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NEW MEXICO ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

ENTERED

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DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 16, 2012

George J. Rael
Assistant Manager
U.S. Department of Energy
National Nuclear Security Administration
Los Alamos Site Office
3747 West Jemez Rd, MSA316
Los Alamos, NM 87544

Michael J. Graham
Associate Director Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

RE: APPROVAL
EXTENSION REQUEST TO RESPOND TO NOTICE OF DISAPPROVAL
PHASE II INVESTIGATION WORK PLAN FOR S-SITE AGGREGATE AREA
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-11-075

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy (DOE) and Los Alamos National Security, L.L.C.'s (collectively, the Permittees) document entitled *Request for Extension to Respond to Notice of Disapproval for Phase II Investigation Work Plan for S-Site Aggregate Area,* dated March 8, 2012 and referenced by EP2012-0365.

The Permittees request the extension to submit the response to the Notice of Disapproval (NOD) due to budget shortfalls and the need to focus efforts on shipment of aboveground transuranic (TRU) waste from Technical Area (TA) 54 to the Waste Isolation Pilot Plant, located in Eddy County, New Mexico. The need to remove TRU waste stored at TA-54 is aligned with Governor Martinez' policy to prioritize groundwater and surface water protection and accelerate the removal of TRU waste stored at Los Alamos National Laboratory.

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The Permittees were issued an NOD on February 14, 2012 and the response to NOD comments and a revised Phase II work plan for S-Site Aggregate Area were due to NMED by March 15, 2012. NMED finds the stated cause for the requested time extension acceptable. The submittal date for the response to NOD comments is hereby postponed from March 15, 2012 to **September 15, 2012**, as requested. The submittal of the revised Phase II investigation work plan for S-site Aggregate Area is hereby postponed from March 15, 2012 to **December 31, 2012**, as requested.

NMED may re-evaluate the need for these extensions based on the Permittees' progress in accelerating removal of TRU waste from TA-54 or if new information becomes available that indicates off-site migration of contamination. The Permittees must notify NMED, within 30 days of receipt of such information, should funds become available in the future that allow for the NOD response and Phase II work plan for the S-Site Aggregate Area to be prepared and submitted prior to September 15, 2012 and December 31, 2012, respectively.

Please contact Neelam Dhawan at (505) 476-6042 should you have any questions.

Sincerely,

for

John E. Kieling
Acting Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
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File: Reading and LANL 2012 – S-Site Aggregate Area Phase II IWP, 11-075