

**NORTHERN NEW MEXICO CITIZENS' ADVISORY BOARD  
Recommendation to the Department of Energy  
No. 2012-01**

**“Fiscal year 2014 Budget Request for Los Alamos National Laboratory  
Environmental Management Work”  
Carlos Valdez, Primary Author**

**Background**

The Order of Consent 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 appropriate cleanup could be completed by the end of 2015. Headquarters/DOE agreed to provide sufficient funding to the Environment Management (EM) of LANL to meet the cleanup timeframe. To date, federal funding has not been sufficient to meet these timeframes.

The American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law in February 2009. The Environment Management (EM) of the DOE received \$6 billion to be used for environmental cleanup projects. Of this EM funding, LANL received \$212 million for cleanup, the completion of legacy footprint reduction, and specific Decommission and Demolition of Technical Area 21, and for TRU waste removal from Technical Area 54. With the ARRA funding fully expended, LANL does not have the additional funding, above baseline budget, to continue to accelerate the backlog of work, for completion of clean up by 2015.

LANL base budgets have consistently been flat, well below the \$200 million figure. In FY 11, the operating budget was approximately \$191.8 million. The base budget for FY 12 is expected to be \$188.6 million, a reduction of \$3.2 million. According to the Office of Environmental Management FY 2013 Budget Request, LANL's Base Budget Request is expected to be approximately \$239.1 million. It is Headquarters/DOE's goal, to dispose of 90% of Legacy TRU waste, and shrink the Legacy footprint to less than 10% by 2015. However, LANL base budget has remained flat for the last few years. In order to accomplish this 90% reduction goal, the base budget must be fully funded for the next three years.

**Comments and Observations**

Through the Consent Order, the New Mexico Environment Department is the regulatory oversight agency monitoring the progress of legacy cleanup at LANL. It is through this Order that EM staff at LANL have worked tirelessly to meet scheduled milestones in the Consent. As successful as these efforts have been in the past years, there still remains much more work to accomplish. In an attempt to expedite cleanup, NMED and DOE/NNSA have implemented a new campaign that is expected to expedite these efforts. As of October 1, 2011, via the 3706 TRU Waste Campaign Mission, DOE and NMED have committed to the complete removal of all the non-cemented, above-ground EM Legacy TRU and newly generated TRU currently stored at Area G, by no later than June 3, 2014. It calls for the removal of 3,706 cubic meters TRU waste, which is equivalent to 17,000 drums. In order to meet this milestone, full base budget federal funding is essential to LANL.

Public health and safety remain DOE and LANL's highest priority. In the summer of 2011, due to the

47 Las Conchas fire, LANL was the focus of media and international public concern. This fire was not only  
48 New Mexico's largest wildfire in recorded history, but it also came within 3.5 miles of TA 54. Having  
49 experienced these circumstances, concern grew about the safety and health of people around Los Alamos,  
50 and the increased efforts that must be taken for the immediate removal of all above ground waste in TA 54.  
51 In order to achieve this, full base budget federal funding for LANL is essential.

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53 The Northern New Mexico Citizen's Advisory Board (NNMCAB) has consistently recommended as one  
54 of its "Top Three Issues" reported to EM Headquarters, the full budget baseline funding of the LANL EM.  
55 In addition, LANL budget prioritization is an Action Item on both the Waste Management subcommittee,  
56 and the Environmental Monitoring, Remediation and Surveillance subcommittee within the NNMCAB.

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59 **Recommendation**

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- 61 1. It is the Recommendation of the NNMCAB that Headquarters/DOE provide *Full*  
62 *Compliance Case* funding for FY 2014 to LANL EM, in order to meet enforceable  
63 milestones and continue the progress included in the Consent Order, and to address health  
64 and safety issues in and around the Los Alamos area.
- 65 2. It is the Recommendation of the NNMCAB that Headquarters/DOE provide funding to  
66 LANL EM, equal to the *Optional Investment Case* funding scenario that uses a 10 percent  
67 increase above the FY 2013 Congressional Budget Request, in order to continue successful  
68 cleanup efforts and to accomplish the 3,706 TRU waste Campaign Mission.
- 69 3. It is the Recommendation of the NNMCAB that Headquarters/DOE provide, at a minimum,  
70 *Levelized "Base"* funding for FY 2014 to LANL EM, equal to the total FY 2013  
71 Congressional Budget Request.

72 **Intent**

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74 It is the intent of the NNMCAB to support FY 2014 funding for LANL at the full baseline level and to  
75 support additional funding from Headquarters/DOE through fiscal year 2015, in order to complete scope  
76 on the Consent Order schedule requirements, and to meet DOE/EM goals. It is also the intent of this  
77 Recommendation to comply with Teresa Tyborowski's (Acting Deputy Assistant Secretary for Program  
78 Planning and Budget) Memorandum for distribution, *Fiscal Years 2014 through 2018 Initial Budget*  
79 *Formulation "Kick off"*, dated March 12, 2012.

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81 **References**

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- 83 1. Compliance Order on Consent, signed March 1, 2005
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- 85 2. FY 2013 Budget Request, Office of Environment Management, David Huizenga, February 13, 2012
- 86
- 87 3. Los Alamos National Laboratory 3706 Transuranic Waste Campaign, presented by M. Lee Bishop,  
88 January 5, 2015
- 89
- 90 4. Fiscal Years 2014 through 2018 Initial Budget Formulation "Kick off" memo, Teresa Tyborowski,  
91 March 12, 2012