



DEPARTMENT OF ENERGY
Environmental Management Los Alamos Field Office (EM-LA)
Los Alamos, New Mexico 87544

EMLA-2021-0063-02-001

Date: March 8, 2021

Mr. Robert Hull, Chairman
Northern New Mexico Citizens' Advisory Board (NNMCAB)
94 Cities of Gold Road
Santa Fe, New Mexico 87506

Subject: Response to NNMCAB Recommendations 2020-02, 2020-01, 2019-03, 2019-02, 2019-01, 2018-03, 2018-02

References:

1. NNMCAB Recommendation 2020-02, Subject: *Recommendation for an Interim Measure for Volatile Organic Compound Contaminant Source Removal Related to Material Disposal Area C*, Date: May 21, 2020
2. NNMCAB Recommendation 2020-01, Subject: *Need for Detailed Funding Information from DOE EM-LA*, Date: February 28, 2020
3. NNMCAB Recommendation 2019-03, Subject: *Reconstitution of Standing Committees*, Date: September 30, 2019
4. NNMCAB Recommendation 2019-02, Subject: *Improving the Utility of the Consent Order with Supplementary Information*, Date: June 24, 2019
5. NNMCAB Recommendation 2019-01, Subject: *Recommendation Regarding DOE EM-LA Monthly/Quarterly Reporting of Legacy Waste Management Activities*, Date: April 17, 2019
6. NNMCAB Recommendation 2018-03, Subject: *Interface with Defense Nuclear Facilities Safety Board*, Date: September 26, 2018
7. NNMCAB Recommendation 2018-02, Subject: *Recommendation Regarding the Energy Communities Alliance Report on Waste Disposition*, Date: May 24, 2018

Dear Mr. Hull:

The Department of Energy's Environmental Management Los Alamos Field Office (DOE EM-LA) acknowledges the work of the NNMCAB in developing and submitting several Recommendations. DOE EM-LA acknowledges the delay in response and has implemented corrective measures to improve timeliness of future responses.

The enclosed provides DOE EM-LA's response to outstanding NNMCAB Recommendations.

The Board's engagement with EM-LA on its legacy cleanup mission at LANL is extremely valuable. EM-LA's many collaborative endeavors with the NNMCAB remain essential to the work we do and continue to inform the membership as well as public stakeholders. We thank the Board for their engagement and commitment to the LANL legacy cleanup mission and expect to deliver more formal Recommendation response correspondence in the near future.

If you have any questions, please contact our NNM CAB Deputy Designated Federal Officer, M. Lee Bishop at Lee.Bishop@em.doe.gov or (505) 257-7902.

Sincerely,

Kirk D. Lachman
Manager
Environmental Management
Los Alamos Field Office

Enclosures:

1. U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office (EM-LA) Response to Northern New Mexico Citizen's Advisory Board (NNMCAB) Recommendations 2020-02, 2020-01, 2019-03, 2019-02, 2019-01, 2018-03, 2018-02
2. DOE Headquarters Letter from Anne Marie White, Assistant Secretary for Environmental Management, Dennis Wilson, Chair Oak Ridge Site Specific Advisor Board, Dated: July 25, 2018:

cc:

NNMCAB
NNMCAB Vice Chair
NNMCAB Committee Chairs

EM-LA
Bishop, M. Lee
Horak, Steven
Maestas, Bridget
Moseley, Jessica
Santistevan, Menice

Enclosure 1

U.S. Department of Energy Environmental Management Los Alamos Field Office (DOE EM-LA) Response to Northern New Mexico Citizen’s Advisory Board (NNMCAB) Recommendations 2020-02, 2020-01, 2019-03, 2019-02, 2019-01, 2018-03, 2018-02

**Recommendation 2020-02, *Recommendation for an Interim Measure for Volatile Organic Compound Contaminant Source Removal Related to Material Disposal Area C*
Approved May 20, 2020**

Intent

“The intent of this recommendation is to remove the mass of volatile organic compounds (VOCs) from the subsurface and to prevent these contaminants from moving into the groundwater or to the atmosphere. The NNMCAB recognizes it will take additional time and studies for the New Mexico Environment Department (NMED) and DOE to develop final remedies for these Material Disposal Areas (MDAs). Therefore, an Interim Measure will provide immediate treatment and removal of source material to reduce further contamination of the site. The effect of implementing an Interim Measure for source removal of VOCs at MDA C will be to improve the expected performance of the final remedy for MDA C. Removal of the source VOCs in the subsurface will reduce the potential for migration of contaminants from MDA C into the groundwater or the atmosphere.”

Response

Administratively Accepted. EM-LA will take this Recommendation into consideration during the decision on the MDA C final remedy. Based on trend analyses performed on the soil vapor data collected since 2012, our subject matter experts have concluded that over the past eight years, the plume has not changed significantly. Because the plume is not moving and the recoverable quantity of VOCs is relatively small, installation and operation of a soil vapor extraction Interim Measure at this time is not warranted. Semiannual monitoring of the vapor plume will continue and if increasing concentrations suggesting additional releases or unanticipated plume expansion are observed, the need for a soil vapor extraction Interim Measure will be reevaluated. We appreciate the NNMCAB’s attention to the MDA C vapor plume and overall closure and look forward to providing updates at the Board’s request. We are currently on schedule to submit the revised 2012 Corrective Measures Evaluation for MDA C by June 30, 2021.

**Recommendation 2020-01, *Need for Detailed Funding Information from DOE EM-LA*
Approved February 26, 2020**

Intent

“It is the intent of the NNMCAB to work as efficiently and effectively as possible given our all-volunteer Board membership. Having detailed funding information for each Calendar Year will greatly enhance the NNMCAB’s effectiveness to provide solid and useful advice and recommendations to the DOE EM-LA on how affected communities would like to see the work executed.”

