



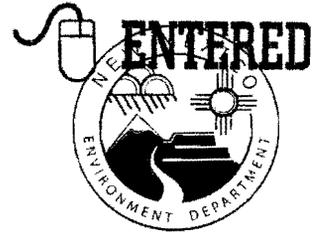
BILL RICHARDSON  
Governor

DIANE DENISH  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



RON CURRY  
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 5, 2010

Margaret Powers  
Site Treatment Plan Project Manager  
Los Alamos National Laboratory  
PO Box 1663, MS K490  
Los Alamos, NM 87545

George C. Henckel III  
Waste Management Program Manager  
Department of Energy, Los Alamos Site Office  
528 35<sup>th</sup> Street, MS A316  
Los Alamos, NM 87544

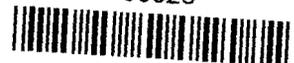
**RE: REVISION 19.0, ANNUAL UPDATE TO SITE TREATMENT PLAN, FEDERAL FACILITIES COMPLIANCE ORDER  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID# NM08990010515  
HWB-LANL-FFCO**

Dear Ms. Powers and Mr. Henckel:

The New Mexico Environment Department (NMED) public noticed with modifications the Department of Energy's (DOE) and Los Alamos National Laboratory's (LANL) (collectively, the Respondents) Fiscal Year 2008 (FY08) Site Treatment Plan (STP) Annual Update, and Revision 19.0 of the Federal Facilities Compliance Order (FFCO) issued to the Respondents on October 4, 1995.

As of December 17, 2009, NMED received comments from three stakeholders on the FY08 STP Annual Update and Revision 19.0. A summary of those comments and NMED's responses are attached. NMED hereby approves the Respondents' FY08 STP Annual Update Revision 19.0 with NMED modifications.

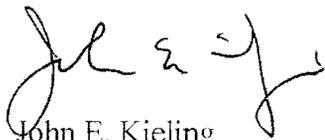
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Ms. Powers and Mr. Henckel  
February 5, 2010  
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If you should have any questions concerning this letter, please contact Tim Hall of my staff at (505) 476-6049 or by email at [timothy.hall@state.nm.us](mailto:timothy.hall@state.nm.us).

Sincerely,



John E. Kieling  
Program Manager  
Permits Management Program  
Hazardous Waste Bureau

Enclosure: NMED response to public comments

cc: J. Bearzi, NMED-HWB  
T. Hall, NMED-HWB  
D. Cobrain, NMED-HWB  
L. King, EPA 6PD-N  
T. Grieggs, ENV-RCRA, LANL, K490  
T. George, ENV-DO, J978  
G. Turner, DOE-LANS, MS A316  
J. Ellvinger, ENV-RCRA, LANL-LASO, MS K490  
S. Shuker  
R. Perry-Piper  
P. Frueh

File: Reading and LANL FFCO 2010

NMED Response to Public Comment  
 Fiscal Year 2008 Site Treatment Plan Update, Revision 19.0, Los Alamos National Laboratory  
 February 5, 2010

COMMENT NUMBER	COMMENTER	COMMENT	NMED RESPONSE
1	Scott Shuker	Need to reframe the discussion from "How shall we deal with all this hazardous waste?" to "How soon will we disallow its production?" When will the state of New Mexico take a courageous stand against nuclear proliferation and free itself from being a nuclear colony of the federal government? Revoke LA's and Sandia's permits, send the waste to Washington, DC and clean this state up once and for all. Until then, all the "revisions" in the world will be useless band-aids over a large, festering wound.	Comments noted.
2a	Rebecca Perry-Piper	Request a copy of the Administrative Record.	The Administrative Record (AR) is available electronically online at <a href="http://www.nmenv.state.nm.us/HWB/IanIperm.html">http://www.nmenv.state.nm.us/HWB/IanIperm.html</a> and available for review at the NMED Hazardous Waste Bureau office in Santa Fe, NM. Arrangements can be made for copies with payment.
2b	Rebecca Perry-Piper	What was the milestone compliance date for Activity 3.1.4(A) for waste Treatability Group LA-W919 in Part III of the FFCO STP?	Prior to submittal of proposed Revision 19.0, there was no milestone compliance date for this mixed low-level waste (MLLW) treatability group, because all waste in this group had been shipped offsite in prior years. However, a single container of previously covered mixed transuranic (MTRU) waste in the Chemistry and Metallurgy Research/Technical Area 55 inventory was reclassified as MLLW during waste characterization, and as MLLW it requires a milestone compliance date.
3	Patricia Frueh	Please consider not burning or disposing nuclear waste in the state of New Mexico	Comment noted.
4	Rebecca Perry-Piper	Not able to view AR online or pay for copies of AR. No further questions or comments.	No response required.