



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



**OCT 02 2013**

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

Dear Mr. Valdez:

Thank you and the Northern New Mexico Citizens' Advisory Board (NNMCAB) for Recommendation No. 2013-08, "Waste Isolation Pilot Plant Storage for LANL Waste"

In response to the Northern New Mexico Citizen's Advisory Board Recommendation 2013-08, the Los Alamos Field Office recognizes the importance of the NNMCAB's concern for assuring sufficient space for Transuranic (TRU) waste disposal at the Waste Isolation Pilot Plant (WIPP) to accommodate all Los Alamos National Laboratory (LANL) TRU waste, particularly in light of the possibility that waste from other entities could be accepted and disposed of at WIPP.

It is crucial that LANL continue to meet the commitments established with the New Mexico Environment Department (NMED) under the Framework Agreement to assure TRU waste disposition is on schedule. It is equally important for WIPP to maintain its Congressional Mandate to make certain that the entire Environmental Management TRU legacy waste inventory is accepted and permanently disposed of within current and planned panels at WIPP. In an effort to continue to reassure the NNMCAB of the Los Alamos Field Office's commitment for ensuring the Framework Agreement requirements are met, the Los Alamos Field Office arranged for a briefing and discussion with Carlsbad Field Office (CBFO) representatives on these concerns at the NNMCAB Bi-Monthly meeting held on September 25, 2013 in Taos, New Mexico. The Field Office, CBFO and the NNMCAB engaged in very meaningful conversation resulting in the Field Office's continued commitment to work with Department of Energy (DOE) Headquarters, CBFO, and LANL to assure the 3706 TRU Waste Campaign is successful and that WIPP will have sufficient space for disposing of current and planned TRU waste. The Los Alamos Field Office is committed to ensuring that LANL TRU legacy and newly-generated waste continues to be a New Mexico priority for DOE and WIPP.

If you have any additional questions or concerns regarding the response to this recommendation, please contact M. Lee Bishop at (505) 606-1804.

M. Lee Bishop  
Deputy Designated Federal Official

Peter Maggiore  
Assistant Manager  
Environmental Projects

Enclosure: Northern New Mexico Citizen's Advisory Board for Recommendation No. 2013-08, "Waste Isolation Pilot Plant Storage for LANL Waste"

cc w/enclosure:

Manuel Pacheco, Vice Chair

Northern New Mexico Citizen's Advisory Board

94 Cities of Gold Road

Santa Fe, NM 87506

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Records Center, LA Field Office

Official Contract File, LA Field Office

EPO-32CH-514-534528



**Northern New Mexico Citizens' Advisory Board**  
***A U.S. Department of Energy Site-Specific Advisory Board***  
**94 Cities of Gold Road, Santa Fe, NM 87506**  
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August 1, 2013

Geoffrey Beausoleil, Acting Site Manager  
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Los Alamos, NM 87544

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 Recommendations 2013-08 and 2013-09, which were unanimously adopted by the Northern New Mexico Citizens' Advisory Board at its meeting held July 31<sup>st</sup> in Los Alamos.

Please call Lee Bishop, DDFO or Menice Santistevan, Executive Director, if you have questions regarding these recommendations. 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 Kielling, 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. 2013-08

**WASTE ISOLATION PILOT PLANT STORAGE FOR LANL WASTE**

Authored by

Carlos Valdez, Stephen Schmelling, Gerard Martinez, and Lawrence Longacre

**Background**

The responsibility of the Environmental Management Site Specific Advisory Board at Northern New Mexico is to provide meaningful opportunities for collaborative dialogue among the diverse multicultural communities of Northern New Mexico, the Department of Energy (DOE), the Los Alamos National Laboratory (LANL) and any state or federal regulatory agency. The Northern New Mexico Citizens' Advisory Board (NNMCAB) is chartered to discuss and make recommendations for any clean-up efforts as it relates to Legacy and Cold War issues.

