NEW MEXICO
ENVIRONMENT DEPARTMENT

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SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

ERID-525195
EP2014-5335

September 23, 2014

Peter Maggiore
Assistant Manager, Env. Projects Office
Los Alamos Field Office, DOE
3747 West Jemez Rd, MS A316
Los Alamos, NM 87544

Jeffrey D. Mousseau
Associate Director, Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

IRM-RMS, LANL
U1402326

**RE: DENIAL OF SECOND EXTENSION REQUEST
TO SUBMIT THE PHASE II INVESTIGATION REPORT FOR SITES AT TA-49
OUTSIDE THE NUCLEAR ENVIRONMENTAL SITE BOUNDARY
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-11-008**

Dear Messrs. Maggiore and Mousseau:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (collectively, the Permittees) document entitled *Request for Extension for the Phase II Investigation Report for Sites at Technical Area 49 Outside the Nuclear Environmental Site Boundary (IR)* dated September 15, 2014 and referenced by EP2014-0444.

The Permittees are requesting a second extension to submit the phase II investigation report for sites at Technical Area (TA) 49 Outside the Nuclear Environmental Site (NES) boundary. The first extension was granted on December 6, 2011, that moved the submission date from September 30, 2012 to September 30, 2014. NMED has granted extensions based on the Permittees' need to divert resources to remove transuranic waste in accordance with the Framework Agreement. Based on the Permittees' statement that they will not be able to meet the deadlines that they committed to in the Framework Agreement, the request is hereby denied.

NMED is concerned over delays that affect the progress of corrective action. The Permittees are required to submit the Phase II IR for sites at TA-49 outside the NES boundary as previously scheduled on **September 30, 2014**.

Should you have any questions, please contact Neelam Dhawan of my staff at (505) 476-6042.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

cc: T. Blaine, NMED EHD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
S. Yanicak, NMED DOE OB
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File: Reading and LANL 2014 – TA-49 sites Outside NES boundary Phase 2 IR