

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

**IN THE MATTER OF THE APPLICATION
OF U.S. DEPARTMENT OF ENERGY/
NATIONAL NUCLEAR SECURITY ADMINISTRATION
FOR AN AIR QUALITY PERMIT
NO. 632-M1, LOS ALAMOS NATIONAL
LABORATORY, TARGET FABRICATION FACILITY**

AQB 22-41

NOTICE OF PUBLIC HEARING

The New Mexico Environment Department ("NMED") announces a virtual public hearing to take evidence on an application for an air quality construction permit for a facility located in Los Alamos County pursuant to the New Mexico Air Quality Control Act, NMSA 1978, §§ 74-2-1 et seq., Section 206 of 20.2.72 NMAC - Construction Permits. The permit application in this hearing is submitted for Permit No. 632-M1, for the Los Alamos National Laboratory, Target Fabrication Facility. The United States Department of Energy, National Nuclear Security Administration is the facility owner and Triad National Security, LLC operates the facility (together, they are the "Permittees").

The hearing will be held virtually via the WebEx platform to begin at 9:00 a.m. MST on January 17, 2023 and may continue as needed.

For members of the public who wish to participate locally, the Department has reserved the conference room at the DOE Oversight Bureau Office at 1183 Diamond Drive, Suite B, Los Alamos, NM, 87544 to allow personal attendance at the virtual hearing. Members of the public can go to this location during the hearing to view and participate in the virtual hearing. A Department staff member will be available to assist the public to appear and participate at the virtual hearing.

Additional information on how to join the hearing either via WebEx or at the DOE Oversight Bureau office in Los Alamos is posted online in the NMED Calendar at www.env.nm.gov/events-calendar/. Go to the start date of the hearing and click on the entry about this hearing for instructions.

BRIEF DESCRIPTION OF THE PERMIT APPLICATION TO BE CONSIDERED AT THE HEARING

Permittees have submitted an air quality permit application # 632-M1 seeking to modify Los Alamos National Laboratory's Target Fabrication Facility (TA-35 Building 213) beryllium machining operation. The modification adds two beryllium lathes (one lathe will function as backup) to the existing permitted lathe. At no time will more than two lathes operate at the same time. A sputtering coating operation will also be added. High Efficiency Particulate Air (HEPA) filters with a 99.95% control efficiency will continue to filter the exhaust from the operation. The facility location is within and adjacent to the town of Los Alamos in Los Alamos County, NM. The Department of Energy National Nuclear Security Administration mailing address is 3747 West Jemez Road, Los Alamos, NM 87545. Triad National Security, LLC's mailing address is Los Alamos National Laboratory, P.O. Box 1663, Mailstop J978, Los Alamos, NM 87545.

The NMED Air Quality Bureau ("AQB") has reviewed the application, including emission rates, and concluded that operation of the facility will comply with all applicable requirements if conducted in accordance with the Department's draft permit conditions.

Any person may review the permit application, associated documents, and the draft permit on NMED's public notice website under the Los Alamos County dropdown, in the link for the permit application listed by company and facility name. NMED's public notice website is at www.env.nm.gov/public-notices/.

PROVIDING NON-TECHNICAL OR GENERAL PUBLIC COMMENT

The Hearing Officer will accept non-technical or general public comment in writing prior to the beginning of the hearing or in writing or verbally while the hearing record is open. Members of the public who wish to provide non-technical or general comment are encouraged to submit their comments in writing by using NMED's Public Comment Portal, including relevant evidence, data, views, arguments, written statements in lieu of oral testimony at the hearing, or public comment. Access the Public Comment Portal via a link on the Department's docketed matters web page www.env.nm.gov/opf/docketed-matters/. Look under the Environment Department Cabinet Secretary dropdown for AQB 22-41 Public Hearing Determination for the U.S. Department of Energy, National Nuclear Security Administration, Los Alamos National Laboratory, Target Fabrication Facility, No. 632-M1. The direct link to the Public Comment Portal is <http://nmed.commentinput.com>.

If a person has difficulty using the Public Comment Portal, please contact the Office of Public Facilitation:
Madai Corral, Paralegal/Hearing Clerk
Madai.Corral@env.nm.gov
505-490-5803

Verbal non-technical testimony or general comment will be accepted at the hearing while the record is open. Individuals intending to provide non-technical testimony or general public comment shall notify the WebEx host through the chat feature and will be sworn in at various times during the hearing. Members of the public will have up to five (5) minutes to offer non-technical testimony or general comment per individual; written comment is unlimited. The hearing will be conducted in accordance with the Environment Department Permitting Procedures, 20.1.4 NMAC, the procedures in Air Quality Construction Permits, 20.2.72 NMAC, and other applicable hearing procedures.

