



MICHELLE LUJAN GRISHAM
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August 9, 2023

Adrienne Nash
STP Project Manager
Department of Energy-NNSA
Los Alamos Field Office
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Arturo Duran
STP Project Manager
Environmental Management
Los Alamos Field Office
1200 Trinity Drive, Suite 400
Los Alamos, NM 87544

**RE: APPROVAL
SITE TREATMENT PLAN, FISCAL YEAR 2022 ANNUAL UPDATE AND PROPOSED REV. 33.0,
FEDERAL FACILITY COMPLIANCE ORDER, OCTOBER 4, 1995
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-23-018**

Dear Adrienne Nash and Arturo Duran:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE), Newport News Nuclear BWXT-Los Alamos, LLC (N3B), and Triad National Security, LLC (Triad) (Collectively, the Respondents) *Site Treatment Plan, Fiscal Year 2022 Annual Update and Proposed Revision 33.0, Federal Facility Compliance Order, October 4, 1995*, dated and received March 29, 2023, and referenced by N3B-2023-0093.

On June 22, 2023, NMED issued a public notice of Intent to Approve the Annual Update. The 30-day public comment period ended on July 24, 2023. NMED has considered the comment received during the public comment period before approving the Annual Update with modifications.

The public comment, and the NMED response are provided in the attached STP Comment Matrix. The Annual Update is available on NMED's website <https://www.env.nm.gov/hazardous-waste/lanl-ffco-stp/>.

If you have any questions regarding this letter, please contact Siona Briley (505) 690-5160.

Sincerely,

Ricardo Maestas

Digitally signed by Ricardo
Maestas
Date: 2023.08.09 09:09:23 -06'00'

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

Attachment: STP Comment Matrix

cc:

N. Dhawan, NMED HWB
S. Briley, NMED-HWB
M. Schatz, NMED HWB
K. Armijo, DOE-NA LA
S. Story-Hughes, Triad EPC-WMP
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File: 2023 LANL, Approval to the Annual Update and Proposed Revision 33.0, Site Treatment
Plan FFCO
LANL-23-018

Attachment : STP Comment Matrix

Commenter	Comment	NMED Response	Change to STP?
Joni Arends, Concerned Citizens for Nuclear Safety	CCNS remains concerned about the LA-W934, High Activity Waste Stream. It includes four flanged tritium waste containers (FTWCs) with molecular sieves and squib assemblies contaminated with lead and tritium, and a fifth container composed of tritium traps with mercury contamination. p. 10. Procedurally, we understand the Environmental Protection Agency (EPA) Region 6 is reviewing the Respondents' application to vent over 100,000 curies of tritium from the five containers into the atmosphere. If EPA approves the application, the Respondents will rely on their three-plus-year-old Request for a Temporary Authorization (LA-UR-20-22103) (TA) submitted to NMED on March 9, 2020. In both regulatory cases, frontline communities have requested the Respondents' analyses of alternatives to venting. The Respondents have refused to provide the analyses to the public. Given the frontline communities' concerns about the proposed venting of over 100,000 curies of tritium into the atmosphere resulting in possible exceedances of the 10 mrem/year Clean Air Act radionuclide standard, CCNS urges NMED to reject the TA application. 40 C.F.R. 61, Subpart H. Further, it is unclear whether the Respondents could complete the work under a 180-day TA. Further, the public's negative experience with NMED approval of the TA for the construction of the ventilation shaft at the Waste Isolation Pilot Plant (WIPP), which still remains under construction nearly three years later, the use of a TA for Department of Energy (DOE) facilities in New Mexico does not work to protect human health and the environment. The WIPP Applicants clearly demonstrated that they did not provide the public with their full plan. 40 C.F.R. 270.42(e)(2)(ii). Is it a ventilation shaft or a utility shaft? And it is curious that those of us on the NMED WIPP Facility Mail List did not receive a notice about the TA request from WIPP Applicants. 40 C.F.R. §270.42(e)(2)(iii). Further, the TA regulations allow the NMED Secretary to grant a TA without prior public notice and comment. 40 C.F.R. § 270.42(e)(1). NMED has a responsibility to keep frontline communities informed about every step in the Respondents' plans. One way to keep the frontline communities informed would be for NMED to require the LANL Respondents to submit a Class 3 permit modification request (PMR) for the proposed venting activities. A Class 3 PMR provides protections for full public participation, transparent public notification requirements, the opportunity to provide informed public comments, to request a public hearing, and to cross-examine the Respondents about their alternative analyses, among others. 40 C.F.R. §270.42(c).	Comment noted. This comment will be reserved and considered in relation to Temporary Authorization Request to vent Flanged Tritium Waste Containers currently stored at TA-54. NMED notes that four community engagement meetings have been held on this topic and that the public has been previously provided with the opportunity to provide comments.	Not Applicable.

