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Date: JUL 23 2010
Refer To: EP2010-0309

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

Subject: Request Extension of Date for Material Disposal Area L Remedy Completion Report

Dear Mr. Bearzi:

This letter requests an extension from the July 9, 2011, date for the Material Disposal Area (MDA) L remedy completion report (RCR). This request is submitted in response to the New Mexico Environment Department's (NMED's) May 17, 2010, notice of disapproval (NOD) for the corrective measures evaluation (CME) report for MDA L, dated January 2008. In this NOD, NMED requires submittal of a revised CME report by October 1, 2010. Based on this CME submittal date, the U.S. Department of Energy and Los Alamos National Laboratory (the Laboratory) have reviewed the activities leading to implementation of a remedy at MDA L and submittal of the RCR as described in Section VII of the Compliance Order on Consent (Consent Order).

While NMED's May 17, 2010, NOD direction to provide a revised MDA L CME by October 1, 2010 is achievable, the report cannot include the four quarters of groundwater data required from all seven of the NMED-specified wells by that date. Groundwater data that will be available by October 1, 2010, are listed in the table below:

| NMED-Specified Well | Number of Quarters of Data Available for October 1, 2010 MDA L CME |
|---------------------|--|
| R-21 | 4 or more quarters |
| R-38 | 4 or more quarters |
| R-32 | 4 or more quarters |
| R-53 | 3 quarters |
| R-54 | 3 quarters |
| R-56 | 1 quarter |
| R-57 | 1 quarter |

The Laboratory has made significant efforts to install regional groundwater wells over the last few years. These wells include four associated with MDA L that were recently completed or are nearing completion. These additional wells were drilled under the schedule provided to NMED in our October 14, 2009, letter regarding "Proposed Integrated Well-Installation Schedule" and subsequent correspondence regarding schedules.

Based on the availability of groundwater data as set out in the table above, the Laboratory anticipates that by the end of July 2011, a minimum of four quarters of groundwater data will be available from all seven wells listed in the May 17, 2010, NOD. This will provide NMED with the four quarters of data required, possibly leading to a remedy selection and issuance of a Statement of Basis by NMED as early as the fall of 2011.

Given the potential variability of schedules associated with this process (e.g., public participation, a corrective measures implementation [CMI] plan, remedy implementation, etc.) the submittal of an RCR may come well after the issuance of a Statement of Basis. Completion of these activities will, consequently, require substantially more time than the current RCR due date of July 9, 2011.

Therefore, the Laboratory requests that NMED extend the submittal date for the MDA L RCR to December 6, 2015, to coincide with the schedule for the submittal of the MDA G RCR. The three MDAs at Technical Area 54 (TA-54) (MDAs G, H, and L) are currently at the same phase of the corrective action process, i.e., CME. This proposed submittal date will provide the opportunity to align some aspects of the corrective action process and achieve some administrative efficiencies for the MDAs at TA-54.

Alternatively, the Laboratory requests that NMED establish a due date for the MDA L CMI plan following NMED's selection of a remedy for MDA L. Subsequently, NMED would then establish a due date for the RCR following approval of the CMI plan. The RCR date in Table XII of the Consent Order would be vacated until the new date is determined by NMED. This alternative approach is consistent with the direction issued by NMED to the Laboratory in the July 16, 2010, approval of the extension for the RCR for MDA C.

If you have any questions, please contact Jarrett Rice (wjrice@lanl.gov) at (505) 665-3874 or Ed Worth (eworth@doeal.gov) at (505) 665-0398.

Sincerely,



Michael J. Graham, Associate Director
Environmental Programs
Los Alamos National Laboratory

Sincerely,



George J. Rael, Manager
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MG/GR/AB/JR:sm

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