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July 16, 1993

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Joseph C. Vozella, Chief
Environment, Safety and Health Branch
Los Alamos Area Office
Department of Energy
Los Alamos, New Mexico 87544

Dear Mr. Vozella:

This letter is in reply to your July 8, 1993, letter regarding the Notice of Violation (NOV) issued with regard to the Technical Area (TA) 40 Scrap Detonation Site. The Hazardous and Radioactive Materials Bureau (HRMB) sent notification dated July 14, 1993, that the Department of Energy/Los Alamos National Laboratory (DOE/LANL) has satisfied the minimum requirements of the May 19, 1993, NOV. Approved closure plan violations associated with the TA-40 Scrap Detonation Site were the subject of the NOV.

Your July 8, 1993 letter is the first official correspondence we have received from DOE/LANL regarding the May 19, 1993, NOV which was received by DOE/LANL on May 24, 1993. The HRMB considers all regulatory violations as potentially serious infractions and that resolutions should be well documented.

I am concerned that DOE/LANL considered the NOV to be satisfied based, in part, upon staff telephone conversations. Our understanding of the telephone conversation is that the HRMB Program staff member informed the LANL staff person that if the May 19, 1993, closure plan amendment satisfies the NOV then the NOV may be ignored. This interpretation is consistent with our NOV policy criteria. Since the NOV required a technically adequate response, HRMB staff could not know, on the day of receiving the closure plan amendment request, whether or not this requirement was satisfied. A technical review would have to be done before that decision could be made.

I hope that the information presented in this letter clarifies the position of the HRMB and closes the loop concerning the NOV for TA-40. NMED will process the closure plan amendment request in early FY94. We appreciate any contingencies that DOE/LANL can take for addressing any additional contamination or other unexpected events, if encountered during closure, or otherwise addressing the problems expediently, so final closure can be completed as soon as practicable.

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2481

Vozella
July 16, 1993
Page 2

Please contact me or Marc Sides of my staff at (505) 827-4308 if you have any questions or if we can assist you with any aspect of the TA-40 closure.

Sincerely,


Barbara Hoditschek, RCRA Permits Program Manager
Hazardous and Radioactive Materials Bureau

cc: William K. Honker, EPA Region 6, (6H-P)