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Date: October 9, 2009
Refer To: ENV-RRO-09-069
LA-UR: 09-06263

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Steve Zappe
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

Dear Mr. Zappe:

SUBJECT: RESPONSE TO THE SEPTEMBER 16, 2009, NOTICE OF DISAPPROVAL OF THE SITE TREATMENT PLAN, FISCAL YEAR 2008 UPDATE, AND REVISION 19.0 PROPOSAL FOR LOS ALAMOS NATIONAL LABORATORY'S FEDERAL FACILITY COMPLIANCE ORDER SUBMITTED MAY 20, 2009

In a September 16, 2009 letter, Mr. James Bearzi, Bureau Chief of the New Mexico Environment Department (NMED), notified Los Alamos National Laboratory (LANL) of inadequacies in the May 20, 2009, Fiscal Year (FY) 2008 Site Treatment Plan (STP) Annual Update.

This letter responds to each of the deficiencies and encloses a revised FY08 Annual Report (Revision 2) in both hardcopy (Enclosure A) and electronic (Enclosure B) forms. For ease of reference, each of NMED's comments is included with LANL's response.

NMED Comment #1

Waste treatability group LA-W934 (High Activity Waste) in Table 2.1-2 (page 5) of the Background Update indicates in the column entitled "FY08 Annual Update (m^3)" a volume of 69.8875 m^3; this volume is incorrect. Respondents must revise the Table to accurately list the volume in the FY08 column as 43.4366 m^3. Respondents must also revise accordingly the volumes for High Activity Waste and the Total Net in the table on page 155.



**LANL Response:**

The FY08 volume of *High Activity Waste* has been corrected in Table 2.1-2 and in the table on page 155 (now page 173). The total volume for all mixed low-level waste in Table 2.1-2 is correct.

**NOD Comment #2**

*Respondents must revise Footnote 5 for Table 2.1-2 (page 6) to reflect the correct volume in the May 20, 2009, letter of correction (ENV-RCRA-09-034) as 14.8955 m<sup>3</sup>, not 14.8922 m<sup>3</sup>.*

**LANL Response**

The footnote has been corrected.

**NOD Comment #3**

*In the first paragraph of Section 2.2 (page 6) of the Background Update, the estimated Mixed-Transuranic (MTRU) volumes listed are incorrect. The Respondents must revise the text to accurately reflect the estimated volumes from Table 2.2-1. The Respondents must also explain in Section 2.2 that the FY07 volume of 3800 m<sup>3</sup> reported in Table 2.2-1 was incorrectly rounded up in Revision 18.0, and that an administrative adjustment is being made to correct this inaccuracy.*

**LANL Response**

The volumes have been corrected. An explanation of the administrative adjustment has been added.

**NOD Comment #4**

*Respondents must revise Section 2.2 (page 6) of the Background Update to discuss the reasons that the 41.3078 m<sup>3</sup> of CMR and TA-55 Covered MTRU Waste in Table 2.2-1 (page 9) was not included in Table 2.2-3.*

**LANL Response**

Text has been added on page 6 to explain that the CMR/TA-55 inventory is maintained separately from the TA-54 inventory. Table 2.2-3 covers only the TA-54 inventory. In addition Table 2.2-1 was revised to show the CMR/TA-55 inventory reported in Revision 18 and the adjustments to it that were made so that the total volume of MTRU waste is more clearly delineated.

**NOD Comment #5**

*In Table 2.2-1 (page 8), the last administrative adjustment for Combined Combustible-Noncombustible Waste of -0.416 m<sup>3</sup> is duplicative and the Respondents must delete the entry.*

**LANL Response**

The duplicate entry has been deleted.

**NOD Comment #6**

*In Table 2.2-1 (page 8), the volumes of waste repacked into Combined Combustible-Noncombustible (5.824 m<sup>3</sup>) and Noncombustible Waste (1.248 m<sup>3</sup>) add up to more than the original 5.616 m<sup>3</sup> of Combustible Waste. Respondents must provide an explanation for this apparent discrepancy.*

**LANL Response**

The volumes of waste from repacking do exceed the original volume and are correct. Text has been added on page 7 to explain the apparent discrepancy.

