



**Department of Energy
Office of Legacy Management**

March 3, 2006

Mr. Peter Luthiger
Corporate Manager, Radiation Safety and Environmental Affairs
Rio Algom Mining LLC
P.O. Box 218
Grants, NM 87020

Subject: Rio Algom Ambrosia Lake Facility LTSM Revised Boundary

Reference: Letter dated December 6, 2005, from Peter Luthiger, Rio Algom Mining LLC to Mr. Jon Sink, U.S. Department of Energy, Re: Same Subject

Dear Mr. Luthiger:

The Department of Energy (DOE) Office of Legacy Management has reviewed the proposed property boundaries cited in the reference letter and attached map and finds the proposed boundaries to be acceptable. DOE understands that these boundaries are proposed, as necessary, to support the site Alternate Concentration Limits application.

DOE would like to take this opportunity to reaffirm the following requirements for property transfer, in addition to a surveyed, recorded, and marked, legal description of the property:

- 1) All existing easements/rights-of-way encumbering the property must have surveyed alignments recorded in the county deed book and DOE needs a copy of each survey.
- 2) Existing easements/rights-of-way must not interfere with the engineered features of the disposal site.
- 3) Rio Algom must provide for permanent access to the site property if access will not be via a public thoroughfare.
- 4) Rio Algom must provide for permanent access to any necessary off site features such as monitor wells. Access must include a 40' x 40' work area around the monitor wells to accommodate sampling and maintenance equipment and activities.

Regarding the state-owned mineral rights, DOE requests that Rio Algom discuss this matter with the Nuclear Regulatory Commission (NRC). The NRC has faced this issue in the past in association with the Bear Creek Title II site in Converse County, Wyoming. Perhaps the NRC would be willing to similarly correspond with the State of New Mexico on this matter.

Mr. Peter Luthiger

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March 3, 2006

Please call me at 970-248-6091 if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Plienness', written over a horizontal line.

Raymond M. Plienness, Director
Office of Land and Site Management

cc:

G. Janosko, NRC

B. Law, Rio Algom Mining LLC

C. Montana, DOE-LM30

M. Plessinger, Stoller

Project File LIS 000(A) (D. Roberts)

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