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November 13, 1996

Mr. G. Thomas Todd
 DOE/LAAO
 538 35 th Street
 Los Alamos, New Mexico 87544

Dear Mr. Todd:

RE: Status of Los Alamos National Laboratory's Class III Permit Modification Requests dated March and September 1995

The New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) has decided to proceed with the processing of the Class III Permit Modification Requests of March and September 1995 for No Further Action (NFA) status for selected Potential Release Sites and Hazardous and Solid Waste Amendments (HSWA) Solid Waste Management Units (SWMU). The NMED is proceeding to process this action in efforts to expedite activities at Los Alamos National Laboratory (LANL) to avoid unnecessary costs caused by delays to the taxpayer. Costs for such activities are proposed to be paid by the regulated entity. However, at this time the NMED does not have the requisite regulations in place to charge a fee for such activities and cannot assess a fee for these NFA activities. To resolve the issue of funding for work conducted by the HRMB to provide a determination on the subject submittal, the NMED will use general fund appropriations to ensure processing of these final remedy documents.

Based on this action the HRMB will initiate the Statement of Basis and Public Notice for the SWMUs proposed for approval for NFA in an expeditious manner. The final authorization of the NFAs will of course be dependent on the result of public comment on the proposals and any need for modification to the NFA proposals based on significant public comment.

The NMED continues to utilize the Document of Understanding negotiated between NMED, DOE, EPA and DOE contractors as guidance in pursuing NFA reviews and NFA approvals or denials. Should DOE decide that a discussion on the revision to the DOU relative to NFA activities is warranted the discussions should occur before finalization of any new approaches to streamlining to NFA or Voluntary Corrective Action activities are implemented. These discussions need to include previous "core group" participants or their replacements.

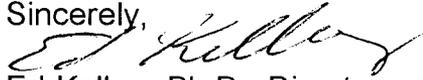


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Should you or your staff have any questions concerning these issues please contact me at 505-827-2855 or Mr. Robert S. (Stu) Dinwiddie of my staff at the above address or by telephone at (505) 827-1561.

Sincerely,



Ed Kelley Ph.D., Director , WWMD

cc: Benito J. Garcia , NMED , HRMB
Herman Le Doux , DOE, LAAO
Tom Baca , LANL
Ted Taylor, DOE LAAO
Jorg Jansen, LANL
Robert S. (Stu) Dinwiddie, NMED
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