

Permit

 ENTERED

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTERS OF THE APPLICATION OF
THE UNITED STATES DEPARTMENT OF ENERGY
AND LOS ALAMOS NATIONAL SECURITY LLC
FOR A HAZARDOUS WASTE FACILITY PERMIT
FOR LOS ALAMOS NATIONAL LABORATORY
AND THE NOTICE OF INTENT TO DENY A PERMIT
FOR OPEN BURN UNITS TA-16-388 AND TA-16-399 FOR
LOS ALAMOS NATIONAL LABORATORY**

HWB 09-37(P)

HWB 10-04(P)

**ENTRY OF APPEARANCE ON BEHALF OF
NUCLEAR WATCH NEW MEXICO**

COMES NOW Nuclear Watch New Mexico ("NWNM") and notices its entry of appearance in this proceeding, pursuant to 20.1.4.300.a(1) NMAC.

NWNM has submitted comments on the draft permit, participated in negotiations, and signed two stipulations in this proceeding on June 26, 2009, and February 15, 2010.

Appearing for NWNM in these proceeding is Scott Kovac. He may be contacted at:

Scott Kovac
Nuclear Watch New Mexico
551 W. Cordova Rd. #808
Santa Fe, NM, 87505
(505) 989-7342
scott@nukewatch.org

Respectfully submitted,

_____(signed)_____
Scott Kovac



CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of March, 2010, a copy of the foregoing Entry of Appearance was sent via electronic mail to:

Jessica R. Aberly
Aberly Law Firm
611 Lead, S.W., Suite 811
Albuquerque, NM 87102
aberlylaw@swcp.com

John Ahlquist
1625 Geary Rd.
Walnut Creek, CA 94597
john.ahlquist@sbcglobal.net

Joni Arends
Concerned Citizens for Nuclear Safety
107 Cienega Street
Santa Fe, NM 87501
jarends@nuclearactive.org

Lisa Cummings, Esq.
U.S. Department of Energy/NNSA
Los Alamos Site Office
3747 W. Jemez Rd.
Los Alamos, NM 87544-2690
lcummings@doeal.gov

Charles de Saillan
Assistant General Counsel
New Mexico Environment Department
PO Box 5469
Santa Fe, NM 87502
charles.desaillan@state.nm.us

Pete V. Domenici, Jr.
Lorraine Hollingsworth
Domenici Law Firm, P.C.
320 Gold Avenue, S.W. #1000
Albuquerque, NM 87102
pdomenici@domenicilaw.com
lhollingsworth@domenicilaw.com

Geoffrey Fettus
Senior Project Attorney
Natural Resources Defense Council
1200 New York Ave., N.W. Ste. 400
Washington, D.C. 20005
gfettus@nrdc.org

Robert Gilkeson
Registered Geologist
PO Box 670
Los Alamos, NM 87544
rgilkeson@aol.com

Janet Greenwald
CARD
202 Harvard, SE
Albuquerque, NM 87106
contactus@cardnm.org

Ellen Louderbough
Office of Laboratory Counsel
P.O. Box 1663, Mailstop A187
Los Alamos National Laboratory
Los Alamos, NM 87545
etl@lanl.gov

David B. McCoy
Citizen Action
PO Box 4276
Albuquerque, NM 87196-4276
dave@radfreenm.org

Don Hancock
Southwest Research and Information Center
PO Box 4524
Albuquerque, NM 87196-4524
505/262-1862
505/262-1864 (fax)
sricdon@earthlink.net

_____(signed)_____
Scott Kovac



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

Mr. Mike McFadden
Assistant Manager for Regulatory Compliance
US Department of Energy - Carlsbad Area Office
P.O. Box 3090
Carlsbad, NM 88221

Re: Financial Assurance Requirements for Westinghouse Isolation Division

Dear Mr. McFadden:

Thank you for the fax of the New Mexico Environment Department's (NMED) letter of September 24, 1997, regarding financial assurance requirements for Westinghouse Isolation Division as part of the permitting requirements for the Waste Isolation Pilot Plant.

My staff has reviewed the Resource Conservation and Recovery Act (RCRA) permitting compendium and the applicable regulations regarding financial assurance and determined that the Environmental Protection Agency (EPA) would exempt Westinghouse from the financial assurance requirements at 40 CFR 265. Enclosed are the compendium documents that address this issue. The policy determination is based on the January 5, 1983, letter from John Skinner (EPA) to Bradley Dillon (US Ecology), the memorandum dated May 11, 1983, from John Skinner (EPA) to Harry Seraydarian (EPA), and the memorandum dated January 30, 1984, from John Skinner (EPA) to Harry Seraydarian (EPA). However, the State may impose financial assurance requirements under State regulations.

The State of New Mexico is fully delegated to implement RCRA and their letter of September 24, 1997, clearly indicates that they believe financial assurance is appropriate at this facility. Financial assurance requirements for contractors listed as co-permittees has been proposed by other States as exemplified by Oregon proposing such assurance from Raytheon Demilitarization Company at the Umatilla Chemical Depot. The Oregon Department of Environmental Quality required the Army to submit a Class III permit modification adding the requirement to the permit.

NWNM ex. #1

If you have any further questions, please contact me or Nick Stone of my staff at
(214) 665-7226.

Sincerely yours,



Bob Hanneschlager, P.E.
Acting Director
Multimedia Planning and Permitting Division

Enclosure