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NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau



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RON CURRY
Secretary

CINDY PADILLA
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 2, 2007

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 MATERIAL DISPOSAL AREA C, SOLID WASTE
MANAGEMENT UNIT 50-009, LOS ALAMOS NATIONAL LABORATORY
(LANL), EPA ID NM0890010515
HWB-LANL-06-028**

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 Material Disposal Area C, Solid Waste Management Unit 50-009, at Technical Area 50* (Investigation Report), dated December 6, 2006.

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.

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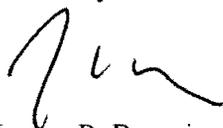


Summary of Stipulated Penalties and Accrued Interest for MDA C								
	Date	Action	Amount	Due Date	Submittal Date	Days Late	Daily Average 1-year Constant Maturity Treasury Yield	Interest
	12/20/2006	Notice of Intent to Assess						
	1/8/2007	1 st Demand letter (Days 1-30)	\$30,000.00	2/22/2007	2/23/2007	0		
	2/9/2007	2 nd Demand letter (Days 31-60)	\$90,000.00	3/24/2007	9/25/2007	184	5.10%	\$2,313.86
	3/8/2007	3 rd Demand letter (Days 61-90)	\$90,000.00	4/22/2007	9/25/2007	156	4.96%	\$1,907.90
	4/11/2007	4 th Demand letter (Days 91-120)	\$90,000.00	5/26/2007	9/25/2007	122	4.94%	\$1,486.06
	4/26/2007	Final Demand letter (Days 121-134)	\$39,000.00	6/10/2007	9/25/2007	107	4.93%	\$563.64
	Total as of 9/25/2007		\$339,000.00		\$339,000.00	569		\$6,268.13

The total assessed interest of **\$6,268.13** 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
October 2, 2007
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cc: K. Roberts, NMED HWB
D. Cobrain, NMED HWB
B. Holton, NMED HWB
A. Vollmer, 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 '07 (Permit)