

REGIONAL COALITION OF LANL COMMUNITIES

CITY OF ESPAÑOLA – LOS ALAMOS COUNTY – RIO ARRIBA COUNTY
SANTA FE COUNTY – CITY OF SANTA FE – TAOS COUNTY

Meeting Minutes

February 17, 2012

**Santa Fe Community Convention Center – Nambe Room
201 W. Marcy Street, Santa Fe, NM**

Facilitator David Abelson called the meeting called to order at 9:07 a.m.

Mayor Coss welcomed everyone to Santa Fe.

Introductions were made

1. Approve the January 6th meeting minutes

Commissioner Andrew Chavez motioned for approval of the minutes, seconded by Commissioner Mayfield – the motion was approved.

2. DOE Fiscal Year 2013 Budget Briefing

a. George Rael, Assistant Manager for Environmental Programs, Department of Energy – Los Alamos Site Office.

Mr. Rael commented he would be presenting on the Environmental Management (EM) budget that was rolled out on Monday, February 13, 2012.

The EM cleanup vision is focused on three major goals:

1. Treatment of HLW through completion of three major tank waste facilities
2. Disposition – 90% of legacy TRU waste by 2015
3. Shrink the EM legacy footprint 90% by 2015

EM's approach includes conducting quality work in a safe and secure manner while protecting workers, communities and the environment. Additional steps include performing strategic reviews of site cleanup approaches to ensure maximum return on taxpayer investment. Mr. Rael continued sharing they focus technology development on the most challenging problems, prioritize their work based on risk and compliance while improving contract and project management.

Mr. Rael stated that their program priorities include maintaining a safe, secure and compliant posture within the overall EM complex. Their FY13 budget request was \$5.65B. The three main priorities at LANL are; Transuranic and mixed/low-level waste disposition, soil and groundwater remediation, and excess facilities deactivation and decommissioning (D&D).

EM's funding for the state of New Mexico for the FY2011 Operating Plan was \$428,781.00, and the FY2012 Current Budget is \$425,515.00. Their FY2013 congressional request is \$462,118.00.

Mr. Rael continued sharing EM funding distributions by DOE site. The Los Alamos FY 2011 Operating Plan is \$191, 800, the current enacted FY2012 budget is \$188,561 and the FY2013 congressional request was \$239,143. The FY 2011 operating plan for Sandia is \$3,014 with a FY2012 currently enacted budget of \$3,014 and a FY2013 congressional request of \$5,000. The Waste Isolation Pilot Plant numbers include a FY 2011 Operating Plan of \$220,005 FY2012 current enacted budget of \$218,179 and a FY2013 congressional request of \$202,987.

Commissioner Andrew Chavez asked if the budget, as outlined, allows DOE/NNSA to meet their agreements with the State.

Mr. Rael commented that at a January 5, 2012 public meeting at the Cities of Gold in Pojoaque, DOE announced that they cannot meet the current terms of the Consent Order, which calls for the completion of cleanup by 2015. DOE requested a renegotiation of the Order with the New Mexico Environment Department (NMED). NMED indicated that they would like to see DOE perform on the commitments that they recently made within the regulatory framework. The regulatory framework commitment was made in response to the Las Conchas fire and the concerns surrounding the transuranic waste at TA-54. Mr Rael indicated that the DOE is working with the State to identify the resources necessary to move the above ground transuranic waste, which consists of 3,706 cubic meters from TA-54, to the WIPP by June 30, 2014. The State has worked with them to move some of the milestones of lower priority work found in the Consent Order to the outer years of the schedule. As of February 16, they have reached sixty-one shipments. They are twenty-five shipments ahead of schedule.

Commissioner Chavez asked for clarification on the 2015 date. Mr. Rael responded that the June 30, 2014 date is the deadline for moving the above ground transuranic waste and the Consent Order has an overall date of 2015, which the DOE has stated they cannot meet.

Los Alamos County Council Chair Stover commented that in light of what we have seen in the papers concerning the CMRR project and what Mr. Rael has shared in terms of budgets by site, is it a fair assumption to say that the funding is being allocated to sites other than New Mexico?

Mr. Rael responded that the Oak Ridge defense facility is further along that the CMRR project. He suspected their decision making included finishing that project prior to moving on to others.

