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JOHN A. SANCHEZ
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State of New Mexico
ENVIRONMENT DEPARTMENT

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RYAN FLYNN
Cabinet Secretary-Designate
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 23, 2013

Robert Dodge
Division Leader
Waste Management Division
Los Alamos National Security LLC
P.O. Box 1663, K499
Los Alamos, NM 87545

William I. White
Acting Manager
Los Alamos Field Office
Department of Energy
3747 West Jemez Road MSA316
Los Alamos, NM 87454

**RE: FINAL DETERMINATION
CLASS 3 MODIFICATION REQUEST TO ADD THE TRANSURANIC WASTE
FACILITY TO THE HAZARDOUS WASTE FACILITY PERMIT
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515**

Dear Messrs. White and Dodge:

On December 20, 2013, the New Mexico Environment Department (NMED) took final administrative action on a Class 3 permit modification request (PMR) to modify the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit. The U.S. Department of Energy National Nuclear Security Administration and the Los Alamos National Security LLC, (collectively the Permittees) submitted this PMR to the Hazardous Waste Bureau on August 18, 2011, seeking to add the Transuranic Waste Facility (TWF) hazardous waste management unit at Technical Area (TA) 63 to the Permit.

The Permittees initially submitted this request as a Class 2 PMR. On October 24, 2011, NMED determined that it would be processed as a Class 3 PMR. NMED issued a draft Permit for public comment on January 14, 2013. During the 60-day public comment period, NMED received comments from two individuals. NMED also received comments and a request for a hearing from the Permittees. NMED revised the draft Permit based upon comments received, the record

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and meetings held pursuant to 20.4.1.901A(4) NMAC, which involved NMED and the Permittees, or the opponents under that provision. The Permittees subsequently withdrew their request for a hearing by email on August 30, 2013.

This Class 3 PMR was evaluated and processed in accordance with the requirements specified in 20.4.1.900 through 901 NMAC (incorporating 40 CFR §270.42(c)). NMED hereby approves this Class 3 PMR.

Attached is the response to comments. Information related to this administrative action may be found on the NMED Hazardous Waste Bureau Information Page at <http://www.nmenv.state.nm.us/hwb/lanlperm.html>.

Also attached is a disc containing the Revised Permit Parts and Permit Attachments. The Permit is available on the NMED Hazardous Waste Bureau LANL Permit page at <http://www.nmenv.state.nm.us/hwb/lanlperm.html>.

The New Mexico Hazardous Waste Management Regulations at 20.4.901A(10) NMAC state, “A final permit decision shall become effective thirty (30) days after the notice of the decision has been served on the applicant...” NMED approved this PMR on December 20, 2013; hence, the effective date of the Permit shall be January 19, 2014. Prior to March 1, 2014, the Permittees must submit a revised Part A Application form incorporating the changes related to this PMR, to be included as Attachment B of the Permit.

NMED also incorporated two Class 1 permit modifications that were submitted in May 2013. The first one, submitted on May 2, 2013, incorporates the locations of two maintenance gates at TA-54 Area G. The permit modification proposed to add the gates to Figure 8 in Attachment N, *Figures*. NMED also added descriptions of the gates to Permit Attachment A. The second permit modification, submitted on May 21, 2013, made changes to addresses for emergency contacts in Permit Attachment D, *Contingency Plan*.

Please contact John Kieling at (505) 476-6035, if you have questions or need additional information.

Sincerely,



Ryan Flynn
Cabinet Secretary-Designate
New Mexico Environment Department

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Enclosures:

- (1) NMED Responses to Comments
- (2) Disc containing the Revised Permit Parts and Permit Attachments

Cc (w/o enclosures):

T. Blaine, NMED-EHD
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File: Reading and LANL Permit 2013