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NEW MEXICO ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

BILL RICHARDSON Governor

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RON CURRY Secretary

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JON GOLDSTEIN Deputy Secretary

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 24, 2008

Donald L. Winchell, Jr., Manager Los Alamos Site Office-Department of Energy 528 35th Street, Mail Stop A316 Los Alamos, NM 87544

Richard Watkins, Director Environment, Safety, Health, & Quality Los Alamos National Security, LLC Los Alamos Research Park 4200 Jemez Road, Suite 400 Los Alamos, NM 87545

RE: DEMAND FOR PAYMENT INTEREST ON STIPULATED PENALTIES FOR THE INVESTIGATION REPORT FOR DP AGGREGATE AREA, LOS ALAMOS NATIONAL LABORATORY (LANL), EPA ID NM0890010515 HWB-LANL-08-008

Dear Messrs. Winchell and Watkins:

This letter constitutes written notice of the New Mexico Environment Department's (Department) demand for payment of interest on stipulated penalties pursuant to Section III.G.6 of the March 1, 2005 Order on Consent (Order). This notice is for the Department of Energy (DOE) and the Los Alamos National Security, LLC's (the Respondents) failure to timely submit payment of stipulated penalties for the Respondents' Investigation Report for DP Site Aggregate Area (Investigation Report), dated March 28, 2008.

In accordance with Section III.G.6 of the Order, interest shall accrue from the date the penalty is due until the date it is actually paid and at the rate specified in 28 U.S.C. § 1961. 28 U.S.C. § 1961 states that, "interest shall be calculated...at a rate equal to the weekly average 1-year constant maturity Treasury Yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding." The Table below details how the total accumulated interest was calculated.

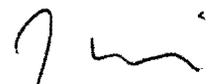
30334 [Barcode]

Summary of Stipulated Penalties and Accrued Interest for DP Aggregate Area								
	Date	Action	Amount	Due Date	Submittal Date	Days Late	Daily Average 1-year Constant Maturity Treasury Yield	Interest
	11/20/2007	Notice of Intent to Assess						
	12/18/2007	Response to Intent to Assess						
	1/7/2008	1 st Demand letter (Days 1-30)	\$30,000.00	2/21/2008	2/19/2008	0		
	2/6/2008	2 nd Demand letter (Days 31-60)	\$90,000.00	3/27/2008	3/31/2008	4	2.23%	\$22.08
	3/19/2008	3 rd Demand letter (Days 61-90)	\$90,000.00	5/3/2008	6/20/2008	48	1.52%	\$180.58
	4/4/2008	Final Demand letter (Days 91-112)	\$63,000.00	5/19/2008	6/20/2008	32	1.60%	\$88.70
	Total as of 6/20/2008		\$273,000.00		\$273,000.00	84		\$291.36

The total assessed interest of **\$291.36** is due to the Department within 30 days of the date of this letter. The Respondents must follow the procedures for payment outlined in Section III.G.5 of the Order.

Should you have any questions, please contact Kathryn Roberts at 476-6041.

Sincerely,



James P. Bearzi
 Chief
 Hazardous Waste Bureau

Messrs. Winchell and Watkins
June 24, 2008
Page 3

cc: K. Roberts, NMED HWB
D. Cobrain, NMED HWB
B. Holton, NMED HWB
A. Vollmer, NMED HWB
J. Valdez, NMED HWB
C. de Saillan, OGC
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
V. George, ENVP-DO, MS J978
S. Stiger, ADEP, MS M992
G. Rael, DOE LASO, MS A316
D. Gregory, DOE LASO, MS A316
D. Woitte, LANS, MS A187
L. Cummings, DOE LASO, MS A316
file: Reading and LANL '08 TA-21 (SWMUs 21-012(b), 21-024(a), 21-024(e), 21-024(g), Consolidated Unit 21-024(l)-99, SWMU 21-024(o), Consolidated Unit 21-026(a)-99, and SWMU 21-027(c), Consolidated Unit 21-006(c)-99, SWMU 21-022(f), Consolidated Unit 21-022(h)-99 and 21-023(a)-99, and SWMUs 21-024(b), 21-024(d), 21-024(h), 21-024(i), 21-024(j), 21-024(k), 21-024(n), and 21-027(a), AOC 21-002(b), SWMUs 21-009, and 21-013(c), Consolidated Unit 21-003-99, 21-024(c))