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PETER MAGGIORE
Secretary

VIA FACSIMILE: (202)586-4403

August 28, 1998



The Honorable Bill Richardson
Secretary of Energy
U.S. Department of Energy
Washington D.C. 20585

RE: Confirmatory Sampling and Analysis Plan for Waste Stream TA-55-43, Lot No. 1.

Dear Secretary Richardson:

This letter responds to the Department of Energy's (DOE) request to clarify the intent of the New Mexico Environment Department's (NMED) letter dated August 26, 1998 regarding the Confirmatory Sampling and Analysis Plan (SAP) for Waste Stream TA-55-43, Lot No. 1. NMED would like to clarify that its August 26, 1998 letter represents a decision that the SAP, if implemented by DOE, would not be adequate to demonstrate that the waste stream contains no hazardous waste for the reasons stated in the letter and review. The letter addresses the specific deficiencies of the SAP submitted to the Department by DOE for review, and was not intended to represent a further determination by NMED that the waste stream has been inadequately characterized.

Sincerely,

Peter Maggiore

Peter Maggiore, Secretary
New Mexico Environment Department



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cc: The Honorable Senator Domenici
The Honorable Senator Bingaman
The Honorable Congressman Skeen
The Honorable Congressman Redmond
The Honorable Congresswoman Wilson
The Honorable Governor Johnson
The Honorable Tom Udall, Attorney General, State of New Mexico
The Honorable Janet Reno, Attorney General of the United States, U.S.
Department of Justice
Carol Browner, Administrator, Environmental Protection Agency
Gregg Cooke, Regional Administrator, Environmental Protection Agency
Jennifer Salisbury, Secretary of Energy, Minerals & Natural Resources
Department
MaryAnne Sullivan, DOE General Counsel
W. John Arthur, III, Asst. Manager, Albuquerque Area Office
Mike McFadden, Manager, Carlsbad Area Office

bcc: Ed Kelley, Director of Water and Waste Management Division,
Environment Department
Benito Garcia, Bureau Chief, HRMB, Environment Department
Susan McMichael, Asst. General Counsel, Environment Department