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Date: February 27, 2009
 Refer To: EP2009-0109

James P. Bearzi, Bureau Chief
 Hazardous Waste Bureau
 New Mexico Environment Department
 2905 Rodeo Park Drive East, Building 1
 Santa Fe, NM 87505-6303

Subject: Request to Confirm Non-Submittal of the Investigation Work Plan for Lower Mortandad/Cañada del Buey Aggregate Area

Dear Mr. Bearzi:

Table XII-2 of the March 1, 2005, Compliance Order on Consent (Consent Order) requires the U.S. Department of Energy and Los Alamos National Laboratory (the Laboratory) (collectively the Permittees) to submit an investigation work plan for Lower Mortandad/Cañada del Buey Aggregate Area to the New Mexico Environment Department (NMED) by April 30, 2009. The purpose of this letter is to inform you that this work plan will not be delivered to NMED for the reason specified below.

The report entitled "Aggregate Area List: Maps of Technical Areas, Solid Waste Management Units/Areas of Concern" (LA-UR-05-6234) was submitted to NMED by the Permittees on August 26, 2005, as a deliverable under the Consent Order. This report identifies all solid waste management units (SWMUs) and areas of concern (AOCs) within each of the 29 watershed aggregate areas listed in Section IV.B of the Consent Order. As noted in Appendix C of this report, "Mortandad Watershed SWMUs and AOCs," there are no SWMUs or AOCs in Lower Mortandad/Cañada del Buey Aggregate Area (page C-1). As a result, no investigation of this aggregate area is required and an investigation work plan will not be submitted.

If you have any questions, please contact Dave McInroy at (505) 667-0819 (mcinroy@lanl.gov) or David Gregory at (505) 667-5808 (dgregory@doeal.gov).

Sincerely,

Michael J. Graham, Associate Director
 Environmental Programs
 Los Alamos National Laboratory

Sincerely,

David R. Gregory, Project Director
 Environmental Operations
 Los Alamos Site Office



MG/DG/DM/PB:sm

Cy: Laurie King, EPA Region 6, Dallas, TX
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