

TA-16



**BILL RICHARDSON**  
GOVERNOR

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**RON CURRY**  
SECRETARY

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**DERRITH WATCHMAN-MOORE**  
DEPUTY SECRETARY

October 13, 2006

Edwin Wilmot  
Manager  
Los Alamos Site Office  
Department of Energy  
528 35<sup>th</sup> Street, Mail Stop A316  
Los Alamos, NM 87544

Richard Watkins  
Associate Director  
Environment, Safety, Health and Quality  
Los Alamos National Security, LLC  
Los Alamos Research Park  
4200 W. Jemez Road, Ste. 400  
Los Alamos, NM 87544

**RE: DENIAL OF REQUEST FOR HEARING  
PROPOSED CLASS 3 PERMIT MODIFICATION TO THE HAZARDOUS  
WASTE FACILITY PERMIT  
LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515**

Dear Messrs. Wilmot and Watkins:

The New Mexico Environment Department (the "Department") is in receipt of the *Public Comment and Request for Public Hearing on the Proposed Class 3 Permit Modification to the Hazardous Waste Facility Permit for U.S. Department of Energy, Los Alamos National Laboratory*, dated July 14, 2006 and referenced by 06-009 (Request). The Department of Energy and Los Alamos National Security, LLC (collectively, the "Permittees") request a public hearing on the proposed Class 3 permit modification pursuant to 20.4.1.901 NMAC and the Fact Sheet issued by the Department on May 15, 2006.

In the Request, the Permittees state that they "support the technical aspects of the proposed remedy, but believe the Compliance Order on Consent (Consent Order) process and not the permit modification process is applicable to the remedy selection for SWMU 16-021(c)." Because the Permittees agree to the remedy, there is no significant public interest on the issue that would be before the Secretary or his hearing officer. The Department therefore hereby denies the request for a hearing.

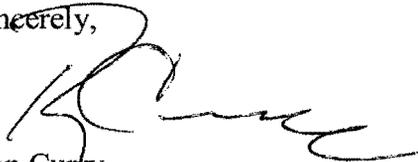


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Messrs. Wilmot and Watkins  
October 13, 2006  
Page 2

If you have any questions regarding this letter, please contact Darlene Goering of the Hazardous Waste Bureau at (505) 428-2542.

Sincerely,

Ron Curry  
Cabinet Secretary

RC:dxg

cc: J. Bearzi, NMED HWB  
D. Goering, NMED HWB  
C. deSaillan, NMED OGC  
S. Yanicak, NMED DOE OB, MS J993  
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