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**ENVIRONMENT DEPARTMENT**  
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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

June 28, 1996

Mr. Stanley E. Logan, President  
S.E. Logan and Associates, Inc.  
640 Estrada Redonda  
Santa Fe, NM 87502

Dear Mr. Logan:

**RE: Response to Comments on the Amended Los Alamos National  
Laboratory Closure Plan for the Controlled Air Incinerator  
Public Noticed May 13 - June 12, 1996.**

The New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) is in receipt of your letter dated June 1, 1996, containing comments regarding the Closure Plan proposed by Los Alamos National Laboratory (LANL) for the Controlled Air Incinerator (CAI). HRMB's responses to your comments follow as SECTION 1. Responses to other comments received follow as SECTION 2.

SECTION 1

Item 1: "As a consultant in 1994, I performed risk assessment studies of the Controlled Air Incinerator (CAI), in preparation for re-start after extensive improvement retrofits. This is a safe facility with miniscule risk to the region, while offering benefits of volume reduction and chemical conversion of hazardous wastes now in storage at LANL."

Response: HRMB appreciates your singular insight and experience with the CAI. HRMB agrees that operated correctly, the CAI is not a threat to human health and the environment, and presents the benefits you mention.

Item 2: "Opponents waged incessant misrepresentation of environmental impact and benefits of operation. It is very unfortunate that DOE and LANL officials lowered the priority of the CAI to the point that LANL now proposes to permanently close and dismantle this useful facility, wasting the money already invested."



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Response: HRMB acknowledges your concern

Item 3: "If the CAI is beyond any possible resurrection, the Amended Closure Plan should be approved without delay."

Response: HRMB acknowledges your opinion.

Item 4: "I urge you to resist any efforts by anti-nuclear activists to drag the issue along for their own publicity purposes."

Response: HRMB appreciates your concern, however, no such activity is anticipated.

Item 5: "Because of the apparent irreversible budgetary decision, I see no useful purpose to be served by a public hearing."

Response: HRMB acknowledges your opinion.

Item 6: "There may be some in this community that will seek a hearing simply to obtain a pulpit for further frightening the public about Los Alamos activities and about incinerators in general. Such a pulpit should not be provided."

Response: The process for requesting a public hearing includes disclosing the issues to be raised. If no substantive issues are presented, cause for a hearing may not be justified. The decision to hold a hearing is made by upper management after considering all the issues presented in hearing requests.

## SECTION 2

Item 1: "I believe that the State of New Mexico Environment Department does not have sufficient confidence in the Los Alamos National Laboratory."

Response: 1) Please note that these responses represent HRMB only, and not NMED as a whole.

2) HRMB's purpose is to ensure that LANL complies with the regulations of the Resource Conservation and Recovery Act. Part of that process is public participation for which HRMB thanks you for taking the opportunity to be a part of. However, your comment does not specifically address the Amended Closure Plan.

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Item 2: "As far as I am concerned, the Laboratory wrote the book on hazardous and radioactive materials."

Response: HRMB understands that this is a figure of speech expressing an opinion. See Item 1, Response 2.

Item 3: "Everyone else, including your department, DOE and the federal investigators, are all rookies compared with the trial and error education that these people have received through their work."

Response: HRMB understands that this is a figure of speech expressing an opinion. See Item 1, Response 2.

Item 4: "The Laboratory should be teaching you, as well as the other organizations, what it is all about."

Response: HRMB understands that this is a figure of speech expressing an opinion. See Item 1, Response 2.

Item 5: Nuclear Research and Development is absolutely necessary like pinto beans, some by products may be unpleasant and embarrassing but rectifiable."

Response: HRMB appreciates the analogy.

Item 6: "We have spent millions of dollars unnecessarily on hazardous and radioactive materials because of the testing and influx of all of the agencies involved in these responsibilities. Example: Two gas tanks on my commercial property would have cost me \$20,000 to remove and to aerate contaminated hydrocarbon materials. But through the regulations and testing, and the manpower it took to send the multitude of 55 gallon drums full of soil elsewhere with new soil coming in, over a year later and an estimated million dollars plus of cost to the DOE, it was ridiculous and criminal to blow that kind of money."

Response: See Item 1, Response 2.

Item 7: "Also, we had about 67 people involved in a small confined area, all with hard hats, and only two people were doing the digging. This was because of all these organizations involved."

Response: See Item 1, Response 2.

Item 8: "Simplification is necessary."

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Response: The environmental community as a whole is aware of this need and much effort is being spent toward this goal. HRMB is an active participant in studying emerging, cost-effective technologies, the rapid commercialization of same, as well as studying regulatory reform, such as California's proposed use of Risk-Based Corrective Action, and New Jersey's proposed use of cost-benefit analyses of ground-water monitoring.

Item 9: "The Lab should have the lead in any of these endeavors, including the CAI, without mickey mouse interference of the rest of the populous and/or organizations that know not that they know not."

Response: See Item 1, Response 2.

Item 10: "Full appreciation and confidence must be given to the Los Alamos National Laboratory who wrote the book on hazardous and radioactive materials, and extremely necessary Nuclear Research."

Response: See Item 1, Response 2.

Item 11: "p.s. The optimum goal is to save time and money."

Response: HRMB is mandated by law to protect human health and the environment. Saving time and money is a secondary concern which is also addressed with LANL.

Thank you for your comments on the CAI. The comments do not indicate you are requesting a change to the Closure Plan, therefore HRMB will recommend the Director of NMED Water and Waste Management Division approve the plan with no changes. If you feel any questions or comments were not addressed or responded to sufficiently, please contact Mr. Michael Chacón of HRMB at (505) 827-1561 and we will attempt to address any remaining concerns.

Sincerely,



Barbara Hoditschek, RCRA Permits Program Manager  
Hazardous and Radioactive Materials Bureau

cc: Benito J. Garcia, Chief, HRMB  
David Neleigh, EPA (6PD-N)  
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