

TA48
JOHN Y.
STATE OF NEW MEXICO
SECRETARY OF ENVIRONMENT

UNITED STATES DEPARTMENT OF
ENERGY and THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA,

Complainants,

v.

WATER and WASTE MANAGEMENT
DIVISION of the NEW MEXICO
ENVIRONMENT DEPARTMENT,

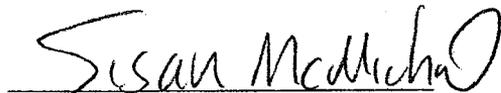
Respondent.

NOTICE OF WITHDRAWAL OF APPEAL AND REQUEST FOR HEARING

Pursuant to 20.1.5.600.B.3 NMAC, the Complainants, the U.S. Department of Energy, and the Regents of the University of California hereby file this *Notice of Withdrawal* in the above-captioned matter. Complainants have withdrawn their appeal and request for hearing on the ground that on March 14, 2006, the Hazardous Waste Bureau of the New Mexico Environment Department issued a letter, attached hereto, that withdrew Invoice No. HWB-LANL-03-008 and the associated fee, rendering this appeal moot.

Respectfully submitted,

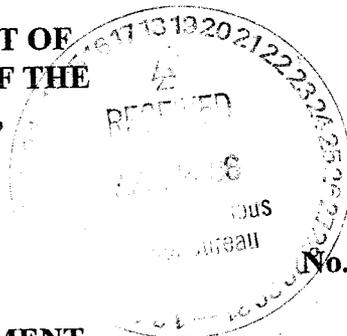
BY



Susan M. McMichael
36 Monterey Road
Santa Fe, N.M. 87508
Telephone: 466-2331

U.S. DEPARTMENT OF ENERGY and

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA



No. HWB 03-04 (FEE)

COPY





BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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:

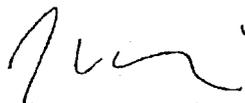
The New Mexico Environment Department (NMED) is in receipt of the University of California (UC) letter *Technical Area 48, Fee Appeal Dispute Response (Response)* dated December 5, 2005 and referenced by ER2005-0910. In the interest of settling this case, NMED offers the following solution. NMED agrees 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
March 14, 2006
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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:jj

cc: 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 fcc appeal]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the *Notice of Withdrawal of Appeal and Request for Hearing* was mailed first class delivery on the 14th day of April 2006 to:

Tracy Hughes
General Counsel
New Mexico Environment Department
Post Office Box 26110
Santa Fe, New Mexico 87502-6110

and a copy of the letter transmitting the documents was mailed to:

Lisa Cummings
Counsel's Office
U.S. Department of Energy
Los Alamos Site Office
528 35th Street
Los Alamos, N.M. 87545

By  _____

Susan M. McMichael
REGENTS OF THE UNIVERSITY OF CALIFORNIA