



TRANSMITTAL MEMORANDUM

INTRA DEPARTMENT

TO: Kirkland Jones, Deputy Director, EID, Room S4100
Kathy Sisneros, Hazardous Waste Bureau, EID, N2261
Boyd Hamilton, Hazardous Waste Bureau, EID, N2309
Elizabeth Gordon, Hazardous Waste Bureau, EID, N2307
Michael Burkhart, Deputy Secretary, HED, N4100

DATE: February 7, 1991

RE: Los Alamos National Laboratory RCRA Appeal No. 90-12

The following documents are enclosed: Copy of letter dated February 4, 1991 to James W. Black from James E. Costello regarding letter of January 29, 1991.

PLEASE:

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| <input type="checkbox"/> File | <input type="checkbox"/> Check for \$ _____ enclosed for proper fee |
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| <input type="checkbox"/> Serve, complete Return of Service and return to us | <input type="checkbox"/> Self-addressed, stamped envelope(s) enclosed |
| <input type="checkbox"/> Per your request | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> For your information | |
| <input type="checkbox"/> Approve, sign and return | |
| <input type="checkbox"/> Return conformed copies | |

Thank you very much,

GINI NELSON
Assistant General Counsel

Enclosure(s)



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE SUITE 1200

DALLAS TEXAS 75202-2733

February 4, 1991

James W. Black
Assistant Judicial Officer (A-101)
U.S. Environmental Protection Agency
401 M Street Southwest
Room 1145, West Tower
Washington, D.C. 20460

Re: Los Alamos National Laboratory
RCRA Appeal No. 90-12; Your letter dated January 29, 1990

Dear Mr. Black:

This is in response to the enclosed letter dated January 29, 1991 regarding the status of the above-referenced case. The U.S. Environmental Protection Agency (EPA) - Region 6 has received notification of the Department of Energy's (DOE's) proposed Class 1 permit modification for the Resource Conservation and Recovery Act (RCRA) permit for Los Alamos National Laboratory (LANL). Under the Class 1 permit modification regulations, the permittee puts Class 1 permit modifications into effect by notifying the EPA of the modification. 40 CFR Subsection 270.42(a). However, any person may request the EPA to review, and the EPA may for cause reject, the Class 1 permit modification. Id. At least one party, the New Mexico Health and Environment Department, has requested that EPA review the Class 1 modification. This review has been delegated to the Director of the Hazardous Waste Management Division, EPA Region 6. The Director is in the process of reviewing the requested Class 1 permit modification based on the Health and Environment Department's request.

Counsel for the DOE has informed me that DOE will withdraw its petition for review of the LANL permit if the EPA decides not to reject DOE's Class 1 modification.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Costello".

James E. Costello
Assistant Regional Counsel

Enclosure

cc: Joyce Hester Laeser, Esquire
Counsel for Petitioners

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LEGAL

Lisa Cummings, Esquire
Counsel for Petitioners

Gini Nelson
Assistant General Counsel
New Mexico Health and Environment Department



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

*What is the status
of this case*

January 29, 1991

OFFICE OF
THE ADMINISTRATOR

James E. Costello
Assistant Regional Counsel
U.S. EPA - Region VI
1445 Ross Avenue, 13th Floor
Dallas, TX 75202-2733

Re: Los Alamos National Laboratory
RCRA Appeal No. 90-12

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Dear Mr. Costello:

On June 4, 1990, the Department of Energy (DOE) filed a petition for review in the above-captioned case. On September 18, 1990, this office received a letter from DOE, stating DOE's belief that the case could be resolved by a proposed Class 1 modification. The letter stated that, when the modification was incorporated into the subject permit, DOE would withdraw its petition for review. As of the date of this letter, DOE has not withdrawn its petition for review. Please send a letter to this office briefly reporting the status of any negotiations to resolve this case. Thereafter, please update your status report every sixty days, until the matter is resolved or until it is determined that the matter will not be resolved through negotiations.

Thank you.

Sincerely yours,

James W. Black
Assistant Judicial Officer

