



DEPARTMENT OF ENERGY
National Nuclear Security Administration
Los Alamos Field Office
Los Alamos, New Mexico 87544



AUG 06 2013

Mr. Carlos Valdez, Chair
Northern New Mexico Citizen's Advisory Board
94 Cities of Gold Road
Santa Fe, New Mexico, 87506

Dear Mr. Valdez:

Thank you and the Northern New Mexico Citizen's Advisory Board for Recommendation No., 2013-07, "Recommendation to Realign Consent Order Priorities"

In response to Northern New Mexico Citizen's Advisory Board Recommendation 2013-07, the Los Alamos Field Office agrees that the time is ripe to address the remaining work scope required under the Compliance Order on Consent between the Los Alamos National Laboratory and the New Mexico Environment Department (NMED). The Los Alamos Field Office and its contractors always place the protection and safety of human health and the environment in the forefront of its activities. The Laboratory does engage and is currently using Complex-Wide Department of Energy and industry experts to incorporate the latest industry and complex-wide information, experience, technologies and lessons learned into the environmental projects. This allows the Laboratory to achieve the best possible results with the most efficient use of resources.

Although the Laboratory has been significantly impacted by Congressional funding in these last two fiscal years, the Laboratory has recently met commitments established with NMED in parallel with the Framework Agreement to address transuranic waste disposition and other environmental priorities. Meeting these commitments now allows the Laboratory to begin discussions with NMED on the approach for completing the remaining scope of work under the Compliance Order on Consent. Although speculation on the specific end-state for a potential renegotiation of the Compliance Order on Consent is premature, it is reasonably expected that at least the near-term milestones will have a revised schedule that is both reasonable and attainable under the funding constraints the Laboratory must realistically consider.

If you have any additional questions or concerns regarding the response to this recommendation, please contact me at (505) 667-5105.

Peter J. Maggiore
Assistant Manager
Environmental Projects Office

M. Lee Bishop
Deputy Designated Federal Official

Enclosure: NNM CAB Recommendation 2013-07

cc w/enclosure:

Manual Pacheco, Vice Chair

Northern New Mexico Citizen's Advisory Board

94 Cities of Gold Road

Santa Fe, New Mexico, 87506

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June 14, 2013

Mr. Geoffrey Beausoleil, Manager
Los Alamos Field Office
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Mr. Pete Maggiore
Assistant Manager for Environmental Operations
Los Alamos Field Office
3747 West Jemez Road, MS A316
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Dear Messrs. Beausoleil and Maggiore,

I am pleased to enclose Recommendation 2013-07, unanimously adopted by the Northern New Mexico Citizens' Advisory Board at its June 12th meeting in Pojoaque.

Please call Lee Bishop, DDFO or Menice Santistevan, Executive Director, if you have questions regarding this recommendation. We look forward to the response from the Department of Energy.

Very truly yours,

Carlos J. Valdez
Chair, NNMCAB

Enclosure: a/s

Cc w/encl:

U. S. Senator Martin Heinrich
U.S. Senator Tom Udall
U. S. Congressman Ben R. Lujan
Secretary Ryan Flynn, NMED
Cate Alexander, DFO (via e-mail)
Lee Bishop, DDFO
Robert Pfaff, LASO/EPO
John Kieling, NMED
Rich Mayer, EPA
Jeffrey Mousseau, LANS
Dean Hammons, USACE (via e-mail)
Menice B. Santistevan, Executive Director
CAB File

NORTHERN NEW MEXICO CITIZENS' ADVISORY BOARD
Recommendation to the Department of Energy
No. 2013-07
REALIGN REMAINING MILESTONES IN THE CONSENT ORDER
Authored by: Carlos Valdez

Background

The Order on Consent (CO) was signed on March 1, 2005, by the Los Alamos National Laboratory (LANL), the Department of Energy (DOE), and the New Mexico Environment Department (NMED). In this document, LANL agreed to a schedule for completion of cleanup at various sites on the LANL grounds. At the time of signing this agreement, both sides indicated that, with sufficient funding, appropriate cleanup could be completed by the end of 2015. It has since been determined that insufficient funding has put this timeline in jeopardy. Having to operate under a Continuing Resolution has made clean-up efforts much more difficult as well.

In 2009, LANL received American Recovery and Reinvestment Act (ARRA) funding. This funding was used in 2009, 2010, and 2011 and helped accelerate clean-up efforts but did not make up for base budget deficits. In addition, the funding was non-recurring. ARRA funds have since been expended.

Due mostly in part to the dangers and risks manifested by the Las Conchas fire, LANL, NMED and DOE/EM met in December 2011, and developed a Framework Agreement that would expedite the removal of above ground TRU waste (3706 campaign). The Framework Agreement does not contain the same mandatory responsibilities that the Consent Order contains. However, it does realign work efforts from the original plan and changes milestones. Successful completion of this campaign will entail moving most of the activity and TRU volume out of Area G by June 2014, and reprioritizing other clean-up efforts.

Comments and Observations

The Northern New Mexico Citizen's Advisory Board (NNMCAB) has consistently assisted and supported LANL EM in developing and supporting the clean-up priorities in and around the Laboratory. As of this date, the 3706 Campaign is proving successful and continues to meet all regulatory milestones. Removal of TRU is either on or ahead of schedule. NMED has been instrumental in this success with the granting of several deadline extensions contained in the CO. With the anticipated successful completion of the 3706 Campaign in 2014, LANL EM staff will be able to focus on the remaining work requirements in the Consent Order.

Although LANL operates under a Continuing Resolution and focus is currently on the 3706 Campaign, protection of ground and surface water remains a high priority to the NNMCAB, LANL, NMED and the citizens of Northern New Mexico. In order to make the best possible progress in protecting air, ground and surface waters, and to ensure the health of our population and the safety of our environment, a review of all remaining tasks should be accomplished by LANL so that activities, scopes of work, and

critical path forward priorities can be agreed upon, planned and followed. This review shall be presented to the NNMCAB for review, comment, and recommendation for further action

Recommendation

1. The NNMCAB recommends that at this time, DOE/EM should use all current knowledge, technologies and lessons learned from complex-wide clean-up efforts, to realign and create additional efficiencies in the efforts necessary to meet the remaining Consent Order milestones. This should include meeting with NMED and re-establishing reasonable and attainable deadlines. With primary consideration for the protection and safety of human health and the environment.

Intent

It is the intent of this NNMCAB recommendation to encourage LANL to review all remaining tasks of the Consent Order and formulate a "Path Forward" for completion of these tasks in a manner which is both timely and most protective of human health and environment. This Path Forward shall be presented to the NNMCAB, NMED and public for comment, consideration and acceptance.

References

1. Compliance Order on Consent, signed March 1, 2005
2. Framework Agreement, (the 3706 Campaign): Realignment of Environmental Priorities, January 2012