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TA-50
2003



RON CURRY
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 4, 2003

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

Mr. David Gregory, Project Manager
DOE-OLASO
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

SUBJECT: AGREEMENT ON THE CONSENT ORDER SCHEDULE FOR THE INVESTIGATION WORK PLAN FOR MATERIAL DISPOSAL AREA C (MDA C) AT LOS ALAMOS NATIONAL LABORATORY EPA ID# NM0890010515

Dear Messrs. Nanos and Gregory:

The New Mexico Environment Department (NMED) has reviewed the Investigation Work Plan for Material Disposal Area C, Solid Waste Management Unit 50-009, at Technical Area 50 at Los Alamos National Laboratory, submitted July 31, 2003 and referenced by LA-UR-03-3803.

The MDA C Investigation Work Plan does not follow the format nor the specific requirements of the Order that NMED issued to the Department of Energy (DOE) and the University of California (UC) (collectively the "Permittees") on November 26, 2002. Moreover, the work plan does not provide rationale for proposing a scope of work that differs from that in the Order. The letter included with the submittal of the MDA C Investigation Work Plan states that the work plan does not reference the specific requirements of the Consent Order because negotiations between NMED and DOE and UC on the Consent Order were ongoing during the preparation of the work plan. However, the Permittees committed, in a meeting on April 16, 2003 between the DOE and UC MDA C project managers and NMED representatives, that the MDA C Work Plan would follow the requirements contained in the Order and that this work plan would serve as a "template" for future work plans submitted under the Consent Order. In its present form, this work plan cannot be used as such. The Permittees also committed to justifying modifications to the scope of work required in the Consent Order. Justification for modifying the scope of work



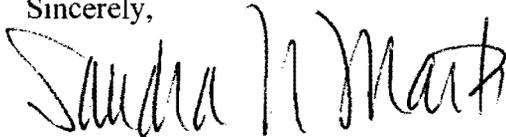
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was not provided in the work plan. Based on this failure and other deficiencies in the work plan, NMED is disapproving the MDA C Investigation Work Plan.

If you have any questions regarding these comments, please contact Carolyn Cooper of my staff at (505) 428-2539.

Sincerely,



Sandra Martin
Chief
Hazardous Waste Bureau

Cc: C. de Saillan, NMED OGC
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File: Reading and LANL TA-50 (MDA C, 50-009)