



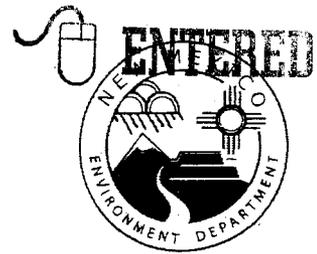
SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
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FFCO  
NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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DAVE MARTIN  
Secretary

BUTCH TONGATE  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 21, 2012

Margaret Powers  
Site Treatment Plan Project Manager  
Los Alamos National Laboratory  
PO Box 1663, MS J978  
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 21.0, 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 2010 (FY10) Site Treatment Plan (STP) Annual Update, and Revision 21.0 of the Federal Facilities Compliance Order (FFCO) issued to the Respondents on October 4, 1995.

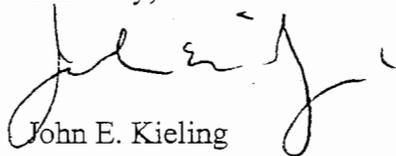
As of March 8, 2012, NMED received comments from one stakeholder on the FY10 STP Annual Update and Revision 210.0. A summary of that comment and NMED's response are attached, and a copy of this letter is being transmitted to the commenter. NMED hereby approves the Respondents' FY10 STP Annual Update Revision 21.0 with NMED modifications.



Ms. Powers and Mr. Henckel  
March 21, 2012  
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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  
Acting Chief  
Hazardous Waste Bureau

Enclosure: NMED response to public comments

cc: T. Hall, NMED-HWB  
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B. Evans  
File: Reading and LANL FFCO 2012

NMED Response to Public Comment  
 Fiscal Year 2010 Site Treatment Plan Update, Revision 21.0, Los Alamos National Laboratory  
 March 21, 2012

COMMENT NUMBER	COMMENTER	COMMENT	NMED RESPONSE
1	Barbara Evans	I am strongly against establishing a new milestone compliance date unless it be to require an earlier compliance. The Laboratory needs to fulfill its obligations and the sooner the better.	<p>NMED assumes the commenter is referring to the proposed new milestone compliance date for waste treatability group LA-W917, <i>Compressed Gases Requiring Scrubbing</i>. The Los Alamos National Laboratory (LANL) Fiscal Year 2010 (FY10) Site Treatment Plan (STP) Annual Update describes this waste as "generally heterogeneous and consist of items such as aerosol cans and pressurized cylinders that were removed from STP MTRU drums because such items are prohibited from disposal at WIPP."</p> <p>The FY10 STP Annual Update states: "Waste will continue to be assigned to this category (LA-W917) while MTRU STP waste is being prepared for shipment to WIPP. Therefore, LANL proposes a milestone date for Activity 3.1.8(A) of June 30, 2014." The Respondents originally requested a milestone date of December 15, 2015.</p> <p>A milestone date of June 30, 2014 is consistent with the January 6, 2012, <i>Framework Agreement</i> between Department of Energy/National Nuclear Security Administration (DOE/NNSA) and the New Mexico Environment Department (NMED), whose purpose is "to address the highest risk, above ground transuranic waste currently located within Technical Area 54 at Los Alamos National Laboratory (the Laboratory or LANL) and to establish an action-oriented approach that makes optimum use of available resources." The <i>Framework Agreement</i> states: "DOE/NNSA commits to the complete removal of all non-cemented above-ground EM Legacy TRU and newly generated TRU currently-stored at Area G as of October 1, 2011, by no later than June 30, 2014."</p>