Response

Administratively Accepted. The U.S. Congress passed a Combined Omnibus Appropriations Bill and COVID-19 relief package on December 21, 2020. EM-LA will provide the NNM CAB with a budget update during each bi-monthly board meeting and will provide opportunities for the Board to provide input during the budget process.

**Recommendation 2019-03, *Reconstitution of Standing Committees*
Approved September 25, 2019**

Intent

“It is the intent of the NNM CAB to work as efficiently and effectively as possible to implement our current priorities. Establishing these three new standing committees should help to reinvigorate committee involvement and enhance the NNM CABs effectiveness to provide the advice and recommendations to the DOE EM-LA on current affected communities’ concerns and issues which is a major part of our mission.”

Response

Administratively Accepted. At the time this recommendation was approved by the NNM CAB, the Deputy Designated Field Officer, David Rhodes, approved of the dissolution of the existing NNM CAB committees and the establishment of the three new committees as outlined in this Recommendation. With the exception of the Public Outreach Committee, the newly established committees meet at regular intervals since that date.

**Recommendation 2019-02, *Improving the Utility of the Consent Order with Supplementary Information*
Approved June 19, 2019**

Intent

“It is the intent of the NNM CAB to promote transparency with regard to both life-cycle planning and programming, as well as risk analysis, in order to accelerate cleanup and strengthen public support for EM-LA. Our recommendations to EM-LA are intended to help make better and more clearly informed decisions about how to prioritize Campaigns. They are also intended to inform the public and stimulate feedback on what risks/issues are of greatest concern to the communities it represents.”

Response

Administratively Accepted. NNM CAB Recommendation 2020-04, *Improving the Utility of the Consent Order with Tangible Cleanup Progress*, approved on November 18, 2020, will be formally responded to and will include response to Recommendation 2019-02.

Recommendation 2019-01, *Recommendation Regarding DOE EM-LA Monthly/Quarterly Reporting of Legacy Waste Management Activities*
Approved April 10, 2019

Intent

“It is the intent of the Board to participate more effectively and constructively in carrying out its role to provide “advice and recommendations” on the broad range of clean-up issues. Recently, the lack of an information archive maintained on an ongoing basis and the lack of updates has been felt by Members to restrict the Board’s ability to do its work. Periodic work reports, monthly and quarterly, based on agreed formats, would help remedy the sense of information deficiency and improve overall understanding of ongoing issues.

Response

Administratively Accepted. After the approval of this recommendation, the Deputy Designated Field Officer, David Rhodes, approved the distribution of the N3B monthly progress report to the NNM CAB, along with the EM-LA bi-monthly report. When N3B made its monthly progress reports Official Use Only, N3B agreed to provide a summary of these reports for each bi-monthly board meeting (six reports per calendar year). N3B provided this report prior to the NNM CAB’s November 18, 2020 and the January 13, 2021 meetings.

Recommendation 2018-03, *Interface with Defense Nuclear Facilities Safety Board*
Approved September 26, 2018

Intent

“On May 14, 2018, the DOE issued Order 140.1, entitled *Interface with the Defense Nuclear Facilities Safety Board (DNFSB)*. Effective on the date of publication, Order 140.1 was released without advance public notice and without opportunity for public comment. The purpose, according to the Order, is to “emphasize line management accountability and establish clear requirements and responsibilities when working with the Defense Nuclear Facilities Safety Board.” In so doing, however, the terms of the Order appear to restrict the mission of the DNFSB and raise concerns about how the effectively DNFSB will carry out its safety mission in the future.”

“The NNM CAB recommends that DOE suspend implementation of Order 140.1 pending clarification of how the order will be implemented at LANL EM sites and how such implementation may differ from previous practice. The NNM CAB requests DOE to provide such clarification through the EM site manager, through DNFSB representatives at LANL, and at public forums. The NNM CAB recommends that the DNFSB hold its next hearing in New Mexico, as Senators Udall and Heinrich have proposed.”

Response

Administratively Accepted. Due to modifications to the National Defense Authorization Act, and other actions, the interface with DNFSB promulgated through DOE Order 140.1 has been modified. Mr. Chris Roscetti, DNFSB Technical Director, made a presentation to the NNM CAB

during its November 18, 2020 bi-monthly board meeting. In addition, the local DNFSB inspectors joined the NNM CAB meeting and requested notification of all future NNM CAB meetings.

Recommendation 2018-02, *Recommendation Regarding the Energy Communities Alliance Report on Waste Disposition*, Approved May 23, 2018

“The Energy Communities Alliance Report sets forth policy changes to advance desirable and widely-accepted goals of cleaning up nuclear wastes nationally and in New Mexico. At the same time, New Mexico plays an important role in the solution. But given the empirical shortcomings, the report should be regarded, at this juncture, as a worthwhile, but preliminary policy study. A pro or con recommendation on the merits of the proposal is not possible at this time.”

1. The NNM CAB recommends that DOE/EM undertake a comprehensive analysis of the Energy Communities Alliance report, including technical, financial, environmental, safety, transportation, and other implications of implementing its recommendations. This is for the purpose of evaluating the impact of such changes.
2. The NNM CAB recommends that DOE/EM evaluates the site-specific impact of implementing the recommended changes in New Mexico, specifically including LANL and the Waste Isolation Pilot Plant, including both potential risks and benefits.

Response

Administratively Accepted. Chairman Riveles presented this Recommendation during the Spring 2018 EM Site Specific Advisory Board Chairs’ Meeting, where it was revised and then approved by the other Board Chairs. Please see enclosed response letter to the EM SSAB Chairs, dated July 25, 2018, from Anne Marie White, former Assistant Secretary for Environmental Management.
