



NEW MEXICO
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DAVE MARTIN
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 31, 2012

Peter Maggiore
Assistant Manager
U.S. Department of Energy
National Nuclear Security Administration
Los Alamos Site Office
3747 West Jemez Rd, MS A316
Los Alamos, NM 87544

Jeffrey D. Mousseau
Associate Director Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

**RE: SCHEDULE FOR DISPOSITION OF BELOW-GROUND TRANSURANIC
WASTE REQUIRING RETRIEVAL
FRAMEWORK AGREEMENT
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890018**

Dear Messrs. Maggiore and Mousseau:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy (DOE) and Los Alamos National Security, L.L.C.'s (collectively, the Permittees) document entitled *Submittal of the Schedule for Disposition of Below-Ground Transuranic Waste Requiring Retrieval* (Plan Schedule) dated December 10, 2012 and referenced by EP2012-0288. The document contains an Attachment, referenced by LA-UR-12-26765, containing the schedule, pacing milestones, assumptions and a table containing waste volumes, types and method of storage (e.g., shaft, trench).

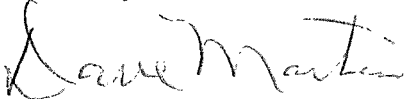
NMED recognizes this planning exercise requires certain assumptions to be incorporated into this document in order to produce a meaningful result. However, Assumption 5, which states, "The schedule and pacing milestones set out above, assume NMED approval of a Corrective Measures Evaluation and Corrective Measures Implementation Plan for Material Disposal Area G that is consistent with the commitments set forth in this deliverable," appears to establish a link between the Plan Schedule and the March 1, 2005 Consent Order (Consent Order).

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NMED wishes to be very clear in this matter: there is no link between this deliverable, which is provided under the Framework Agreement, and the Consent Order. NMED's review and presumptive approval of a CME and CMI Plan for MDA G will be conducted pursuant to the Consent Order at an appropriate point in the future. However, the Plan Schedule submittal does satisfy the Permittees commitment to provide a schedule for the removal of below-ground transuranic waste in Item 1.d of the Framework Agreement.

Please contact me at (505) 827-2855 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Dave Martin".

Dave Martin
Cabinet Secretary

cc: T. Skibitski, NMED
J. Kieling, NMED HWB
D. Cobrain, NMED HWB
D. Cox, ADEP EP-CAP, MS A992
L.Bishop, DOE-LASO, MS A316

File: Reading and LANL 2012 –Framework Agreement, TA-54, MDA G Transuranic Waster Removal