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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

December 9, 2013

Mr. Andrew Worker  
National Security Missions  
Los Alamos Site Office  
3747 West Jemez Road, MS A316  
Los Alamos, NM 87454

Ms. Monica Noll  
Waste Management Generator Service Group  
Waste Management Division  
P.O. Box 1663, MS-K9964  
Los Alamos, NM 87545

**RE: DISAPPROVAL  
SUBMITTAL OF SITE TREATMENT PLAN FISCAL YEAR 2012  
UPDATE AND PROPOSED REVISION 23.0 ,LOS ALAMOS NATIONAL  
LABORATORY, FEDERAL FACILITY COMPLIANCE ORDER,  
OCTOBER 4, 1995.  
EPA ID #NM0890010515  
HWB-LANL-13-010**

Dear Mr. Worker and Ms. Noll:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security, LLC (LANS) (collectively, the Respondents) *Submittal of Site Treatment Plan, Fiscal Year 2012 Update and Proposed Revision 23.0 (STP Annual Report), Los Alamos National Laboratory, Federal Facility Compliance Order, October 4, 1995* dated March 27, 2013, and referenced by ENV-EDA-13-06/LA-UR-13-22082. NMED hereby issues this Disapproval with the following comments.

**Comments:**

**1. Introduction, page 1:**

The Respondents state: "Part III incorporates the changes in Part II into the proposed CP



revision (Revision 22.0)". This should read: "Part III incorporates the changes in Part II into the proposed CP revision (Revision 23.0)." Correct the typographical error

**2. Part I, Section 2.1, Background Update, page 2:**

The Respondents state: "[b]ecause higher risk wastes were given shipment priority, less 10-100 nCi/g Waste was shipped in FY11 and FY12 than in previous years." It continues: "LANL intends to resume shipments of 10-100 nCi/g Waste when some of the higher risk waste shipments are completed in order to meet the established Site Treatment Plan (STP) milestone (12/31/2013) for the current 10-100 nCi/g Waste." Discuss the following:

- a. Identify the "higher risk waste" that interfered with shipping 10-100 nCi/g Waste.
- b. Explain how shipping the "higher risk waste" interferes with shipping 10-100 nCi/g Waste.
- c. Explain whether the budget has been augmented to increase shipments of 10-100 nCi/g Waste.

**3. Part I, Table 2.1-1: FY12 MLLW Inventory Summary, page 3:**

Correct the sentence "Estimated MLLW Inventory Reported in FY11 Annual Update" to read "Estimated MLLW Inventory Reported in FY12 Annual Update."

**4. Part I, Section 2.2, Background Update, page 4:**

- a. Provide a discussion of the volume of the STP-covered waste that is part of the 3,706 cubic meters of "non-cemented above-ground EM Legacy TRU" waste that is discussed in Paragraph 1.b of the Framework Agreement, summarized by treatability group. Also include a discussion in Part III, Section 4.0 of the Compliance Plan and include volumes for this waste, summarized by treatability group, in Appendix E.
- b. Provide a discussion of the volume of the STP-covered Mixed Transuranic (MTRU) waste that is part of the "above-ground cemented EM Legacy TRU" as discussed in paragraph 1.e of the Framework Agreement, summarized by treatability group. Also include a discussion in Part III, Section 4.0 of the Compliance Plan and include volumes for this waste, summarized by treatability group, in Appendix E.
- c. Provide the rationale for the delays in shipment of 44.73 cubic meters of STP-covered MTRU waste to the Waste Isolation Pilot Plan (WIPP) from storage at Technical Area 55. Also, include a discussion in Part III, Section 4.0 of the Compliance Plan.

