ESHID-603821

MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

February 15, 2024

Theodore A. Wyka, Manager
National Security Administration
Los Alamos National Laboratory
3747 West Jemez Road, A 316
Los Alamos, NM 87544

Jeannette Hyatt, Senior Division Leader
Environment and Waste Programs
Triad National Security, LLC
P.O. Box 1663, MS K491
Los Alamos, NM 87545

RE: APPROVAL
CLASS 1 PERMIT MODIFICATION REQUEST TO AMEND THE CLOSURE PLAN SCHEDULE FOR TA-16-399 BURN TRAY, REVISION 2.2
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-24-005

Dear Theodore Wyka and Jeanette Hyatt:

On January 24, 2024, the New Mexico Environment Department (NMED) received the United States Department of Energy (DOE), Triad National Security (Triad), LLC, and Newport News Nuclear BWXT-Los Alamos, LLC (N3B) (collectively referred to as the Permittees) *Class 1 Permit Modification Request to Amend the Closure Plan Schedule for TA-16-399 Burn Tray, Revision 2.2* (Request) referenced by EPC-DO-24-022/LA-UR-24-20447.

NMED had previously approved two (2) extension requests to amend the closure plan schedule, on September 6, 2022, and on March 10, 2023, respectively. On August 7, 2023, NMED approved a third Class 1 with Prior Approval Request to Amend the Closure Plan for 16-399 Burn Tray and extended the deadline for the Permittees to complete closure activities from September 5, 2023, to November 17, 2023. The Permittees received sample analytical data on December 7, 2023. On January 18, 2024, the Permittees determined that additional sampling and excavation was necessary to meet the performance standards in the Closure Plan and informed NMED that they would be requesting an additional amendment.

NMED has reviewed the Request and proposed activities in accordance with the requirements in 40 Code of Federal Regulations (CFR) §265.113(b) and (c), as well as §270.42 Appendix I, Item D.1.b. The Permittees have submitted this Request to continue confirmation sampling and to coordinate the staging and removal of contaminated soil. NMED finds the request reasonable since it will result in the additional clean-up of contaminated soil from the unit, providing better protection of human health and the environment.

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To accommodate the additional sampling and analysis, NMED is approving the Request to revise the closure plan schedule. The final closure certification report is due to NMED within 60 days of the receipt of confirmatory sampling results from the analytical laboratory.

The Permittees must notify NMED in writing by an electronic mail, when closure activities have been completed. In addition, NMED must be notified when the Permittees have received confirmatory sampling analytical laboratory results.

As a reminder, two hard copies of the revised closure certification report and one electronic copy, including analytical data, must be submitted to NMED. As part of the summary accompanying the report, the Permittees must also include: a table of revisions, a summary documenting corrective action activities at the unit, including photos and a redline strikeout of the revised certification report (in both the electronic and hardcopy).

If you have any questions regarding this letter, please contact Siona Briley of my staff at 505-690-5160 or via email at Siona.Briley@env.nm.gov .

Sincerely,

Ricardo Maestas

Digitally signed by Ricardo Maestas
Date: 2024.02.15 14:34:51 -07'00'

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

Cc : N. Dhawan, NMED-HWB
S. Briley, NMED HWB
M. Schatz, NMED HWB
R. Gallegos, NNSA
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File: 2024 LANL, Permit, Approval Class 1 Permit Modification Request to Amend the Closure Plan Schedule for TA-16-399 Burn Tray, Revision 2.2
LANL-24-005

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locatesteam

From: Martinez, Cynthia, ENV <cynthia.martinez1@env.nm.gov>
Sent: Thursday, February 15, 2024 3:04 PM
To: Wyka, Ted; Hyatt, Jnette
Cc: Maestas, Ricardo, ENV; Dhawan, Neelam, ENV; Briley, Siona, ENV; Schatz, Mitchell, ENV; robert.gallegos@nnsa.doe.gov; Duran, Arturo Q.; Brian Harcek; Story-Hughes, Sandra Dee; robert.edwards@em-la.doe.gov; Moseley, Jessica Lee; Hill, Jason Scott; locatesteam; epc-correspondence@lanl.gov; 'lasomailbox@nnsa.doe.gov'; emla.docs@em.doe.gov; N3B Records
Subject: [EXTERNAL] Approval letter to Theodore Wyka and Jennette Hyatt
Attachments: Approval_LANL-24_005_Class 1_Amend CP 16_399_ Feb_15_2024.pdf

Good Afternoon,
Please see attached approval letter.

Cynthia Martinez
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg.1
Santa Fe, New Mexico
505-476-6000

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