



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo Street
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-1557
Fax (505) 827-1544



PETER MAGGIORE
SECRETARY



Certified Mail
Return Receipt Requested

November 25, 1998

Mr. David A. Gurule, Area Manager
Los Alamos Area Office
Department of Energy
528 35th Street, MS A100
Los Alamos, New Mexico 87544

Dr. John C. Browne, Director
Los Alamos National Laboratory
P. O. box 1663, MS A100
Los Alamos, New Mexico 87545

**Re: Notice of Deficiency (NOD) on the
RFI for the Stabilization Plan of Implementing Interim Measures and
Best Management Practices
TA-49, PRSs 49-001(b, c, d, and g) (former OU 1144, FU 5)**

Dear Mr. Gurule and Dr. Browne:

The RCRA Permits Management Program (RPMP) of the Hazardous and Radioactive Materials bureau (HRMB) has reviewed DOE/LANL's September 10, 1998 (EM/ER:98-336) letter regarding the HRMB request for supplemental information on the RFI for the Stabilization Plan (SP) of Implementing Interim Measures and Best Management Practices (BMPs) at TA-49, PRSs 49-001(b, c, d, and g) (former OU 1144, FU 5) and found it to be incomplete. A notice of deficiency (NOD) is included as Attachment A.

DOE/LANL must submit a response to the NOD items listed in Attachment A within thirty (30) calendar days of receipt of this letter. If DOE/LANL does not submit a complete response within thirty (30) calendar days an enforcement action may be taken.



4023

TL

Mr. Gurule & Dr. Browne
November 25, 1998
page 2.

Should you have any questions regarding this letter, please contact me or Mr. John Kieling, HRMB's LANL Facility Manager, at (505) 827-1558.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

BJG:lw

CC w/ attachments:

- J. Canepa, LANL EM/ER, MS M992
- J. Davis, NMED SWQB
- M. Johansen, DOE LAAO, MS A316
- J. Kieling, NMED HRMB
- M. Kirsch, LANL EM/ER, MS M992
- L. Winn, NMED HRMB
- M. Leavitt, NMED GWQB
- H. LeDoux, DOE LAAO, MS A316
- D. McInroy, LANL EM/ER, MS M992
- D. Neleigh, EPA, 6PD-N
- J. Parker, NMED DOE OB
- S. Yanicak, NMED DOE OB, MS J993

File: Reading and HSWA LANL 5/1144/49/49-001 (a-g) (MDA-AB)
Track: LANL, 11/25/98, na, DOE/LANL, HRMB/Garcia, RE, File

Mr. Gurule & Dr. Browne
November 25, 1998
page 3.

Attachment A
Notice of Deficiency (NOD) for the
RFI for the SP for Implementing Interim Measures and BMPs
at TA-49, PRSs 49-001(b, c, d, and g) (former OU 1144,FU 5)

1. Page 4. Second bullet - monitoring results should be reported quarterly.
2. Section 3.0 Criteria for implementing Contingency Actions: First paragraph, "A significant increase will be determined on the basis of projected risk." An increase in moisture is a measure of the effectiveness of the interim measure which may pose an increased risk. The effectiveness of the interim measure is based on the ability of the interim measure to control moisture. The volumetric increase of moisture would then be evaluated to assess the possible increase in risk due to increased moisture.

LANL/DOE shall provide the statistically methodology for determining increase in moisture.

3. Section 4.0 Alternative Contingency Actions: Page 7 first full paragraph. The decision to implement the final corrective measure as the contingency action based in part on the availability of funding is a consideration for the facility but is not a heavy weighting factor for the regulatory agency in the decision making process.