

Permit

ENTERED



Environment, Safety, Health & Quality
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National Nuclear Security Administration
Los Alamos Site Office, A316
3747 West Jemez Road
Los Alamos, New Mexico 87545
(505) 606-0397/FAX (505) 667-5948

Date: March 24, 2011
Refer To: ESH&Q-11-014

Mr. James Bearzi
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505



Dear Mr. Bearzi:

**SUBJECT: HEARING FEE ASSESSMENT LOS ALAMOS NATIONAL LABORATORY,
EPA ID #NM0890010515 HWB-LANL-2010-HF**

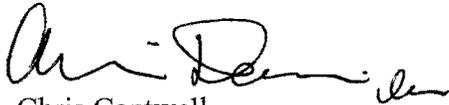
On February 24, 2011, the U.S. Department of Energy/National Nuclear Security Administration (DOE/NNSA) and Los Alamos National Security, LLC (LANS) (Permittees) received the New Mexico Environment Department's (NMED) "Hearing Fee Assessment" for the public hearing on the Los Alamos National Laboratory (LANL) Hazardous Waste Facility Permit. NMED is assessing several fees as "miscellaneous" costs, and cites 20.4.2.203(6) NMAC as the authority for the assessment of such fees.

Permittees do not believe that 20.4.2.203(6) NMAC authorizes the assessment of "miscellaneous" costs, and we therefore are notifying NMED that Permittees object to the assessment of miscellaneous costs under that regulation. The fee regulations identify specific categories of fees to be charged in conjunction with a hearing, including the hearing fee, administrative record preparation fee, facility fee, recording and transcription fee and translation service fee, and the Permittees do not challenge those fees. Permittees believe that the "miscellaneous" fees that relate to actual hearing costs, such as for Joseph Alarid, the Hearing Officer, and for newspaper notices could appropriately be invoiced under the *Memorandum of Agreement for Supplemental Funding* between NNSA and NMED. However, Permittees believe that the fees for hiring NMED's outside counsel (Lindsay Lovejoy), and for hiring witnesses (James Werner, AQS) to testify in support of permit requirements or decisions to which Permittees objected, are inappropriate. Permittees would like more information on the "hearing fees" for Techlaw and ASTM International.



Permittees would like, as provided by 20.4.2.302.A NMAC, to meet and confer with NMED to resolve these issues. We will contact you to schedule a meeting. Please contact Mark Haagenstad of LANS at (505) 665-2014 or Gene Turner at (505) 667-5794 of DOE/NNSA if additional information would be helpful.

Sincerely,



J. Chris Cantwell
Associate Director
Environment, Safety, Health and Quality
Los Alamos National Security, LLC

Sincerely,



Roger E. Snyder
Deputy Manager
Los Alamos Site Office
National Nuclear Security Administration

JCC:RES/lm

Cy: Raj Solomon, NMED, Santa Fe, NM
Gene Turner, LASO-EO, A316
Michael B. Mallory, PADOPS, A102
Dave McInroy, CAP, M992
Tori George, REG-DO, M991
Mark Haagenstad, ENV-RCRA, K490, (E-File)
ADESHQ File, K491
ENV-RCRA File, (11-0057), K490
IRM-RMMSO, A150