Mr. Pablo Sedillo commented that Department of Energy Secretary Chu testified before Senator Bingaman's Committee and stated that at this point there is no funding available for building the CMRR. However, there is money for the design, which will continue.

Mr. Rael commented that the cleanup at Rocky Flats got done because of the public support for the effort. Mr. Rael stated that he appreciates the work the Coalition is doing.

Mr. Alex Puglisi, City of Santa Fe, asked Mr. Rael how much of the \$239.143 allocated for FY13 will go towards moving the tru-waste versus environmental restoration work.

Mr. Rael pointed out the comparison of LANL Requests vs. Appropriations as follow;

	FY2010	FY2011	FY2012	FY2013
President's Request	\$196,000	\$200,000	\$361,577	\$239,143
Appropriation	\$200,438	\$191,800	\$188,561	TBD
FY2013 vs. FY2012 Enacted				+\$50,582

Mr. Rael shared that the President's request is encouraging; however, the trend of annual Appropriations compared to the President's request is concerning.

In FY2013, LANL's intended scope supports expedited de-inventory and disposal of above-ground transuranic waste. This is consistent with DOE and the State of New Mexico reprioritization of Los Alamos activities to ensure the highest risk stored, combustible transuranic waste can be addressed in an expeditious manner.

Mr. Rael stated that he could not give Mr. Puglisi an answer prior to meeting with the New Mexico Environment Department. Once they meet, those numbers indicating how the funding will be split between tru-waste cleanup and environmental restoration will be made public.

Ms. Kathy Keith, Regional Development Corporation asked Mr. Rael about the workforce impact of the shift in moving the tru-waste off of the hill. Ms. Keith stated that she has heard the contract would involve about 400 workers. What will happen with the shift of that contract?

Mr. Rael answered that when work began some of the contracts, but not all, were awarded. There were some contractors unhappy that the remaining contacts were not awarded. However, over time they have put more money in to tru-waste, hiring some those contractors to do that work. In addition, they have moved some employees within the Laboratory that were working with soil and water work into transuranic waste. The WIPP at Carlsbad has hired more employees as well.

Santa Fe Mayor David Coss asked if he could quantify the number of jobs in cleanup and the number in tru-waste removal. Identifying more jobs is a priority for Santa Fe. How should they be training their workforce? Mr. Rael stated he would need to get those numbers for Mayor Coss.

Mr. Rael thanked everyone and commented that as they go through the cleanup process things will get caught up in Congress, but as he gets news he will pass it along.

2. NMED – Environmental Cleanup at LANL

a. Review of January 6th Regional Coalition meeting and January 31st meeting with NMED Secretary David Martin

Secretary Martin commented that the State reached a framework agreement with LANL and the DOE that the transuranic waste is moved by June 30, 2014 to the WIPP and any newly generated waste is moved by December of 2014. This was announced publicly at a meeting of the Northern New Mexico Citizen's Advisory Board on January 5, 2012

Everyone is concerned with the decrease in the FY12 operating budgets for LANL and WIPP that will significantly decrease the pace of legacy waste cleanup work at LANL. This jeopardizes their compliance with the Consent Order. The Secretary indicated that this is a big concern for Governor Martinez.

FY 12 Appropriations: LANL FY 12 budget request was decreased from approximately \$360 million to \$185 million in the Congressional appropriations language while WIPP's budget was decreased from \$228 million to \$218 million.

In addition, Congressional appropriators eliminated the \$28 million grant for funding maintenance and repair of the State highways used as primary transportation routes to move the waste to WIPP. Secretary Martin believes that overall funding should be set at \$250,000.

Secretary Chu met with Senator Bingaman's Committee on February 16th and the Senator asked Secretary Chu if the \$239 million was sufficient to accomplish what was agreed to in the framework. The State's answer is that the \$250 million is needed.

WIPP's baseline funding requirement is \$229 million. In addition, the State feels that they need the continuation of the \$29 million grant funds or repairs and maintenance of the WIPP highway routes.

Mr. Abelson asked if there has been analysis of impacts of decreased funding for WIPP on activities at LANL in terms of tru-waste shipments. Secretary Martin commented that he is meeting with WIPP later in the month and would have a better understanding at that point.

