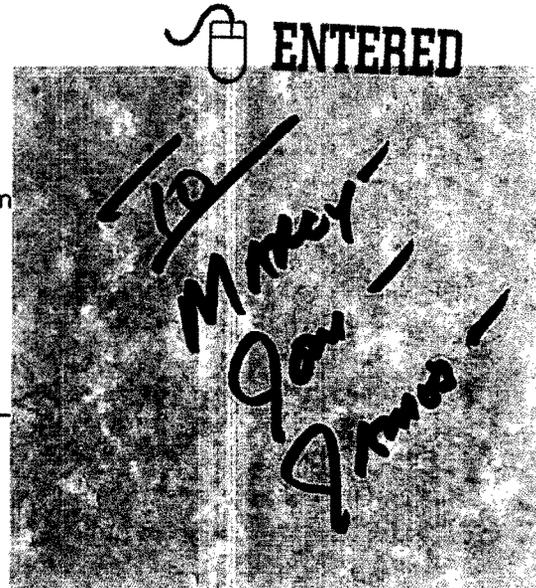




General  
1026609  
DEPARTMENT OF ENERGY  
National Nuclear Security Administration  
Los Alamos Site Office  
Los Alamos, New Mexico 87544



NM Environment Department  
Office of the Secretary

Mr. Ron Curry, Cabinet Secretary  
Office of the Secretary  
New Mexico Environment Department  
1190 Saint Francis Drive (87505)  
P.O. Box 5469, Santa Fe, NM 87502

Dear Secretary Curry:

Reference:

- 1.) Letter, from Ron Curry, Cabinet Secretary, New Mexico Environment Department, to Donald L. Winchell, Jr., Office of the Manager, Los Alamos Site Office, Subject: "Beryllium Exposure", dated September 11, 2009.

Subject: Request for Information Regarding Established Beryllium Prevention Programs for Los Alamos National Laboratory

In its September 11, 2009 letter, the New Mexico Environment Department (NMED) requested information from Los Alamos National Laboratory (LANL), Sandia National Laboratory, and Lovelace Respiratory Research Institute regarding established beryllium prevention programs. This response is provided on behalf of LANL. It is Los Alamos Site Office's (LASO) understanding that a response to your inquiry regarding Sandia National Laboratory and Lovelace Respiratory Research Institute will be provided to you separately.

In the September 11, 2009 letter, NMED expressed concerns on:

- Specific guidelines established to ensure future contamination incidents will not be of the magnitude reported in December 2008 at LANL;
- How facilities no longer in the permit process (due to a change in operational status) are monitored; and
- How often are facilities swiped for possible beryllium contamination and how are these facilities identified.

In response to your request, the LANL Beryllium Program follows an established clear federal guideline. The program includes a vigorous Quality Assurance program according to Title 10 Code of Federal Regulations (CFR) Part 850, "Chronic Beryllium Disease Prevention Program (CBDPP)", codified on December 8, 1999. The regulation, also known as the "Beryllium Rule", describes the requirements for federal operations involving beryllium materials, and was established to reduce the number of workers exposed to beryllium in the course of their work at Department of Energy (DOE) facilities. All sites were required to be in compliance with this regulation by April 6, 2000, and it forms the basis for DOE's effective beryllium prevention program.



We are committed to ensuring the safety and health of our contractors, federal employees, and visitors while on federal facilities, and are actively engaged in oversight of the Beryllium Program. The function of LASO is to provide rigorous oversight of LANL in order to validate and evaluate the implementation of program requirements. The LANL CBDPP is reviewed annually and approved by LASO to ensure that the Beryllium Program is consistent with, and meets the requirements of the Beryllium Rule.

As part of our oversight, an annual review of LANL's Beryllium Program is conducted, as part of the program's continuing improvement effort. This annual review ensures that the required program elements, such as hazard assessments, sampling and monitoring, training, medical surveillance, exposure controls, and feedback and improvement are established and maintained. In addition, we fully supported an independent review of the program in May 2009 by beryllium experts from the National Institute of Occupational Safety and Health (NIOSH) and National Jewish Health.

Operational awareness is the foundation of our oversight, and is designed to maintain cognizance of all facility and activity status. LASO conducts safety and health oversight of the facilities on a regular basis and the facilities are managed in accordance with 10 CFR 850. LASO has two full-time safety and health managers who have extensive training in beryllium safety. In addition, we are members of LANL's Beryllium Review Committee, chartered to review all areas of the Beryllium Program on a routine basis. Los Alamos has an effective lessons learned program that aggressively examines events at other facilities and distributes information regarding potential areas needing attention thus preventing similar incidents at their facilities.

The following written response is provided to address the concerns listed in the New Mexico Environment Department letter dated September 11, 2009.

