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PETER MAGGIORE  
Secretary

VIA FACSIMILE: (202)586-4403

August 26, 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:

The New Mexico Environment Department (NMED) has reviewed the Confirmatory Sampling and Analysis Plan (SAP) submitted by the Department of Energy (DOE) on July 27, 1998. NMED has concluded, based upon review of the SAP, that DOE has failed to adequately characterize Waste Stream TA-55-43, Lot No. 1, to demonstrate that it contains no hazardous waste under the New Mexico Hazardous Waste Act and regulations.

The SAP contains numerous inadequacies which are detailed in the attached "Review of the Los Alamos Confirmatory Sampling and Analysis Plan for Waste Stream TA-55-43, Lot No. 1". NMED has determined the following areas to be inadequate:

1. Sample representativeness, including the selection of samples, sample collection within containers, inter-material variability and analytical suites;
2. Sample weight/size;
3. Sample integrity; and
4. Sample frequency.

Please refer to the Review for further information.

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If you have any questions, or would like to meet regarding this decision, please call Ed Kelley of my staff at (505)827-2855.

Sincerely,



Peter Maggiore, Secretary  
New Mexico Environment Department

cc w/att:

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  
W. John Arthur, III, Asst. Manager, Albuquerque Area Office  
Mike McFadden, Manager, Carlsbad Area Office