**NOD Comment #7**

*In Table 2.2-1 (page 8), the volumes of waste repacked into Combined Combustible-Noncombustible (1.664 m<sup>3</sup>) and Noncombustible Waste (0.208 m<sup>3</sup>) add up to more than the original 1.664 m<sup>3</sup> of Metallic Waste. Respondents must provide an explanation for this apparent discrepancy.*

**LANL Response**

The volumes of waste from repacking do exceed the original volume and are correct. Text has been added on page 7 to explain the apparent discrepancy.

**NOD Comment #8**

*In Table 3.6-1 (page 24), the second entry for waste treatability group LA-W934 (High Activity Waste) is reflected as  $-7.0788 \text{ m}^3$ . This volume should be reflected as positive  $7.0788 \text{ m}^3$ . Respondents must revise this entry.*

**LANL Response**

The entry has been revised to a positive value.

**NOD Comment #9**

*The last paragraph of Section 2.2 of the Compliance Plan Update (page 104), states that LANL requested expedited shipment of High Activity Waste (LA-W934) waste that would be included in Revision 19 in a letter dated August 25, 2008 (ENV-RCRA-08-171), but that 'LANS reprioritized shipments so that the High Activity Waste was not shipped as planned.' Respondents must revise this paragraph to clarify what happened to that waste, i.e., whether the waste is included in the STP-covered volume of High Activity Waste in Revision 19. This letter must also be listed in Table 2.3 CORRESPONDENCE.*

**LANL Response**

Text has been added to page 123 to clarify that this waste is included in the FY07 volume of High Activity Waste. The letter has been added to Table 2.3.

**NOD Comment #10**

*The first sentence in Section 2.3 of the Compliance Plan Update (page 104) has incorrect correspondence dates. Respondents must revise the sentence to read "From October 1, 2007 to May 20, 2009, LANL communicated with NMED on issues related to..."*

**LANL Response**

The text in Section 2.3 has been changed to reflect the appropriate range of dates, which includes the October 9, 2009, submittal of Revision 2 of the FY08 Annual Update.

**NOD Comment #11**

*The first entry in Table 2.3 of the Compliance Plan Update (page 104) references letter ENV-RCRA-07-233 dated October 1, 2007. This letter was never transmitted to NMED and must be removed from this table.*

**LANL Response**

The reference to the letter has been removed from Table 2.3.

**NOD Comment #12**

*In Table X.C.2.a.-8 (page 121), the Net Total is shown as  $32.3842 \text{ m}^3$ . The total should be  $32.3843 \text{ m}^3$ . Respondents must revise this entry. Footnote 2 for this table incorrectly states that the total administrative adjustment is  $32.3842 \text{ m}^3$ , rather than  $32.3834 \text{ m}^3$ . Respondents must revise these volumes to reflect  $32.3843 \text{ m}^3$  and  $32.3835 \text{ m}^3$ , respectively.*

**LANL Response**

The volumes in the table and footnote have been corrected.

In addition to the issues that NMED identified, LANL made minor formatting changes to be more consistent with LANL editorial guidance. For example, blank pages have been added to force new sections to begin on odd-numbered pages. This change has resulted in page number changes from the May 20, 2009, submittal.

Please contact Peggy Powers at (505) 665-5717 or by email at [peggy.powers@lanl.gov](mailto:peggy.powers@lanl.gov) or George Henckel at (505) 606-0960 or [ghenckel@doeal.gov](mailto:ghenckel@doeal.gov) if you have any questions.

In accordance with the requirements of Section XX, "*Documents, Information, and Reporting Requirements*," of the FFCO, we, as the project managers responsible for overseeing the implementation of the Site Treatment Plan for the Los Alamos National Laboratory and for Los Alamos Site Office/National Nuclear Security Administration, certify that, to the best of our knowledge and belief, the information in this document is true, accurate, and complete.

Sincerely,

Sincerely,



Margaret A. Powers  
STP Project Manager  
Risk Reduction Office (ENV-RRO)  
Los Alamos National Laboratory



George C. Henckel, III  
STP Project Manager  
Los Alamos Site Office  
National Nuclear Security Administration

MP/mcm

Enclosures: a/s

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ENCLOSURE A

Los Alamos National Laboratory  
Federal Facility Compliance Order  
Annual Site Treatment Plan Update  
for Fiscal Year 2008

ENCLOSURE B

Los Alamos National Laboratory  
Federal Facility Compliance Order  
Annual Site Treatment Plan Update  
for Fiscal Year 2008

Compact Disk with Electronic Documents