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State of New Mexico  
**ENVIRONMENT DEPARTMENT**

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RON CURRY  
SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

December 5, 2006

David Gregory  
Federal Project Director  
Los Alamos Site Office  
Department of Energy  
528 35<sup>th</sup> Street, Mail Stop A316  
Los Alamos, NM 87544

David McInroy  
Remediation Services Deputy Project Director  
Los Alamos National Laboratory  
P.O. Box 1663, MS M992  
Los Alamos, NM 87545

**RE: REQUEST FOR EXTENSION TO IMPLEMENT REQUIRED SCOPE FOR  
MATERIAL DISPOSAL AREA C, SOLID WASTE MANAGEMENT UNIT 50-  
009, LOS ALAMOS NATIONAL LABORATORY,  
EPA ID #NM0890010515  
HWB-LANL-03-005**

Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the Department of Energy (DOE) and the Los Alamos National Security, LLC's (LANS) (collectively, the Respondents) letter titled *Request for Extension to Implement Additional Scope for Material Disposal Area C, Solid Waste Management Unit 50-009*, referenced by EP2006-0941 and dated November 30, 2006. In the letter, the Respondents discuss the advancement of four borings between Pits 2 and 3 at MDA C that are required under the modified Investigation Work Plan, which NMED approved pursuant to the March 1, 2005 Administrative Order on Consent (Order). The Respondents request either: 1) the submittal of an Investigation Report as scheduled on December 6, 2006 that will not include data from these required borings and submittal of the supplemental analytical and geophysical data within 10 business days from data validation, an unspecified date; or 2) a new submission date of April 14, 2007 for the Investigation Report. NMED denies this request for the reasons explained below.



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Messrs. Gregory and McInroy

December 5, 2006

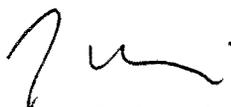
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Under the March 1, 2005 Order, Section IV.C.3.c.iii, Paragraph 1, the Respondents were to install borings "at 100-ft intervals along the sides of disposal pits 1 through 6" at Area C within Technical Area 50. Under Paragraph 2 of that section, angled borings could be advanced "where access for drilling of vertical borings is restricted." On April 6, 2005, NMED approved with modifications Revision 1 of the Investigation Work Plan for MDA C. The Work Plan provided for the drilling of "horizontal" borings beneath Pits 1 through 4. On September 8, 2005, the Respondents sent a letter to NMED requesting a deviation from the approved Investigation Work Plan. The Respondents proposed to drill 11 vertical boreholes between Pits 1 and 4, rather than the approved horizontal borings. NMED approved this approach and the proposed vertical borehole locations by letter dated October 12, 2005. On October 21, 2005, the Respondents submitted to the Department a revised Investigation Work Plan that provided for drilling the vertical borings.

The Respondents have had more than one year – almost fifteen months – to secure internal approval of the "safety basis" for the borings and to drill the required borings, as proposed on September 8, 2005. NMED believes that sufficient time was available to approve the safety requirements associated with site work at MDA C. Additionally, NMED's evaluation of the geophysical surveys indicates that the boundary between Pits 2 and 3 is reasonably well-defined. NMED therefore disagrees that the geophysical data provides any justification for a delay. For these reasons, NMED does not approve the requested extension.

Should you have any questions, please contact David Cobrain at 428-2553.

Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

JPB:kmc

cc: K. Chamberlain, NMED HWB  
D. Cobrain, NMED HWB  
H. Shen, NMED HWB  
S. Yanicak, NMED DOE OB, MS J993  
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G. Rael, DOE OLASO, MS A316  
A. Phelps, LANL ADEP, MS J591  
file: Reading and LANL TA-50 (SWMU 50-009)