3 of Table XII-3 and be replaced with "To Be Determined."
2. **Technical Area (TA)-10 and Bayo Canyon –** Under Section IV.C.5 of the Consent Order, solid waste management units (SWMUs) and areas of concern (AOCs) at TA-10 are to be investigated as part of the Bayo Canyon Aggregate Area. NMED's proposed schedule, however, identifies two investigation reports, with different due dates, for these sites. These two deliverables are the investigation report for SWMUs 10-002(a,b), 10-003(a-o), 10-004(b), and 10-007 and the investigation report for the Bayo Canyon Aggregate Area, which includes SWMUs 10-002(a,b), 10-003(a-o), 10-004(b), and 10-007. Page 1 of Table XII-2 gives a new due date of March 1, 2008, and a new notice date of May 30, 2008, for the investigation report for SWMUs 10-002(a,b), 10-003(a-o), 10-004(b), and 10-007. These dates replace the original dates of January 31, 2008, and April 30, 2008. These changes are due to the 30-day extension granted by NMED for submittal of the Bayo Canyon Aggregate Area investigation work plan. Page 2 of Table XII-2, however, adds the investigation report for Bayo Canyon Aggregate Area and gives a due date of January 31, 2008. This due date is incorrect and should be the same as the due date for the investigation report for SWMUs 10-002(a,b), 10-003(a-o), 10-004(b), and 10-007 (March 1, 2008).

LANL requests that the separate investigation report for SWMUs 10-002(a,b), 10-003(a-o), 10-004(b), and 10-007 be deleted from Table XII-2 because these sites will be included in the investigation report for the Bayo Canyon Aggregate Area. LANL also requests that the due date in Table XII-2 for the investigation report for Bayo Canyon Aggregate Area be changed from January 31, 2008, to March 1, 2008. LANL requests that these same changes be made to Table XII-3.
3. **MDA H –** NMED's proposed schedule gives new due dates of "Pending" for the CMI plan and remedy completion report for MDA H. LANL requests that specific due dates be given for these documents so LANL can plan and schedule work for this site. This comment applies to page 2 of Table XII-1, page 4 of Table XII-2, and pages 2 and 3 of Table XII-3