**Comments and observations**

The Waste Isolation Pilot Plant (WIPP) was chartered by Congress to provide permanent storage for defense related transuranic (TRU) waste. To date, WIPP has already received almost 87,000 cubic meters of such waste from 13 DOE sites, including LANL. It has recently come to the attention of the NNMCAB, that there are several entities that have intentions to utilize, are working on plans, or are making recommendations, to expand the mission of WIPP. More specifically this expanded mission for WIPP would include making WIPP the final disposal site for hazardous waste and the preferred alternative for greater than class C waste. The Blue Ribbon Commission has made a recommendation that spent nuclear fuel be deposited in WIPP. WIPP has applied for recertification to the New Mexico Environment Department (NMED) to be able to dispose of waste from leaking tanks located at the Hanford Nuclear Reservation in Washington State.

LANL is currently in the process of moving 3,706 cubic meters of above-ground TRU waste off of LANL property, with a commitment to complete this project, "The 3706 Campaign" by June 30, 2014. There is additional TRU waste at LANL that is to be disposed of as part of the "2005 Order on Consent" between LANL and the NMED. The NNMCAB is concerned the proposed expansion of the WIPP mission: the additional large volume of waste being proposed for storage in WIPP from different entities, and the limited storage available for all waste; that WIPP will not have sufficient space for what remains at LANL and the obligation it has to remove all TRU waste for permanent disposal in WIPP. In addition, NNMCAB also raises concerns about possible limits on the rate at which LANL TRU waste can be accepted by WIPP.

**Recommendation**

1. The NNMCAB recommends to the DOE that an extensive thorough inventory be conducted at LANL of all the WIPP eligible waste and that an accurate volume be reported back to the NNMCAB.
2. The NNMCAB recommends that DOE certify in writing that in light of currently planned and proposed waste shipments from all entities, WIPP will have sufficient capacity for all WIPP eligible waste that is located at LANL and can continue to accept LANL TRU waste on a schedule that will allow it to meet the June 30, 2014 commitment and the 2005 Order on Consent.

**Intent**

The intent of this recommendation is that DOE/EM and WIPP set their priorities for the remaining storage facilities at WIPP to ensure that there will be enough capacity to hold all TRU waste remaining at LANL and that the current disposal schedules can be met.

**NORTHERN NEW MEXICO CITIZENS' ADVISORY BOARD (NNMCAB)**  
**Recommendation to the Department of Energy**  
**No. 2013-09**  
**Recommendation for LANL Clean-up**  
**Authored by Carlos Valdez**

**Background**

Los Alamos National Laboratory (LANL) has several areas and levels of responsibility. For example, they are instrumental in scientific inquiry: regarding nuclear deterrence, national security, reducing global threats, fostering energy security, health research and development, and environmental management, to name just a few. LANL's annual budget is just over \$2.1 billion, and the EM budget is between \$188 and \$212 million annually.

The protection of human health and the environment from legacy hazardous and mixed waste produced by past LANL operations should be the top priority for LANL, as well as the New Mexico Environment Department (NMED), the Department of Energy (DOE), and the Northern New Mexico Citizens' Advisory Board (NNMCAB). To date, clean-up efforts, as they relate to Legacy and Cold War efforts in and around LANL, have been on time and within budget, due mainly to deadline extensions granted by NMED. The current focus of clean-up is the 3706 Campaign, which is on track to be completed by the summer of 2014.

**Observations and Comments**

Over the past several years, the federal government has made several budget cuts to programs around the country. In addition, it also continues to operate under "continuing resolution" and other "sequestration" conditions. This has slowed the progress of clean-up efforts around the country; LANL included, and has put sites at jeopardy of not meeting regulatory deadlines.

- The inability to meet regulatory deadlines in the investigation and cleanup of legacy waste sites enhances the probability that regulatory agencies will impose large fines, which then diverts crucial funding from actual clean-up efforts.
- Operating under these continuing resolutions and sequestration conditions increases the risk to human health and safety and to the environment as a whole. This also presents the possibility of using clean-up funds to pay fines.
- Clean-up funding should have special dispensation from federal budget cuts, sequestration and continuing resolution, when it lowers the level of funding needed to meet regulatory deadlines. EM funding should be held harmless when these conditions are present.

**Recommendation**

This Board recommends to DOE that all EM funding for LANL should be held harmless as it relates to across the board cut-backs in federal programs, operating under Continuing Resolutions and Sequestration. Federal budget cuts should not include funding for remediation or clean-up.

**Intent**

It is the intent of this Board to make every possible effort to protect and secure the best possible funding scenario of EM budgets to ensure clean-up efforts are not slowed or put in jeopardy.