

**NORTHERN NEW MEXICO CITIZENS' ADVISORY BOARD
Recommendation to the Department of Energy
No. 2010-03**

**Regarding sufficient Funding for Los Alamos National Laboratory
Environment Management Projects and the
Consent Order**

**Drafted by the Environmental Monitoring, Surveillance and Remediation Committee and
Waste Management Committees**

Background:

In March 2005, Los Alamos National Laboratory (LANL), the Department of Energy (DOE) and the New Mexico Environment (NMED) signed The Order on Consent. In this document, LANL agreed to a schedule for completion of cleanup at various locations on the LANL site. By signing this agreement, both sides indicated that appropriate cleanup could be completed by 2015. Headquarters/DOE implicitly agreed to provide sufficient funding to the Environment Management (EM) division (and others) to meet the cleanup timetable.

Comments and Observations:

Intensive work is ongoing to reach the targets of the Consent Order. However, funding levels have never been sufficient to allow work to proceed to meet all the deadlines and milestones of the Consent Order. Over the last 4 years, budget money received has been at least \$400 million lower than needed to complete Consent Order milestones and other NMED tasks. Additionally, a Stand Down of work between July 16, 2004 and February 3, 2005 eliminated shipments of Transuranic (TRU) Waste to the Waste Isolation Pilot Project (WIPP). Removal of barrels of TRU from TA-54 Area G, which is a critical path item on the required cleanup of Area G.

NMED requirements for new wells have added new scope to the remediation of an additional \$70 million to the requirements. Furthermore, for every year there is a budget shortfall, there are still operating costs, which add up and increase budget requirements over time.

In 2006, LANL (as well as other cleanup sites) developed a baseline plan for spending to achieve cleanup. This baseline plan was approved. Involved citizens and LANL personnel hoped that funding would match the approved plan. In 2009 and 2010, some federal stimulus funds were awarded to LANL and that funding has allowed certain work to proceed that would otherwise not have been possible.

The NNMCAB has actively indicated its concern for funds needed to accomplish the tasks of the Consent Order, as indicated in the following partial list of Recommendations:

Funding for Cleanup:

1. *No. 2006-01, "Recommendation for DOE to Provide Written Intent to Continue Support of NMED for Consent Order Implementation"*
2. *No. 2006-13, "Recommendation for DOE to Include Funding for Natural Resource Damage Assessment within Baseline Change Proposal"*
3. *No. 2008-09, "Regarding DOE/LANL Funding Priorities"*

Funding for public and NNMCAB participation in funding requests:

4. *No. 2006-06, "Recommendation for DOE to include NNMCAB in preparation of EM funding Request for LANL"*

5. *No. 2006-09, Recommendation for DOE, LANL and NMED to provide Timely Opportunity and Funding for Public Participation in the IPEP”*
6. *No. 2006-11, “Recommendation for DOE to Involve the Public in Decisions Regarding the Disposition of Pre-1970 TRU Waste and to Include Funding for Public Participation and Future Disposition in the Baseline Change Proposal”*
7. *No. 2006-14, “Recommendation for DOE to Involve the Public in Determining Risk-Based End States for Implementation Under NMED Consent Order and to Include Funding for Public Involvement and the Likely End State Remediation in Baseline Change Proposal”*

Additionally, on many occasions LANL/EM management has asked the NNMCAB to provide priorities for use of a restricted budget.

In a letter by Secretary Ron Curry, NMED, March 27, 2008, “NMED recognizes that insufficient budget is an important factor in driving further noncompliance. It is, however, by no means the only factor, as disagreements over technical approach, inadequate project oversight, management breakdowns, and mistakes in execution have emerged as other important factors. To the extent budget shortfalls have been the cause, the solution is simple: increase funding. The milestones in the Order were carefully selected, balancing protection of human health and the environment – NMED’s primary interest.”

Recommendations:

- No. 1.** Headquarters/DOE should review the requirements of the Consent Order. Funds, probably in excess of usual EM department requests, must be provided between now and the end of 2015 so that the cleanup, as defined in the 2005 Order on Consent, can be completed on time.
- No. 2.** Headquarters/DOE should make the Consent Order an annual funding priority. Sufficient funding must be provided for increased scope, problems and other events which have occurred and which may occur until cleanup is completed.

Intent:

Additional funding will demonstrate the intent of the Headquarters/DOE to live up to its agreement made in the 2005 Order on Consent. It also should mitigate the need for NMED to fine LANL for not meeting specific deadlines, thus using mission critical funding in ways that will meet the schedule and saving the taxpayers from spending non-productive dollars on fines.