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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

ENTERED



Hazardous Waste Bureau

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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 11, 2009

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
P.O. Box 1663, MS M992
Los Alamos, NM 87545

**RE: REQUEST FOR RESPONSE
NOTICE OF DISAPPROVAL
TECHNICAL AREA 21 SUBSURFACE VAPOR MOISTURE
MONITORING PLAN FOR TRITIUM, JULY 2008
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-08-019**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) issued a Notice of Disapproval (NOD) for the *Technical Area 21 Subsurface Vapor Moisture Monitoring Plan for Tritium* (Plan) to the U.S. Department of Energy (DOE) and the Los Alamos National Laboratory, L.L.C. (LANS) (collectively, the Permittees) on December 30, 2008. The NOD required that the Permittees "address all comments and submit a revised Plan by January 16, 2009." To date, NMED has not received a response to the NOD.

NMED reminds the Permittees that in a letter from Everet Beckner, Deputy Administrator for Defense Programs for the DOE, dated August 26, 2004, the Permittees have agreed to "collect radionuclide data during the investigation of suspected contaminated sites consistent with its procedures and to provide such data to NMED voluntarily." This agreement was a crucial component of the settlement of the litigation that led to the March 1, 2005 Order on Consent

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(Consent Order). NMED's expectation at the time the Consent Order was signed, and now, is for the Permittees to honor this agreement.

NMED requests that the submittals (including maps) generated in response to the NOD be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order, and include a redline-strikeout version that includes all changes and edits to the Plan (electronic copy) with the response to this NOD.

Please contact Kathryn Roberts at (505) 476-6041 should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
K. Roberts, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
T. Skibitski, NMED DOE OB
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