*What are the specific guidelines established to ensure that future contamination incidents will not be of the magnitude reported in December 2008 at LANL?*

Los Alamos National Laboratory is regulated by the provisions found in 10 CFR 850. The "extent of condition" review and independent assessment identified several opportunities to improve the LANL CBDPP. LANL is in the process of updating and revising their CBDPP based on recent reviews and assessments. The LANL CBDPP is designed to reduce or eliminate the exposure of workers to beryllium and prevent beryllium sensitization and disease. The overall goals of the LANL CBDPP are to minimize the number of workers exposed and potentially exposed to beryllium, minimize the number of opportunities for workers to be exposed to beryllium, and minimize the levels of beryllium exposure. Considerable efforts have been made to reduce both the level of beryllium within beryllium contamination areas, and the physical size and number of areas.

As required in 10 CFR 850, LANL has developed a baseline inventory of the locations of beryllium operations and other locations of potential beryllium contamination, and identified the workers exposed or potentially exposed to beryllium at those locations. The baseline beryllium inventory has been updated periodically and most recently updated after the Technical Area (TA)-41 beryllium event.

Los Alamos National Laboratory has developed and implemented additional requirements and formality with regards to industrial hygiene monitoring; including surface sampling, air sampling, and visual inspections for all beryllium inventory entries. All the beryllium sample analysis from industrial hygiene monitoring is analyzed using American Industrial Hygiene Association (AIHA) accredited laboratory standards and quality assurance for metal analysis. All facilities and operations have deployed industrial hygiene and safety professionals that ensure workers are adequately protected and operations comply with the CBDPP.

*How are facilities that are no longer included in the permit process (due to a change in operational status) monitored? How will those buildings be decontaminated?*

All facilities and operations that are no longer included in the permit process or changed operational status remain on the beryllium inventory and are monitored on a scheduled frequency. For facilities that are designated to be decontaminated, LANL develops a decontamination plan that establishes decontamination goals and specifies methods to prevent exposure and spread of contamination. A statistical sampling plan is then developed and implemented that demonstrates that the facility has been adequately decontaminated. A LANL Beryllium Review Committee has been chartered to assist with identification of facilities that should be evaluated for decontamination.

*How often are all the facilities swiped for possible beryllium contamination and how are these facilities identified?*

Los Alamos National Laboratory has established an industrial hygiene sampling protocol for beryllium areas and operations and is based on the potential risk of beryllium contamination. Facilities with the highest potential are sampled more frequently and those with lower risk are sampled less frequently. This exposure assessment program provides a mechanism to assure that these processes are conducted routinely and effectively. All facilities that are sampled are identified on the beryllium inventory. The majority of sampling results were non-detectable. The program continues to work to reduce exposures by implementing exposure reduction plans and by collecting and analyzing a large number of air and surface wipe samples.

In response to the TA-41 beryllium event, LANL initiated several actions to improve their CBDPP. LANL requested that management and workers provide any updated information to identify beryllium operations and areas for inclusion in the beryllium inventory. LANL initiated an "extent of condition" review to provide an industrial hygiene evaluation of all beryllium inventory entries to ensure compliance with 10 CFR 850, "*Chronic Beryllium Disease Prevention Program; Final Rule*". An independent assessment was conducted of the LANL CBDPP to identify opportunities to improve the program. The results from these efforts resulted in several corrective actions that are being managed and implemented to improve the LANL CBDPP.

Additionally, LANL employees participate in the Beryllium Medical Surveillance Program in compliance with the requirements established by DOE. While enrollment in this program is

voluntary, personnel who have an increased risk for exposure or who have concerns about potential exposure to beryllium are strongly encouraged to participate.

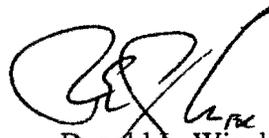
In a larger context, DOE and LANL subject matter experts are actively engaged in the Beryllium Health and Safety Committee (BHSC). The mission of the BHSC is accomplished through promoting the safe use of beryllium and sharing studies concerning the hazards associated with beryllium. The BHSC works on behalf of all DOE sites and this information is shared throughout the entire DOE complex.

The Energy Employees Occupational Illness Compensation Program Act provides compensation and medical benefits to employees of DOE, its predecessor agencies, its contractors and subcontractors, and employees of DOE designated Atomic Weapons Employers and Beryllium Vendors who became ill as a result of work performed in the production and testing of nuclear weapons. LASO/LANL's particular role is a fairly simple one. It is our job to identify and forward any and all records and information requested by the Department of Labor pertinent to any particular claimant. Every effort is made to identify pertinent information and send it forward. The site has also made it their responsibility to accommodate any similar requests from the claimants themselves.

Los Alamos Site Office understands your concerns. LASO is actively engaged in oversight of the Beryllium Program and strives for continuous improvement. DOE is committed to ensuring the safety and health of their contractors, federal employees and visitors while at federal facilities.

If there are any questions concerning this response, please contact Cindy Casalina at (505) 665-6369 or [ccasalina@doeal.gov](mailto:ccasalina@doeal.gov).

Sincerely,



Donald L. Winchell, Jr.  
Manager

SO:19CC-204888

cc:

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