For further information, or for a copy of any Draft Permit or Application in these matters, contact Kirby Olson at the New Mexico Environment Department Air Quality Bureau at (505) 629-5107, Kirby.olson@env.nm.gov, or the Air Quality Bureau Office located at 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico 87505.

ENTRY OF APPEARANCE

Any person who wishes to be a party in this proceeding must file with the Hearing Clerk at the below address an Entry of Appearance on or before December 13, 2022. A timely Statement of Intent to Present Technical Testimony shall be considered an Entry of Appearance if the person filing such statement has not previously filed a separate Entry of Appearance.

The Entry of Appearance must contain the following information:

1. Person: Identify the person filing the entry of appearance; and
2. Position: State whether the person filing the entry of appearance supports or opposes issuance of the permit.

A person's failure to file a timely Statement of Intent or Entry of Appearance substantially complying with these requirements shall preclude the person from becoming a party but shall not preclude a person from presenting written or oral non-technical testimony or general public comments.

STATEMENT OF INTENT TO PRESENT TECHNICAL TESTIMONY

Any person who intends to present technical evidence or technical testimony at the public hearing must file a Statement of Intent to Present Technical Testimony with the Hearing Clerk on or before December 13, 2022 and serve an electronic copy of the foregoing on all other parties. The Statement of Intent must be filed with the Hearing Clerk at the following email:

Madai Corral
Paralegal/Hearing Clerk
New Mexico Environment Department
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, New Mexico 87502
(505) 660-4305
Madai.corral@env.nm.gov

The Statement of Intent to Present Technical Testimony shall: (i) identify the person filing the statement; (ii) state whether the person filing the statement supports or opposes the Draft Permit, Application, or Petition; (iii) identify each witness, including name, address, affiliation(s), and educational and work background; (iv) estimate the length of the direct testimony of each witness; (v) identify all exhibits which are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy; (vi) list or make available all technical materials relied upon by each witness in making the statement of technical fact or opinion contained in his or her direct testimony; and (vii) attach a complete narrative of the direct testimony of each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinion(s).

A Rebuttal Statement of Intent to Present Technical Testimony, if any, must be filed with the Hearing Clerk on or before January 6, 2023 and must comply with the requirements for the original Statements of Intent.

Failure to file a timely and complete Statement of Intent will preclude a person from presenting technical evidence or testimony sought to be offered. All exhibits must be properly marked to be accepted, including the party name and exhibit number on the top or bottom of the exhibit, and include consecutively numbered pages.

PREHEARING MOTIONS IN LIMINE

Motion practice shall be controlled by 20.1.4.200 NMAC. However, an expedited schedule to address prehearing motions in limine has been stipulated by the parties. Any opposed motion shall be timely filed on or before December 31, 2022 at 5 p.m., with corresponding responses filed on or before January 9, 2023 at 5 p.m., and replies to be filed on or before January 12, 2023 at 5 p.m. The Hearing Officer will rule on the motion by order filed on or before January 13, 2023, if practicable.

ARRANGEMENTS FOR PERSONS REQUIRING AID TO PARTICIPATE

If anyone needs a Spanish interpreter at the hearing, other assistance, another type of interpreter, or auxiliary aid to participate in the hearing, the Bureau must be notified no later than January 3, 2023, 2 weeks before the hearing. Otherwise, there will not be a Spanish Interpreter or other assistance, other type of interpreter or auxiliary aid at the virtual hearing.

If any person requires Spanish interpretation, please contact Vanessa Mariscal at the New Mexico Environment Department Air Quality Bureau at (505) 372-8373, Vanessa.Mariscal2@env.nm.gov or the Air Quality Bureau Office located at 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico 87505 by January 3, 2023.

If any person requires other assistance, another type of interpreter, or auxiliary aid to participate in the hearing, please contact Kirby Olson at the New Mexico Environment Department Air Quality Bureau at (505) 629-5107, Kirby.olson@env.nm.gov or the Air Quality Bureau Office located at 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico 87505 by January 3, 2023. TDD or TDY users may access this number via the New Mexico Relay Network at 1-800-659-8331.

NOTICE OF NON-DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.