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**NEW MEXICO
ENVIRONMENT DEPARTMENT**



SUSANA MARTINEZ
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JOHN A. SANCHEZ
Lieutenant Governor

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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 5, 2014

Peter Maggiore
Assistant Manager, Env. Projects Office
Los Alamos Field Office, DOE
3747 West Jemez Rd, MS A316
Los Alamos, NM 87544

Jeffrey D. Mousseau
Associate Director, Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

**RE: DENIAL OF THIRD EXTENSION REQUEST
TO SUBMIT THE RESPONSE TO THE NOTICE OF DISAPPROVAL TO THE
PHASE II WORK PLAN FOR S-SITE AND REVISION 1 TO THE PLAN
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-11-075**

Dear Messrs. Maggiore and Mousseau:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (collectively, the Permittees) document entitled *Request for Postponement to Submit the Response to the Notice of Disapproval to the Phase II Work Plan for S-Site and Revision 1 to the Plan*, dated August 29, 2014 and referenced by EP2014-0433.

The Permittees are requesting a third extension to submit a Response to NMED's Notice of Disapproval (NOD) for the Phase II Investigation Work Plan (IWP) and the revised IWP for S-Site Aggregate Area. The previous two extensions moved the submission date from March 15, 2012 to September 15, 2012 and September 15, 2014, respectively. NMED has granted previous extensions based on the Permittees' need to divert resources to remove transuranic waste in accordance with the Framework Agreement. Based on the Permittees' statement that they will not be able to meet the deadlines that they committed to in the Framework Agreement, the request is hereby denied.

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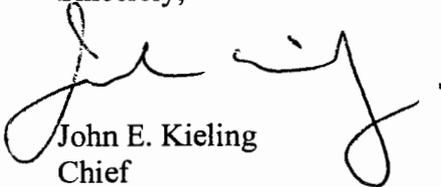


Messrs. Maggiore and Mousseau
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NMED is concerned over delays that affect the progress of corrective action. The Permittees are required to submit the response to NOD and the revised IWP for S-Site Aggregate Area as previously scheduled on **September 15, 2014**.

Should you have any questions, please contact Neelam Dhawan of my staff at (505) 476-6042.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: T. Blaine, NMED EHD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
S. Yanicak, NMED DOE OB
L. King, EPA 6PD-N
W. Woodworth, DOE-NA-LA, MS A316
J. McCann, EP-CAP, MS A992

File: Reading and LANL 2014 – Ext Rqst for NOD Response to S-Site Phase 2 IWP