



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

21
NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 25, 2011

George J. Rael
Assistant Manager
Los Alamos Site Office
U.S. Department of Energy
3747 West Jemez Road, Mail Stop A316
Los Alamos, NM 87544

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

**RE: DENIAL
EXTENSION REQUEST FOR SUBMITTAL OF THE
INVESTIGATION/REMEDATION REPORT
MATERIAL DISPOSAL AREA (MDA) A
SOLID WASTE MANAGEMENT UNIT 21-014, TECHNICAL AREA 21
LOS ALAMOS NATIONAL LABORATORY
EPA ID No: NM0890010515
HWB-LANL-09-028**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) has received the United States Department of Energy and the Los Alamos National Security, LLC (collectively, the Permittees) *Request for Extension of Date for Submittal of the Material Disposal Area A Investigation/Remediation Report* (Request), received on January 12, 2011 and referenced by EP2010-0539. The Request cites numerous reasons for delaying the completion of the required work, including the planned reuse of equipment currently in use at Material Disposal Area (MDA) B. Removal activities are in currently in progress at MDA B with an anticipated completion date for the field activities of June 2011. This completion date is approximately one year after the Permittees' previously anticipated waste removal completion date and over five years after NMED's approval of a work plan similar to the work plan for investigation and remediation of MDA A. As stated in the Request, the MDA A Investigation-Remediation Work Plan was approved in November 2009. Subsequent to the approval, the Permittees began field activities at MDA B

34272



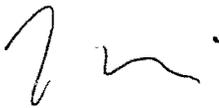
and, as also stated in the Request, the Permittees have experienced delays during waste removal due to unanticipated landfill contents. The Permittees state that they have gained valuable knowledge that will be useful in the implementation of the removal actions at MDA A. Such knowledge also could result in the removal activities proceeding more rapidly than projected. Because the removal of waste at MDA B is not yet complete, there is no way for the Permittees to know at this time whether the MDA B waste removal activities will be completed ahead or behind schedule. This makes the timing of the availability of the equipment for MDA A currently employed at MDA B uncertain.

In addition, Permittees state that the evaluation of the Plutonium Tanks at MDA A is not yet complete and future actions might proceed at an unanticipated pace, which could result in either an accelerated or delayed completion date for removal of the tanks.

Due to the large number of uncertainties remaining related to the contemplated work at MDA A, NMED cannot determine whether or not good cause presently exists for this extension request. NMED therefore must deny the Permittees' extension request at this time. It is likely that many of the uncertainties identified in the request will be resolved over the next year, which will allow the Permittees to better assess the need for, and provide tighter constraints on, a time extension for the submittal of the MDA A Investigation/Remediation Report.

Please contact Dave Cobrain of my staff at (505) 476-6055 if you have questions.

Sincerely,



James Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
B. Wear, NMED HWB
S. Yanicak, NMED DOE OB, MS M894
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
D. Rhodes, DOE LASO, MS A316
E. Worth, DOE LASO, MS A316
V. George, EP-CAP, MS M991
P. Huber, EP MS C349

File: Reading and LANL/TA-21, SWMU 21-014, MDA A, 2011