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DEPARTMENT OF ENERGY
National Nuclear Security Administration
Los Alamos Site Office
Los Alamos, New Mexico 87544



August 25, 2006

Mr. James Bearzi, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303



Dear Mr. Bearzi:

Thank you for meeting with my staff last Thursday to discuss the Department of Energy's (DOE) need for an extension to the deadline for submitting an Inspection Report for Solid Waste Management Unit (SWMU) 73-002. The due date for this deliverable is September 12, 2006. I am sending this letter as a follow up and to formally request an extension for the submittal to January 31, 2007.

DOE is requesting this extension pursuant to Section III.J.2 of the Consent Order, which provides that DOE may "seek an extension of time in which to perform a requirement of this Consent Order, for good cause, by sending a written request for extension of time and proposed revised schedule to the Department. The request shall state the length of the requested extension and describe the basis for the request." The bases for this request are stated below.

DOE has had an Interagency Agreement (IA) with the Corps of Engineers (COE), pursuant to which DOE utilizes COE contractors to perform various projects. This project was awarded to Innovative Technical Solutions, Inc. (ITSI), an 8(a) firm under an indefinite delivery, indefinite quantity contract with the COE. Field work on this project began on October 24, 2005. On November 16, 2005, the contractor discovered unexploded ordnance (a WWII Japanese rifle grenade) (UXO) during clean up operations. As a result, DOE halted operations at the site, and notified New Mexico Environment Department (NMED) of the UXO finding within 24 hours of discovery.

The discovery of UXO was a change in site conditions that required significant revision and re-scoping to the overall plan for this project including new health and safety plans to allow safe operations in an UXO environment and an increase in technical oversight by radiological control technicians.

During the time frame we were taking the steps to address technical issues related to restarting work on SWMU 73-002, DOE determined it was necessary to enter into a new IA with the COE. The development of the IA is done through the Albuquerque Service Center, and is a circumstance beyond LASO's control. Until a new IA is executed, we are unable to utilize the contract with ITSI in order to allow work to proceed.



My office was committed to meeting the schedule until mid-July, when it became apparent that the IA would not be completed in time to complete the project this year. A revised IA is scheduled to be in place by August 31, 2006, after which work can resume promptly.

For the reasons given above, DOE is requesting an extension of time until January 31, 2007, to submit the required Inspection Report. As you consider this request, I ask that you also take into account the fact that LASO alerted NMED of our concern about being able to maintain schedule when this project was added to the list of stipulated penalties on February 28, 2006. If you have any questions regarding this request for an extension, please contact me at (505) 667-5105 or David Gregory at (505) 667-5808.

Sincerely,



Edwin L. Wilmot
Manager

OES: 2GR-001

cc:

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