VIA FACSIMILE: (202)586-4403

August 26, 1998

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


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.
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
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