

TA 48

**State of New Mexico
ENVIRONMENT DEPARTMENT**



**BILL RICHARDSON
GOVERNOR**

**Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us**



**RON CURRY
SECRETARY**

**DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

March 14, 2006

David Gregory, Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

Robert W. Kuckuck, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, NM 87545

**RE: TECHNICAL AREA 48 APPEAL OF INVOICE # HWB-LANL-03-008
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
LANL-03-008**

Dear Messrs. Gregory and Kuckuck:

The New Mexico Environment Department (NMED) is in receipt of the University of California (UC) letter *Technical Area 48, Fee Appeal Dispute Response* (Response) dated December 5, 2005 and referenced by ER2005-0910. In the interest of settling this case, NMED offers the following solution. NMED agrees that this site may be designated as area of concern (AOC) 48-012. NMED understands that UC asserts that the site has been remediated to industrial levels, and that the site is not appropriate for release for unrestricted use, or the designation "characterization complete without controls." NMED further understands that UC will perform further characterization of the site under the investigation work plan pertaining to the Upper Mortandad Canyon Aggregate Area (due November 30, 2007) as required by the March 2005 Consent Order. Site 48-012 shall be included in the SWMU/AOC list contained in the upcoming Resource Conservation and Recovery Act Operating Permit for the Los Alamos National Laboratory facility. Finally, NMED will not accept photoionization detector results for confirmatory sampling and risk assessment purposes for this or any other site.

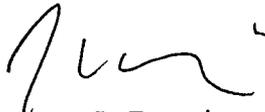


Messrs. Gregory and Kuckuck
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NMED therefore withdraws Invoice # HWB-LANL-03-008 for \$500 for this site. NMED expects that UC and the U.S. Department of Energy will then withdraw their request for hearing in the aforementioned matter.

Should you have any questions, please contact John Young of my staff at (505) 428-2538.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:jy

cc: T. Hughes, NMED OGC
J. Young, NMED HWB
D. Cobrain, NMED HWB
B. Pippin, NMED HWB
J. Volkerding, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
J. Ordaz, DOE LASO, MS A316
K. Hargis, LANL RRES/DO, MS M591
N. Quintana, LANL RRES-RS, MS M992
D. McInroy, LANL RRES-RS, MS M992
file: Reading and LANL TA-48 [48-012 fee appeal]