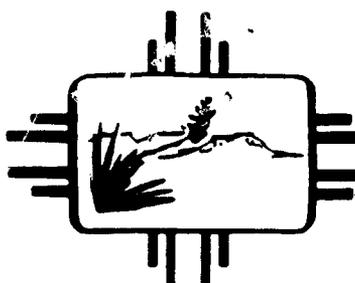


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New Mexico Health and Environment Department

GARREY CARRUTHERS
Governor

DENNIS BOYD
Secretary

MICHAEL J. BURKHART
Deputy Secretary

RICHARD MITZELFELT
Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 12, 1990

Mr. Harry T. Seasons, Jr.
Department of Energy
Los Alamos Area Office
Los Alamos, NM 87544

Dear Mr. Seasons:

This is a follow-up to the meeting held on September 19th with staff members from Los Alamos National Laboratory (LANL) and the Department of Energy (DOE) regarding the issues raised in your letter of September 4, 1990 and the meeting held on September 26th with Mr. Jim White from LANL to discuss the issues further.

The requests for permit modifications regarding Permit Attachment I were withdrawn for the following reasons. The first request was for a minor modification to allow an additional 120 days for submission of the information required by Attachment I. The Environmental Improvement Division (EID) recently received a reading from the Office of General Counsel that the New Mexico Hazardous Waste Act requires all permit modifications, both major and minor, be subject to a public hearing if requested. Because of the time involved in a public hearing, the purpose for requesting a minor modification was defeated and there was no need to pursue one. The second request that the submittal for the Technical Area (TA) 3 investigation be delayed from the end of the ninth month to that of the 21st month could not be granted as a minor modification because the New Mexico Hazardous Waste Management Regulations (HWMR-5, as amended 1989) do not allow a compliance schedule date to be extended more than 120 days after the date in the permit (HWMR-5, Part IX, 40 CFR §270.42(c)).

The EID did agree that the submittal required under Permit Attachment I shall mean a summary report submitted on the due date, not all the records. However, the summary report must indicate the location of all the records required for preparing that report and all those records must be available for review by EID personnel subject to the requirements outlined for sensitive and classified information. Also, because our files are public files, available to EID also means available to the public. EID understands that the sensitive and classified material would not

TC



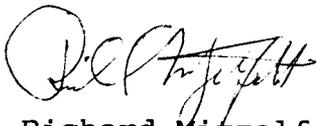
Mr. Harry Seasons, Jr.
December 12, 1990
page 2

be available for public review. Additionally, it was agreed that EID would have final say as to whether or not a waste stream was hazardous or nonhazardous.

The redesignation and redefinition of some TAs and the proposed time periods for completion of the waste stream characterizations at these TAs are fine as proposed.

If you have any questions regarding these issues, please contact Dr. A. Elizabeth Gordon on my staff at (505) 827-2862.

Yours truly,



Richard Mitzelfelt
Director

RM/AEG

- cc: A. Davis, USEPA, Region 6
B. Gallagher, USEPA, Region 6
John Themelis, EHD, AL
A.J. Tiedman, ADO, LANL, MS A120
K. Hargis, LANL, HSE-8

P 965 484 596

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MR. HARRY T. SEASONS JR.	
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