



Department of Energy
 Albuquerque Operations
 Los Alamos Area Office
 Los Alamos, New Mexico 87544

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 Los Alamos National Laboratory
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Mr. Richard Mayer
 Hazardous Waste Management Division
 U. S. Environmental Protection Agency, Region 6
 1445 Ross Ave., Suite 1200
 Dallas, TX 75202-2733

EPA REGION VI
 HAZARDOUS WASTE
 COMPLIANCE BRANCH

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Dear Mr. Mayer:

The purpose of this letter is to confirm the understanding reached during several recent teleconferences between you and the staffs of the Los Alamos Area Office and Los Alamos National Laboratory (LANL), regarding notification requirements when conducting Institutional Interim Measures in Solid Waste Management Units (SWMUs). These discussions were held on February 13 and 28, and March 1, 1991.

The February 13, 1991 teleconference was initiated to discuss an excavation within a SWMU at Technical Area (TA) 53 for the purpose of removing and rerouting a liquid waste line. The SWMU boundaries had not been determined precisely, and questions arose regarding required notifications in advance of such work, as there were tentative indications of elevated organic vapors in soil removed from an area just outside the assumed SWMU boundary. The site was within the access control area of the construction activity.

On the basis of these discussions, it is our understanding that the approved Installation Work Plan adequately addresses notification requirements. In brief, LANL will proceed to:

1. Conduct Institutional Interim Measures which may include sampling and/or excavation in SWMUs.
2. In instances involving only sampling, or excavation and replacement in situ of wastes and/or contaminated soils, prenotification of your office will not be required. Documentation will be retained for your inspection upon request, and all such Interim Measure activities will be reported in the subsequent month's activity report to your office, as required by the Hazardous and Solid Waste Amendments (HSWA) permit.
3. In instances whereby significant wastes and/or contaminated soils are to be removed from a SWMU as part of an Institutional Interim Measure, an oral and/or facsimile prenotification will be made to your office.
4. As always, any discovery of release of hazardous wastes and/or constituents from a SWMU, or other such reportable incident, will be



Richard Mayer

2

reported as outlined in the Installation Work Plan's procedures for complying with existing permit provisions.

Also discussed during the February 13 teleconference was the applicability of Occupational Safety and Health Administration (OSHA) 29 CFR 1910.120 requirements for worker protection and training to various activities within SWMUs. Task II paragraph C.2.f, on Page 38 of the HSWA permit provides that the Facility Health and Safety Plan shall be consistent with OSHA regulations. Although OSHA does not have jurisdiction over the Department of Energy (DOE) facilities, DOE has adopted certain OSHA regulations. The requirements contained in OSHA regulation 1910.120 have been adopted by DOE.

Thank you for providing clarification of these requirements. Please call this office at FTS 855-5027 if you have any questions regarding this letter.

Sincerely,



Jerry L. Bellows
Acting Chief
Environment, Safety and Health Branch

cc:

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