



State of New Mexico
ENVIRONMENT DEPARTMENT

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PETER MAGGIORE
Secretary

GARY E. JOHNSON
GOVERNOR

December 29, 1998

Mr. Don Hancock
Southwest Research and Information Center
PO Box 4524
Albuquerque, NM 87106

RE: Response to November 25, 1998 letter.

Dear Mr. Hancock:

The New Mexico Environment Department (NMED) has received the Southwest Research and Information Center's (SRIC) November 25, 1998 letter. This letter raises two issues: (1) the relationship between the permitting process and the Sampling and Analysis Plan (SAP) for Waste Stream TA-55-43, Lot No. 01, and (2) specific comments on the SAP.

NMED previously addressed these same issues by letter dated September 9, 1998 (attached). Further, as you are aware, NMED determined on December 2, 1998 that the Department of Energy adequately demonstrated that Waste Stream TA-55-43, Lot No. 01 contains no hazardous waste. The approval letter is enclosed for your information. The approval is limited to Lot No. 01 and is not applicable to the entire Waste Stream. NMED is confident that our final decision approving the results of the confirmatory SAP is technically supportable.

With regard to SRIC's specific comments on the SAP, NMED received these comments at too late a date to incorporate them into the review of the SAP results. NMED received the SAP results on November 16, 1998. NMED requested additional information on November 24, 1998. The Department of Energy provided a response to this request on November 25, 1998. NMED did not receive SRIC's letter until November 25, 1998.

If you have any questions or concerns, please do not hesitate to call me at (505)827-0127 or John McKay at (505)827-2985.

Sincerely,

Susan McMichael
WIPP Lead Counsel

Att.

cc w/out Att: Steve Zappe, HRMB

