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JOHN D'ANTONIO, Jr.  
SECRETARY

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

September 4, 2002

Dr. John C. Browne, Director  
Los Alamos National Laboratory  
P.O. Box 1663, Mail Stop A100  
Los Alamos, New Mexico 87545

Mr. Everett Trollinger, Project Manager  
Office of Los Alamos Site Operations  
Department of Energy  
528 35<sup>th</sup> Street, Mail Stop A316  
Los Alamos, New Mexico 87544

**SUBJECT: CONCURRENCE WITH NFA DETERMINATION FOR SWMU 3-009(d),  
AND SWMU 55-009  
LOS ALAMOS NATIONAL LABORATORY, NM0890010515  
HWB-LANL-99-036**

Dear Dr. Browne and Mr. Trollinger:

The U. S. Department of Energy/Los Alamos National Laboratory (Permittees) submitted three requests for permit modification to the New Mexico Environment Department (NMED) in March 1995, September 1995 and September 1996. Through these requests the Permittees proposed that 190 solid waste management units (SWMUs) be removed from Module VIII of their Hazardous Waste Facility Permit (Permit). NMED reviewed the requests and to date, has concurred with no further action (NFA) determination for 132 of the SWMUs and have removed them from the Permit through Class III Permit Modifications. Of the remaining 58 SWMUs, the Permittees withdrew 51 SWMUs from NFA consideration (referenced by ER2002-0110, February 11, 2002) because it was determined that these SWMUs required further investigation.

NMED has received supplemental information for SWMU 3-009(d) (referenced by ER2001-0787), SWMU 27-003 (referenced by ER2002-0543) and SWMU 55-009 (referenced by ER2002-0358) submitted by the Permittees. NMED has reviewed the supplemental information



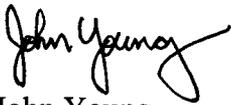
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Dr. John C. Browne and Mr. Everett Trollinger  
September 4, 2002  
Page 2

and concurs that SWMU 3-009(d) and SWMU 55-009 are appropriate for NFA and should be removed from the Permit. However, NMED cannot concur with the NFA determination for SWMU 27-003 because NMED has no mechanism to enforce institutional controls at this time. NMED has not received supplemental information for the remaining four sites (i.e. SWMU 52-001(d), SWMU 3-003(c), SWMU 21-027(d), SWMU 3-056(a)). NMED will initiate the Class III Permit Modification process after it receives and reviews the supplement information for the remaining four sites.

If you have any questions, please contact me at (505) 428-2538 or Neelam Dhawan at (505) 428-2540.

Sincerely,



John Young  
LANL Corrective Action Project Leader  
Permits Management Program

JRY:nmd

cc:

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D. Stavert, RRES-DO, MS J591  
file: Reading and ~~NSWA~~ LANL/NFA & GP