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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 31, 2009

David Gregory
Federal Project Director
Department of Energy, Los Alamos Site Office
3747 West Jemez Drive, Mail Stop A316
Los Alamos, New Mexico 87544

David McInroy
Remediation Services Deputy Project Director
Los Alamos National Lab
P.O. Box 1663, Mail Stop M992
Los Alamos, New Mexico 87545

**RE: APPROVAL
REQUEST FOR DEVIATIONS FROM THE APPROVED INVESTIGATION
WORK PLAN FOR SITES AT TECHNICAL AREA 49 INSIDE THE NUCLEAR
ENVIRONMENTAL SITE (NES) BOUNDARY
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-07-033**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (LANS) (collectively, the "Permittees") letter entitled *Request for Deviations from the Approved Investigation Work Plan for Sites at Technical Area 49 Inside the Nuclear Environmental Site (NES) Boundary* (Request) dated August 19, 2009 and referenced by EP2009-0385.

The Permittees' Request asks NMED to approve two deviations from the approved *Investigation Work Plan for Sites at Technical Area 49 Inside the Nuclear Environmental Site (NES) Boundary, Revision 1* (Plan):

1. The approved Plan required that the Permittees drill one moisture-monitoring borehole in the center of Area 2 inside the NES boundary to a depth of 900 feet. The Permittees subsequently



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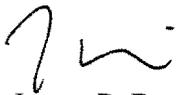
performed a downhole video log of existing borehole 49-02901 (approximately 200 feet away from original location) to determine whether or not it would be suitable for moisture-monitoring. The video log confirmed that borehole 49-02901 is open to 640 feet and is suitable for moisture-monitoring. Therefore, in lieu of drilling a new borehole, the Permittees propose to use existing borehole 49-02901 for moisture-monitoring.

2. The approved Plan required drilling of the 900-foot borehole to determine whether or not perched water was present at Material Disposal Area (MDA) AB. In lieu of drilling the 900-foot borehole within the NES boundary, the Permittees propose to use regional well MDA AB #2 (or other designation that comports with the Permittees regional well nomenclature) to evaluate for perched water. A work plan documenting the proposed location and drilling methods will be submitted for NMED review and approval.

NMED has reviewed the Request, and has determined that the Permittees have shown good cause for the deviation. NMED therefore grants the requested deviations.

Should you have any questions regarding this letter, please contact Kathryn Roberts at 476-6041.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: K. Roberts, NMED HWB
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file: Reading and LANL'09, TA-49 (SWMUs:49-001(a), 49-001(b), 49-001(c), 49-001(d), 49-001(e), 49-001(f), 49-001(g), 49-003; AOCs: 49-008(c), 49-008(d))