

RED LANL TA 50/99



GARY E. JOHNSON
GOVERNOR

30 September, 1999

Mr. H.L. "Jody" Plum
U.S. Department of Energy
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
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PETER MAGGIORE
SECRETARY

Dear Mr. Plum:

The Hazardous and Radioactive Materials Bureau has reviewed the Los Alamos National Laboratory (LANL) proposal for the accrual of funds to pay upcoming Permit Application Fees pursuant to 20 NMAC 4.2.201.3. Our analysis of LANL's Permit Applications for TA-50 and TA-54 shows that the suggested \$810,000 is in fact far below the minimum amount expected to be owed for both TA-50 and TA-54. Under the provisions of 20 NMAC 4.2.201.3, "[e]very facility seeking a permit for the treatment, storage, or disposal of hazardous waste or for post closure care shall pay an Application Fee set forth in Table 2.2. The Application Fee shall be in an amount equal to the sum of the Application Fee set forth in Table 2.2 for each unit *included in the permit application.* (emphasis added)" This regulatory requirement was clearly stated in my August 2, 1999 letter to you.

We believe LANL's recommended sum of \$810,000 will certainly constitute a portion of the Permit Application Fee to be assessed at Administrative Completeness for these applications. We at HRMB support LANL's suggestion that these funds be accrued in advance of the Administrative Completeness determinations for TA-50 and TA-54.

We hope this letter assists LANL in making funds available to pay for its fees in accordance with 20 NMAC 4.2. Please do not hesitate to contact me at 827-1567 should you have any questions.

Sincerely,

James P. Bearzi
Chief
Hazardous and Radioactive Materials Bureau

cc: Greg Lewis, NMED
Susan McMichael, NMED
Robert S. (Stu) Dinwiddie, HRMB
John Kieling, HRMB
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