The Secretary continued stating that the State clearly has a number of interested stakeholders. He indicated that he would take with him a packet of information on the trip to DC including letters of support for LANL and WIPP.

The trip to DC on March 5 -7, 2012 will include members of the Coalition representing Los Alamos, Espanola, Santa Fe, Rio Arriba County, Taos County, Eddy County, and San Ildefonso Pueblo. They will meet with DOE/NNSA Environmental Department, the congressional delegation, House Armed Services Committee and congressional appropriators.

Mayor Coss commented that he appreciated Secretary Martin's presentation; however, he keeps comparing this to his responsibilities for oversight of the City of Santa Fe's Waste Water Treatment Plant. He is concerned that they are setting up a dynamic that

indicates that if we don't get the funding, we just won't complete the cleanup. The Mayor continued stating that this concerns him because he has promised the citizens of Santa Fe for three years that LANL is cleaning up. He commented that he is nervous about this approach of not truly regulating DOE and LANL. If this were another company they would get fined for similar actions.

Secretary Martin commented that they will not renegotiate the Consent Order. The DOE and NNSA pushed real hard and they responded, absolutely no. The Consent Order is their only leverage. NMED will issue fines, if warranted.

Mr. Hall stated that he agrees with Mayor Coss. He also commented that the state of New Mexico does a whole lot for the DOE. He believes that New Mexico has a strong argument that they will be taking back to DC.

Chair Stover thanked Secretary Martin for working with the Coalition and thanked him for his leadership.

Mr. Puglisi followed up with a comment stating that one of the City of Santa Fe's concerns is the Mod 1 permit associated with Los Alamos Canyon and the time extension granted for the cleanup report. The City wasn't made aware of this change.

Jim David, NMED, responded stating they have granted twenty-six line extensions, which are the equivalent of Mod 1 permits. NMED's focus continues to include drinking water. LANL did publicly acknowledge that the December 31, 2015 deadline is not attainable. However, NMED will not extend the deadline until they see progress on the Tru-waste removal of the above ground waste. LANL must demonstrate progress and show that they are on track. At that point, NMED will sit down and discuss further options.

b. Identify issues and questions that warrant further discussion

Mr. Abelson pointed out three issues identified by the discussions that should be considered for future meeting agendas:

1. Budget and impact on jobs
2. Budget in the Consent Order
3. Specifics surrounding what is included within the Consent Order

3. Washington, DC Activities

a. A delegation will meet with DOE and Congress in early March

Mr. Abelson introduced Seth Kirshenberg; Mr. Kirshenberg is an attorney with Kutak Rock, LLP in Washington, DC. Mr. Kirshenberg called into the meeting via the phone. His expertise includes working with local governments and facilitating their discussions with the DOE. He has worked with the cleanup of federal facilities since 1982 and directly with Los Alamos County for fifteen years. Mr. Kirshenberg requested meetings with DOE/NNSA and the New Mexico congressional delegation.

Chair Stover asked Mr. Kirshenberg to comment on the specifics of the DC trip. Mr. Kirshenberg commented that everyone would be together at each meeting except for

the Energy and Water Appropriates staff discussions. The plan is to split up into groups of five for these meetings. On Sunday evening, the attendees will decide together and appoint spokes persons for each of the meetings. Secretary Martin should be one at each of the meetings.

Michelle Jacquez-Ortiz asked for a list of the event document and if it would it be sent ahead of time to congressional staff. Mr. Kirshenber committed to providing a draft agenda by the following week. He thanked everyone and commented that he looked forward in seeing everyone in DC.

3. Briefing on NNSA's Surplus Plutonium Disposition Supplemental Environmental Impact Statement Scoping

a. Sachiko McAlhany, NNSA Senior Technical Advisor

Ms. Sachiko McAlhany was asked to present on an ongoing activity that affects both LANL and the WIPP. Ms. McAlhany is the document manager for the Surplus Plutonium Disposition Supplemental Environmental Impact Statement (SPD Supplemental). DOE is re-opening the scoping of a new alternative for the pit disassembly and conversion capability that had previously been considered or analyzed under the National Environmental Policy Act process. Los Alamos is being considered as a location for disassembly with the waste being shipped to the WIPP.