**5. Part III, Section 3.3.4, Compliance Plan, page 29:**

The Respondents state: "LANL intends to complete shipment of the remaining inventory from FY11 as well as additional 10-100 nCi/g Waste generated from continued remediation of legacy TRU waste in FY12 – a total of 201.4007 m<sup>3</sup>) before the

milestone of December 31, 2012. As much waste as possible that is reclassified in FY13 will also be shipped offsite prior to December 31, 2013. However, some waste produced in the latter part of 2013 may not be able to be shipped prior to December 31, 2013 if there are scheduling conflicts or restrictions at the receiving facilities. In that case, LANL would seek an additional milestone for those particular wastes." Appendix A, Table A-1, projects that 460 m<sup>3</sup> of 10-100 nCi/g Waste will be added to the STP inventory between FY13 and FY17, which is after the current compliance date. If Respondents believe this much additional waste will be added to the STP inventory after the current compliance date, discuss why the December 31, 2013 compliance date is applicable and how Respondents will meet that date. Alternatively, propose a realistic and achievable compliance date for this treatability group.

**6. Part III, Section 4.0, Compliance Plan, page 30:**

Add compliance activities and a compliance date for STP-covered MTRU waste that is part of the 3,706 m<sup>3</sup> of "non-cemented above-ground EM Legacy TRU" waste discussed in Paragraph 1.b of the Framework Agreement. In accordance with the Framework Agreement, the compliance date for shipping this waste to WIPP should be June 30, 2014. Also include a discussion in Sections 5.0 and 6.5 of Part II, Compliance Plan Update.

**7. Part III, Section 4.0, Compliance Plan, page 30:**

Add compliance activities and a compliance date for all newly generated MTRU waste that became STP-covered waste in FY 2012. In accordance with Paragraph 1.c of the Framework Agreement, the compliance date for shipping this waste to WIPP should be December 31, 2014. Also include a discussion in Sections 5.0 and 6.5 of Part II, Compliance Plan Update.

**8. Part III, Section 4.0, Compliance Plan, page 30:**

Propose reasonable and achievable compliance activities and dates for STP-covered MTRU waste that is part of the "above-ground cemented EM Legacy TRU" waste discussed in Paragraph 1.e of the Framework Agreement. Also include a discussion in Sections 5.0 and 6.5 of Part II, Compliance Plan Update.

**9. Part III, Section 4.0, Compliance Plan, page 30:**

Propose reasonable and achievable compliance activities and for the 44.713 m<sup>3</sup> of STP-covered MTRU waste in storage at TA-55/Chemistry and Metallurgy Research (CMR). Also include a discussion in Sections 5.0 and 6.5 of Part II, Compliance Plan Update.

**10. Part III, Section 4.0, Compliance Plan, page 30:**

Delete the following statement "The schedule for characterization and subsequent offsite shipment to WIPP will be dependent on the annual DOE budget allocation specific to this activity."

**11. Part III, Section 4.0, Compliance Plan, page 30:**

Discuss the reasons for adding 0.0282 m<sup>3</sup> of new covered Mixed Low Level Waste and 17.391 m<sup>3</sup> of new covered MTRU waste (11.488 m<sup>3</sup> at TA-54 and 5.903 m<sup>3</sup> at TA-55/CMR) to the STP inventory.

**12. Appendix A, Table A-1, Footnote 3:**

The footnote appears to be a mistake. The footnote is referenced in the row for Section 3.3.4, LA-W935, but the footnote discusses MTRU waste that is reclassified as LA-W917 waste. Revise or remove the footnote accordingly.

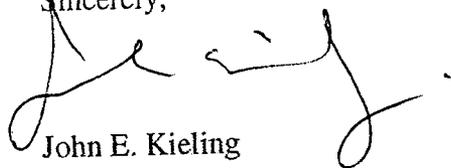
**13. Table F-1 FY 12 MTRU Waste Shipments to WIPP, page 43:**

NMED noted the Grand Total reported for volumes FY11 Inventory, and New Covered Volume is inconsistent with Grand Total calculated from shipment data provided by the Respondents. Revise the Grand Total in the Table F-1 to correctly reflect the listed volumes.

The comments identified in this Disapproval must be adequately addressed before NMED can approve the Update. 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. The revisions must be submitted to NMED no later than January 10, 2014.

Should you have any questions or comments, please contact Tim Hall of my staff at (505)-222-9555.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
N. Dhawan, NMED HWB  
T. Hall, NMED HWB  
S. Briley, NMED HWB  
S. Yanicak, NMED DOE OB, MS J993  
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File: LANL - Site Treatment Plan for Annual Year 2012.