



DEPARTMENT OF ENERGY
 Environmental Management Los Alamos Field Office (EM-LA)
 Los Alamos, New Mexico 87544

EMLA-25-BF247-2-1

Received

JUN 18 2025

June 18, 2025

Mr. JohnDavid Nance, Hazardous Waste Bureau Chief
 Designated Agency Manager
 New Mexico Environment Department
 2905 Rodeo Park Drive East, Building 1
 Santa Fe, NM 87505-6313

NMED Hazardous Waste Bureau

Subject: Deferment of Corrective Action Activities for Solid Waste Management Unit 50-009 at Material Disposal Area C under the 2016 Compliance Order on Consent, as Revised in 2024

Dear Mr. Nance:

This letter is being provided in accordance with Section 11.C of the 2016 Compliance Order on Consent, as revised in 2024 (Consent Order), to notify the New Mexico Environment Department (NMED) that the U.S. Department of Energy (DOE) will be deferring corrective action activities for Solid Waste Management Unit (SWMU) 50-009, which is Material Disposal Area C.

With this letter, DOE is notifying NMED of the following:

1. SWMU 50-009 is associated with active Facility operations and will be Deferred from further corrective action under the Consent Order until SWMU 50-009 is no longer associated with active Facility operations. Under Section 3.K of the Consent Order, "Deferred" means "SWMUs or [Areas of Concern] for which corrective action activities are suspended due to one of the circumstances specified in Section 11." Association with active Facility operations (under Section 11.B.2 of the Consent Order) is one of the four circumstances for which a SMWU or Area of Concern may be Deferred under the Consent Order.
2. DOE certifies (in accordance with Section 11.C.1.a of the Consent Order) that Deferral of SWMU 50-009 at the time this Deferral becomes effective on July 18, 2025, is not anticipated to result in an imminent and substantial endangerment to human health or the environment.
3. This change to Deferred status for SWMU 50-009 will not result in a change to the Fiscal Year summary provided to NMED pursuant to Section 8.F.3.a of the Consent Order.
4. DOE certifies (in accordance with Section 11.C.1.d of the Consent Order) that this change to Deferred status will not result in a decrease in the funds to be expended from the funds appropriate for Fiscal Year 2025 for cleanup activity at the Los Alamos National Laboratory.

DOE will notify the public of this decision to change SWMU 50-009 to Deferred status by publication on DOE's website and make this notice available for publication on NMED's website at least 20 days prior to SWMU 50-009 being changed to Deferred.

DOE's certifications pursuant to Sections 11.C.1.a and 11.C.1.d of the Consent Order (Items #2 and 4 above) are true and accurate to the best of the knowledge and belief of the undersigned.

If you have any questions, please contact Brian Harcek at (505) 692-4261 (brian.harcek@em.doe.gov).

Sincerely,



Digitally signed by
BRIAN HARCEK
Date: 2025.06.18
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Brian Harcek,
Designated Agency Manager
U.S. Department of Energy
Environmental Management
Los Alamos Field Office

cc (letter emailed):

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