

Environmental Protection Division  
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National Nuclear Security Administration  
Los Alamos Site Office, A316  
528 35<sup>th</sup> Street  
Los Alamos, New Mexico 87544  
(505) 667-7203/FAX (505) 665-4504

Date: October 27, 2008  
Refer To: ENV-RCRA-08-220

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

**VIA HAND DELIVERY**

Dear Mr. Bearzi:

**SUBJECT: RESPONSE TO THE NEW MEXICO ENVIRONMENT DEPARTMENT'S (NMED) OCTOBER 23, 2008 NOTICE OF DISAPPROVAL OF THE LOS ALAMOS NATIONAL LABORATORY (LANL) FISCAL YEAR 2007 (FY07) SITE TREATMENT PLAN (STP) ANNUAL UPDATE**

A notice of disapproval letter, dated October 23, 2008, for the LANL FY07 STP annual update was received on October 24, 2008. The letter stated that the Los Alamos National Security, LLC (LANS) and the National Nuclear Security Administration (NNSA) had failed to submit what was required by the August 8, 2008 Notice of Deficiency. Specifically, the letter stated:

*"The Respondents failed to submit to the Department what was required by the August 8, 2008 Notice of Deficiency (NOD). Specifically, page 6 required:*

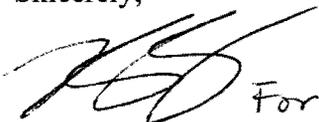
*'All revisions must be submitted in the form of two paper copies and an electronic version in redline-strikeout format, showing all changes to the Update. The Respondents must also submit an electronic copy of the revised Update in Microsoft Word.'*

*If the Respondents are at any time unclear as to what the Department has requested for a submittal, the Department encourages the Respondents to contact the Department prior to the submittal date to clarify the issue. The FFCO also supports this action; Section XX.A (Exchange of Information) states, "[r]espondents are encouraged to confer with NMED at any time prior to the submission of any proposals, plans, studies, reports, updates, or notifications required by this Order." The Respondents must submit the two hardcopies of the revised STP FY07 Update and Revision 18.0 Proposal, the electronic version of the revised STP FY07 Update and Revision 18.0 Proposal in redline-strikeout format showing all changes made to the Update, and the electronic copy of the revised Update in Microsoft Word no later than Monday, October 27, 2008."*



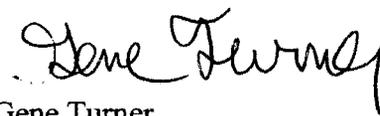
Please note the above required information was hand delivered to your office on Monday October 20, 2008. The FFCO does encourage that the parties, including NMED, confer on such issues. If the LANS/NNSA submittal on October 20, 2008 does not meet the above requirement, then please contact Tony Grieggs at 667-0666 or Gene Turner at 667-5794.

Sincerely,



For  
Anthony R. Grieggs  
Group Leader  
Water Quality & RCRA Group  
Los Alamos National Laboratory

Sincerely,



Gene Turner  
Environmental Permitting  
National Nuclear Security Administration

AD:GT:AD/lm

Cy: Michael B. Mallory, PADOPS, A102  
Richard S. Watkins, ADESHQ, K491  
Gerald O'Leary, WDP-DO, J591  
Paul Newberry, WDP-HMWO, J595  
Chris Duy, WDP-HMWO, J595  
Albert Dye, ENV-RCRA, K490  
Ellen Louderbough, LC-LESH, A187  
ENV-DO, File, J978  
ENV-RCRA, File, w/enc., K490  
IRM-RMMSO, w/enc., A150