

HSWA Permit GIP 101

Citizen Action ❖ Citizens for Alternatives to Radioactive Dumping
Concerned Citizens for Nuclear Safety ❖ Los Alamos Study Group
New Mexico Toxics Coalition ❖ Nuclear Watch of New Mexico
Peace Action New Mexico ❖ Southwest Research & Information Center

20 November 2001 (Hand-delivered)

Secretary Pete Maggiore
New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Drive
Santa Fe, NM 87502-6110

Re: Revisions of the Los Alamos National Laboratory (LANL) Installation Work Plan (IWP) require public hearings and should be Class III permit modifications.

Dear Secretary Maggiore,

We are writing to request that all proposed revisions to the IWP at LANL receive a public hearing. Revision of the IWP constitutes a "major modification" of Module VIII of Los Alamos National Laboratory's (LANL) Hazardous Waste Facility Permit and therefore, requires the New Mexico Environment Department (NMED) to provide the opportunity for a public hearing before any ruling is made on the revision.

No ruling shall be made on permit issuance, major modification, suspension or revocation without an opportunity for a public hearing at which all interested persons shall be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing.

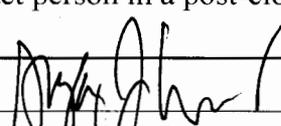
[Section 74-4-4.2H NMSA 1978].

Additionally, given that the IWP addresses the Laboratory's plans for Quality Assurance, Records Management, Health and Safety, Waste Management, and implementation of corrective actions within these areas, any modification of the IWP should be considered a Class III modification, not a Class I modification. The regulations implementing the Resource Conservation and Recovery Act (RCRA) define Class I modifications as "minor changes that keep the permit current with routine changes to the facility or its operation" [40 CFR 270.42(d)(i)]. Examples of Class I modifications, as defined by RCRA, are correction of typographical errors, equipment replacement, or changes in name and phone number of contact person in a post-closure plan. The issues addressed by the IWP far exceed the boundaries of such administrative changes.

Thank you for your prompt attention to this matter.

Sincerely,

[Signature page follows]

<p>Received by: </p> <p><u>Gregory J. Lewis, Division Director</u></p> <p>(Please print name and title)</p> <p>Date: <u>11/20/01</u></p>



greg mello April Elliott

Greg Mello and April Elliott
for the
Los Alamos Study Group

and, via email instructions,

Deborah Reade
Research Director, CARD

Coila Ash
Director, New Mexico Toxics Coalition

Joni Arends, Waste Programs Director,
Concerned Citizens for Nuclear Safety

Peggy Prince
Director, Peace Action of New Mexico

Sue Dayton,
Director, Citizen Action

Don Hancock
Nuclear Waste Program Coordinator,
Southwest Research and Information Center

Jay Coghlan and Colin King
Nuclear Watch of New Mexico

cc: Governor Gary Johnson
Attorney General Patsy Madrid
Senator Jeff Bingaman
Senator Pete Domenici
Congressman Tom Udall

Please reply to these individual organizations and to the:

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