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JOHN A. SANCHEZ  
Lieutenant Governor

FFCO  
NEW MEXICO  
ENVIRONMENT DEPARTMENT

ENTERED



*Hazardous Waste Bureau*

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DAVE MARTIN  
Secretary  
BUTCH TONGATE  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 28, 2011

George J. Rael  
Assistant Manager  
U.S. Department of Energy  
National Nuclear Security Administration  
Los Alamos Site Office  
3747 West Jemez Rd, MSA316  
Los Alamos, NM 87544

Michael J. Graham  
Associate Director Environmental Programs  
Los Alamos National Security, L.L.C.  
P.O. Box 1663, MS M991  
Los Alamos, NM 87545

**RE: NOTICE OF COMPLETION OF OFF-SITE WASTE SHIPMENT ACTIVITY  
(3.1.8) IN THE COMPLIANCE PLAN, SITE TREATMENT PLAN  
LOS ALAMOS NATIONAL LABORATORY (LANL)  
FEDERAL FACILITY COMPLIANCE ORDER (FFCO)  
EPA ID NO. NM08990010515**

Dear Messrs. Rael and Graham:

On December 15, 2011, the New Mexico Environment Department (NMED) received Notice of Completion of Off-site Waste Shipment Activity (3.1.8) in the Site Treatment Plan (STP) submitted by Los Alamos National Security, LLC and the U.S. Department of Energy (DOE) (collectively referred to as "Respondents"). As stated in that letter, Table 3.1.8-2 in Section 3.1.8 of the STP requires the Respondents to notify NMED of the shipment off-site of STP-covered waste, and provide documentation of the receipt of the waste at an off-site treatment facility within 45 days of receipt of the waste at the off-site facility. Respondents' letter states, "The shipment was received at M&EC on September 21, 2011" and that due to an oversight, the notice was not made within 45 days of the receipt of waste.

Failure to notify NMED with 45 days of receipt of shipment at the off-site facility as required by Section 3.1.8 (B) of the STP is a violation of FFCO Section VI Site Treatment Plan, which states, "Respondents shall carry out all activities in accordance with schedules and requirements set forth in the Compliance Plan Volume of the STP and this Order." FFCO Section XXII Civil

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Penalties states, "If Respondents fail to comply with the obligations of this Order, NMED may assess a civil penalty as provided for pursuant to the HWA."

While NMED is not assessing a civil penalty at this time, Respondents' failure to comply with reporting and notification requirements of the FFCO and/or STP in the future may result in civil penalties.

If you have any questions or comments regarding 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  
Acting Chief  
Hazardous Waste Bureau

Cc: T. Hall, NMED-HWB  
D. Cobrain, NMED-HWB  
L. King, EPA 6PD-N  
M. Powers, ENV-ES, LANL-LASO, MS J978  
G. Henckel, LANL-LASO, MS A316  
File: Reading and LANL FFCO 2011