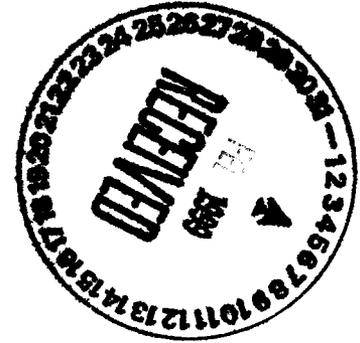


Permit



Department of Energy
Albuquerque Operations Office
Los Alamos Area Office
Los Alamos, New Mexico 87544



FEB 03 1999

VIA HAND DELIVERY

Mr. Benito Garcia, Chief
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
2044 Galisteo Street, Building A
P. O. Box 26110
Santa Fe, NM 87505

Dear Mr. Garcia:

Subject: Permit Renewal Submittal and Associated Fees

The purpose of this letter is to follow up on several discussions we had in the last two months. In addition to our regular monthly meetings held during December 1998 and January 1999, we engaged in follow-up discussions regarding the U. S. Department of Energy (DOE), Los Alamos National Laboratory (LANL) permit renewal. In those conversations we discussed what a complete and timely permit application was and what has already been submitted by DOE and its Management and Operations contractor, the University of California (UC). We also discussed what permit fees have been paid under the old fee regulations and how those fees apply to the permit renewal and the various units at LANL.

During the review of our files, we also reviewed the letters submitting fees for the various TAs. Our files show DOE/UC has paid \$24,000.00 for TA-14, \$49,000.00 for TA-16, and \$74,000.00 for TA-55. During our January 1999 meeting, NMED/HRMB and DOE/UC staff discussed how these fees would be applied, and it was decided that, in accordance with the new fee regulations, any units previously paid for under the old fee rules would be considered paid in full. That would leave DOE/UC subject to fees under the new fee regulations for TA-3, -36, -39, -50 and -54. Payment of fees would be in accordance with the new fee regulations implemented on December 31, 1998.

We previously discussed and obtained agreement with the New Mexico Environment Department (NMED) that all of the Technical Areas (TAs) that have been submitted and not reviewed to this date will be considered as part of the permit application for renewal of the LANL permit. We are now formally requesting that the TA-3, -14, -36, -39 and -55 permit modification requests be considered part of the new LANL permit request. It would make no sense at this point to try modifying the current permit for these units because less than a year remains until the current permit expires. Additionally, neither DOE/UC nor NMED has the resources available to process these units twice in close succession.

According to our files, which include TA-50, TA-54, and the General Information Chapters that were submitted on January 15, 1999, DOE/UC has submitted all of the information required for NMED to permit the active hazardous and mixed waste units at



15770

FEB 03 1999

LANL. The chapters for TA-16, TA-3 and TA-55 are currently being reformatted to reflect the new permitting strategy. Pursuant to our monthly meeting on December 15, 1998, we are also reformatting the TA-14, TA-36 and TA-39 chapters. All chapters are being reformatted as defined in NMED's letter to DOE/UC of February 5, 1998.

We also discussed the consolidation of the operable units (i.e., storage areas, impoundments, OB/OD, etc.) at given TAs. As an example, we discussed TA-54. In that discussion, we referenced the fences surrounding the operating Material Disposal Areas (i.e., MDA-G and MDA-L) as being considered for container storage units only, and how the consolidation of other types of units defined in 20 NMAC 4.2 may not take place. These other units include: incinerators, surface impoundments, waste piles, and land treatment areas. We talked about applying this type of consolidation approach to all of the TAs.

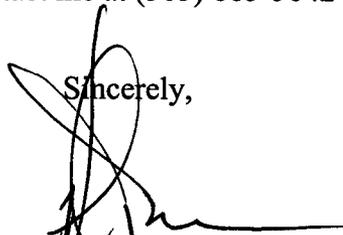
In discussing what information and documents were required to make up a complete permit application, we reviewed the need for the general information chapter to be included with the renewal material for TA-50 and -54. Additionally, we spent some time discussing how to address the HSWA chapter of the permit. Module VIII of LANL's current permit, referred to as the HSWA permit, was issued to DOE/UC for operations at LANL with an effective date of May 23, 1990, and therefore does not expire until the spring of 2000.

During subsequent discussions of this issue at our December 1998 and January 1999 monthly meetings, NMED stated that DOE/UC was not required to submit an application for its HSWA permit, asserting that it is NMED's responsibility to develop and issue a permit that incorporates the HSWA standards. NMED might, however, require DOE/UC to provide information at NMED's request to assist in the development of the HSWA chapter, but other than responding to those requests for information by NMED, there would be no formal application for the HSWA chapter of the permit required of DOE/UC. NMED asserted the HSWA chapter of the permit would function independent of the remainder of the Hazardous Waste Permit for DOE/UC. Further, there will be no impact on, or relationship to, the determination of timeliness or completeness of the permit renewal for the operational units submittal and the HSWA chapter. In the absence of an application for a HSWA permit, DOE/UC requests a meeting with NMED permitting staff as soon as possible (possibly the February 1999 monthly meeting) to discuss information to be provided and to propose a mechanism and schedule for those submittals.

If these issues are correct as stated, please respond with a short letter so agreeing. If not, please provide the appropriate corrections so we may adjust our activities appropriately where possible.

If you have any questions, please contact me at (505) 665-5042 or Jack Ellvinger at (505) 667-0633.

Sincerely,



W. L. "Jody" Plum
Office of Environment

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