The SPD Supplemental EIS will analyze four alternative disposition pathways: disposition of both the non-pit and pit plutonium using the can-in-canister vitrification approach, involving small cans of material, which would be placed in a rack inside a Defense Waste Processing Facility (DWPF) canister and surrounded with vitrified high-level radioactive waste at the Savannah River Site (SRS); disposition of non-pit plutonium via H-Canyon and DWPF at SRS; disposal of non-pit plutonium at the Waste Isolation Pilot Plant (WIPP) in New Mexico; and fabrication of pit and some non-pit plutonium into mixed oxide (MOX) fuel for use in domestic commercial nuclear power reactors.

The SPD Supplemental EIS also includes alternatives for providing pit disassembly and conversion capability including a stand-alone facility in the F-Area at SRS or installing capability in existing facilities at one or more of the following locations: the Plutonium Facility (PF-4) in Technical Area 55 (TA-55) at Los Alamos National Laboratory (LANL), H Canyon/HB-Line at SRS, K-Area at SRS and the Mixed Oxide Fuel Fabrication Facility (MFFF) at SRS. In addition, DOE has decided not to analyze an alternative, described in the 2010 Amended NOI, to construct a separate Plutonium Preparation (PuP) capability for non-pit plutonium because the necessary preparation activities are adequately encompassed within the other alternatives.

The MOX fuel alternative is DOE's preferred alternative for surplus plutonium disposition. DOE's preferred alternative for pit disassembly and the conversion of surplus plutonium metal to feed the MFFF, is to use some combination of facilities at TA-55 at LANL, K-Area at SRS, H-Canyon/HB-Line at SRS and MFFF at SRS, rather than to construct a new stand-alone facility. This would likely require the installation of additional equipment and other modifications to some of these facilities. DOE's preferred alternative for disposition of surplus plutonium that is not

suitable for MOX fuel fabrication is disposal at the Waste Isolation Pilot Plant (WIPP) in New Mexico.

Public involvement and comments is encouraged and is due by March 12, 2012. The public can continue to provide comments after the draft is issued. David Abelson inquired about their anticipated timeline for issuing the draft. Ms. McAlhany answered that they are hoping to have the draft by late summer with the final document ready by late fall. Mr. Abelson followed up asking if the draft will include questions such as job opportunities. Ms. McAlhany responded that she knows they would need more operators at TA-55.

4. Coalition Activities and Business

a. Review letter to Congress re: fiscal year 2013 budget

Action Item: Approve letter as modified

Mr. Abelson summarized the letter going to Congress. Chair Sharon Stover motioned for approval of the letter dated February 12, 2012 being sent to Congress requesting appropriation of the funds needed to complete remediation activities at LANL. The motion was seconded by Commissioner Andrew Chavez and approved.

b. 2012 budget and government contributions

- **Approve the 2012-2013 budget framework at this meeting.**
- **Report government contributions (as possible).**

Los Alamos County Administrator Harry Burgess reported that the Regional Coalition Director position was placed on hold until the budget is finalized. Mr. Burgess indicated that he had two questions including how the Coalition proceeds with the Executive Director recruitment and what commitments have been established by the individual partners. Mr. Burgess continued asking the Coalition members to review the model budgets that were included in the agenda packets, keeping in mind that plans include requesting funding assistance from the DOE.

Commissioner Chavez commented that we need to address this soon.

Los Alamos has committed \$150,000, Taos County has pledged \$3,500.00, and Rio Arriba County and City of Espanola are at \$10,000. Santa Fe County approved \$5,000 and the City of Santa Fe \$10,000. The current total is \$188,500.

Commissioner Chavez asked for a letter reminding the Coalition members to ask for additional funding from their counties or cities in the next fiscal year budget.

6. Wrap Up/Next Steps

a. Identify issues that need to be discussed and decisions that need to be made at the next meeting.

Mr. Abelson shared that plans include holding a press conference announcing the formation of the Coalition after our March meeting.

b. Schedule next three meetings

March 23, 2012 – Host to be determined

May 4, 2012 – Los Alamos to host

June 8, 2012 – Taos to host

Meeting adjourned at 11:33