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FFCO
NEW MEXICO ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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Director
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 2, 2014

Andrew Worker
National Security Missions
Los Alamos Site Office
National Nuclear Security Administration
3747 West Jemez Road, MS-A316
Los Alamos, NM 87544

Monica Noll
Waste Management Generator Service Group
Waste Management Division
Los Alamos National Laboratory
P.O. Box 1663, MS-K996
Los Alamos, NM 87545

**RE: REVIEW
NOTICE OF COMPLETION OF OFF-SITE WASTE SHIPMENT ACTIVITY
3.3.4 (B and C), COMPLIANCE PLAN, SITE TREATMENT PLAN, FEDERAL
FACILITY COMPLIANCE ORDER, LOS ALAMOS NATIONAL
LABORATORY
EPA ID #NM0890010515
HWB-LANL-13-043**

Dear Mr. Worker and Ms. Noll:

On September 3, 2013, the New Mexico Environment Department (NMED) received the United States Department of Energy (DOE) and the Los Alamos National Security, LLC (LANS) (collectively the Respondents) *Notice of Completion of Off-Site Waste Shipment Activity 3.3.4 (B and C), Compliance Plan, Federal Facility Compliance Order, Los Alamos*, as referenced by WM-DO-0038 and LA-UR-13-25401. As stated in the letter, Table 3.108-2 in Section 3.1.7 of the STP requires the Respondents to notify NMED of the shipment of STP-covered mixed low-level waste to an off-site treatment facility within 45 day of receipt of the waste at the off-site facility. The Respondents letter states, "The shipments were received at Waste Control Specialist on June 20, 2013" and that due to and oversight the notice was not made within 45 day of the receipt of the waste.



NMED notes that this is the third notification not transmitted within 45 days of the receipt of waste since December 2011. The first delayed notice was titled *Notice of Completion of Off-Site Waste Shipment Activity (3.1.8) in the Compliance Plan, Site Treatment Plan, Los Alamos Laboratory* and was dated and received by NMED December 9, 2011, regarding a shipment received by a designate facility September 19, 2011, approximately 36 calendar days after the 45-day notification deadline. The second *Compliance Plan, Federal Facility Compliance Order, Los Alamos* dated and received by NMED September 19, 2012, regarding a shipment received by the designate facility April 2, 2012 approximately 126 calendar days after the 45-day notification deadline.

Failure to notify NMED with 45 days of receipt of shipment at the offsite facility as required by Section 3.1.8 (B) of the STP is a violation of FFCO Section VI, *Site Treatment Plan*, which states “[i]f 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 does not intend to assess a civil penalty at this time, the Respondents’ failure to comply with reporting and notification requirements of the FFCO and/or the STP in the future may result in civil penalties.

Please contact Timothy Hall of my staff at 505-222-955 should you have any questions or concerns.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
T. Hall, NMED HWB
S. Briley, NMED HWB
T. Blaine, NMED EHD
S. Yanicak, NMED DOE OB, MS J993
M. Bishop, LASO-EO, A316
A. Dorries ENV-DO

File: LANL, Shipment Treatment Plan 3.3.4, September 3, 2013, and Fiscal Year 2013.