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RON CURRY
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 25, 2004

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

G. Pete Nanos, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, NM 87545

RE: APPROVAL AS MODIFIED
SUPPLEMENTAL SAMPLING AND ANALYSIS PLAN (SAP) FOR MIDDLE
MORTANDAD/TEN SITE AGGREGATE
LOS ALAMOS NATIONAL LABORATORY EPA ID No: NM0890010515
HWB-LANL-04-005

Dear Messrs. Gregory and Nanos:

The New Mexico Environment Department (NMED) has received the United States Department of Energy and Regents of the University of California (the Permittees) report entitled "Addendum to SAP for Middle Mortandad/Ten Site Aggregate" dated March 2004 (referenced by LA-UR-04-1714 and ER2004-0078), and the "Response to Notice of Deficiency (NOD) comments regarding the Supplemental Sampling and Analysis Plan (SAP) for Middle Mortandad/Ten Site Aggregate," dated June 9, 2004 (referenced by ER2004-0287). NMED has reviewed these documents and hereby approves these documents with the modifications described in the attachment to this letter.

NMED notes that as requested in the Comment # 6 of NOD, SVOCs have been included in the list of analysis for samples to be collected at the appropriate locations. However, NMED does not concur with the repeated statements made by the Permittee's in the Response to NOD that



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SVOCs are not anticipated at the firing sites (e.g., plasticizers are used in the compositions of many explosive compounds and phthalates are often found at the firing sites).

The Permittees must submit a 20-day sampling notification to NMED prior to initiating the work. If you have any questions, please contact me at (505) 428-2540.

Sincerely,



Neelam Dhawan

Project Leader

Permits Management Program

Attachment

cc: J. Young, NMED HWB
M. Leavitt, NMED SWQB
C. Voorhees, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
J. Vozella, DOE LAAO, MS A316
B. Ramsey, LANL RRES-DO, MS J591
D. Stavert, LANL RRES-DO, MS J591
N. Quintana, LANL RRES-ER, MS M992
D. McInroy, LANL RRES-ER, MS M992

File: Reading and LANL/TA 35

**ATTACHMENT
MODIFICATIONS FOR SUPPLEMENTAL SAP FOR MIDDLE
MORTANDAD/TEN SITE AGGREGATE**

Response to Notice of Deficiency (NOD) Comment #3:

The Permittees shall include investigation of seven areas of concern (i.e. AOCs 05-006(d), 05-006(f), 05-006(g), C-05-001, 52-002(g), 52-004 and 63-002) in the Supplemental SAP. The Permittees stated that they had received no further action (NFA) determinations from the Environmental Protection Agency (EPA) for these sites but have not provided any specific references. The Permittees state in their response that all relevant documents are included in NMED's administrative record. The Permittees should have provided specific references with page numbers of EPA documents approving NFA determinations for these sites. The revised Table 1.1-1 (provided with the NOD Response) does not include any references to EPA approval documents.

However, if the Permittees can provide documents supporting their statement, or provide supporting documentation indicating that these sites do not pose a risk to human health or the environment, then these sites do not need to be included in the Supplemental SAP.