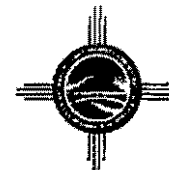




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*Date: 3.18.2011*  
*Refer To: EP2011-0127*

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

**Subject: Submittal of the Request for Extension of Date for Submittal of Revision 2 of the Corrective Measures Evaluation Report for Material Disposal Area L**

Dear Mr. Bearzi:

This letter requests an extension from the May 1, 2011, submittal date in the New Mexico Environment Department's (NMED's) February 23, 2011, notice of disapproval (NOD) for Revision 2 of the Corrective Measures Evaluation (CME) report for Material Disposal Area (MDA) L to a new date of January 31, 2012. This new date is based upon the following two factors: (1) the report consistencies for the CMEs at Technical Area 54 (TA-54) that would be realized from receiving NMED's comments on all three TA-54 CMEs before the MDA L CME is revised and (2) the time needed to address NMED's direction to include a minimum of four quarters of groundwater data from the groundwater monitoring network at TA-54.

### **Background**

Three MDAs at TA-54 (MDAs G, H, and L) are in the corrective measures process under the March 2005 Compliance Order on Consent. NMED required revised CMEs for these three MDAs in three letters received in 2010: May for MDA L, June for MDA H, and July for MDA G. The U.S. Department of Energy and Los Alamos National Security, LLC (DOE/LANS) submitted revised CMEs in 2010: MDA L in October, MDA G in November, and MDA H in December.

The July 26, 2010, NOD for the MDA G CME required DOE/LANS to incorporate any MDA G CME comments relevant to the CMEs for MDAs L and H. DOE/LANS submitted the revised CME for MDA G in November 2010 and sought to incorporate NMED's comments on MDA G in the CMEs for MDAs L and H. The remedy withdrawal for MDA H and the NOD for the MDA L CME contained similar language on ensuring consistency among the three CMEs at TA-54.

DOE/LANS support NMED's requirement to incorporate comments from the other TA-54 CMEs and agree that these three CMEs should be consistent to support a combined public hearing for MDAs G, H, and L. Because DOE/LANS have not yet received comments on the November 2010

revision to the MDA G CME or the December 2010 MDA H CME, we cannot ensure the revision to the MDA L CME will be consistent.

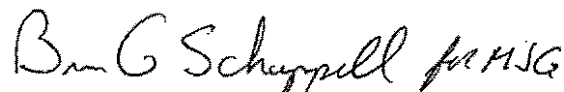
In addition, the February 23, 2011, NOD reiterates NMED's position in its September 15, 2010, letter regarding clarification of the requirements that CMEs at TA-54 present a minimum of four quarters of groundwater data to accurately describe groundwater conditions at TA-54 and that NMED cannot issue statements of basis for the three waste sites at TA-54 without those data. The fourth quarter of groundwater sampling for MDA H was performed in January 2011, and the data will be available by the end of March 2011. The fourth quarter of groundwater sampling for the newest well that supports MDA L (R-56) will be conducted in July 2011, and the data will be available in August or September 2011. The fourth quarter of groundwater sampling for the newest well that supports MDA G (i.e., R-57) will be conducted in October 2011, and the data will be available in November or December 2011.

### Extension Request

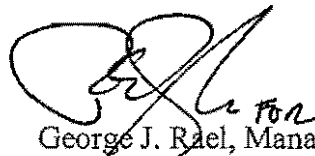
DOE/LANS request an extension to January 31, 2012, to submit the CME for MDA L. This schedule will allow NMED time to issue comments on the CMEs for MDAs G and H and for DOE/LANS to revise all three CMEs for consistency. This proposed submittal date also ensures four quarters of groundwater data will be available for all relevant TA-54 wells.

In the interim, DOE/LANS propose to submit our response to NMED's comments on the MDA L CME, as well as any subsequent comments to the MDAs G and H CMEs, within 60 days after we receive NMED's comments on all three TA-54 CMEs. This approach will provide NMED with assurance that corrective action activities at TA-54 are moving forward. It will also allow DOE/LANS and NMED time to reach an agreement on the structure and content of the three TA-54 CMEs before the final versions are submitted to NMED for review and approval.

Thank you for your consideration of this request. If you have any questions or require additional information, please contact Jarrett Rice at (505) 665-3874 ([wjrice@lanl.gov](mailto:wjrice@lanl.gov)) or Suzy Schulman at (505) 606-1962 ([ssschulman@doeal.gov](mailto:ssschulman@doeal.gov)).



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