



REGIONAL COALITION OF LANL COMMUNITIES

City of Española – Los Alamos County – Rio Arriba County – Santa Fe County
City of Santa Fe – Taos County – Town of Taos – Pueblo of Ohkay Owingeh – Pueblo
of Jemez

REGIONAL COALITION MEETING PACKET

County of Taos Chambers

105 Albright Street, Taos, NM

November 21, 2014

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REGIONAL COALITION MEETING AGENDA

County of Taos Chambers
105 Albright Street, Taos, NM
November 21, 2014

9:00	Info: Welcome & Introductions Action: Confirmation of Quorum Action: Approval of Minutes Info: Financial Information Info: Reports from Congressional Delegations Action: Payment for Washington D.C. meetings (Kutak Rock)	Mayor Lucero Mayor Lucero Mayor Lucero Los Alamos County Brian Bosshardt
9:15	Info: Statement Regarding WIPP Executive Director Report Recent Activities End of Year Assessment Looking Forward to Next Year February Washington Trip	Mayor Lucero Darien Cabral
9:20	Info: Presentations Inter-Governmental/ ECA meeting	Councilor Gonzales
9:25	Info: Upcoming Legislative Session	Rep Stephanie Garcia Richards Office of Governor Martinez
9:40	Info: Accelerate Program / Interim Jobs Council	Regional Development Corp.
9:50	Info: State Environmental Management Oversight at LANL	Secretary Flynn
10:25	Info: Broadband Build-out Model for Northern NM	Sean Moody
10:35	Info: Northern NM Ag Initiative	Todd Lopez
10:45	Info: Meetings at a Glance	Darien Cabral
10:50	Info: Public Comment	Mayor Lucero

Presenters:

Stephanie Garcia-Richards – is a Democratic member of the New Mexico House of Representatives representing District 43 since January 15, 2013. She was recently re-elected by a lopsided majority in a challenging political race. Garcia-Richards grew up in Silver City. She earned her BA in political science from Barnard College and her teaching certificate from University of California, Los Angeles. She has an extensive career in education, and currently teaches 3rd grade at Pablo Roybal Elementary in Pojoaque.

Regional Development Corporation - (RDC) is a private non-profit, 501 (c) 3, Economic Development Organization whose primary service area is Northern New Mexico. RDC serves as the Department of Energy (DOE), Los Alamos Site, "Community Reuse Organization" (CRO). As a CRO, the RDC's mission is to diversify the economy within the north central New Mexico region. As a result, the RDC maintains a special working relationship with both the DOE and LANL.

Ryan Flynn - is Secretary of the State Environmental Department. He is a graduate of Harvard University where he majored in English and American Literature. He received his law degree from the University of Arizona. Following law school, Flynn clerked for the Honorable Stephen M. McNamee in the United States District Court for the District of Arizona. Prior to becoming Cabinet Secretary, Flynn served as the Environment Department's General Counsel and Legislative Coordinator. Before joining the Environment Department, Flynn worked for the Modrall Spering law firm. At Modrall Spering, he worked in the firm's Commercial Litigation and Renewable Energy practice groups.

Sean Moody - works for the City of Santa Fe as Project Administrator in the area of economic development and IT. He was instrumental in designing an innovative internet model that the City has invested in and is implementing that can have application for other parts of northern New Mexico.

Todd Lopez – is a Native New Mexican and Santa Fe attorney specializing in water rights, environmental law, civil rights, corporate/small business and commercial transactions. He is currently the Director of Siete del Norte Community Development Corporation based in Embudo that has recently merged with one of the largest CDC's in the country – Chicanos por la Causa. As Director of Siete del Norte, he is administering the Northern New Mexico Food Hub Project.

About the Regional Coalition of LANL Communities:

The Regional Coalition is comprised of eight cities and counties surrounding the Department of Energy's Los Alamos National Laboratory (LANL). Founded in 2011, the Regional Coalition works in partnership to ensure national decisions incorporate local needs and concerns. The organization's focus is environmental remediation, regional economic development and site employment, and adequate funding for LANL. The Board of Directors includes Chair, Mayor Alice Lucero, City of Española; Vice-Chair, Commissioner Danny Mayfield, Santa Fe County; Sect./Treas. Councilor Andrew Gonzales, Town of Taos; County Councilor Fran Berting, Los Alamos County Council; Commissioner Alfredo Montoya, Rio Arriba County; Commissioner Tom Blankenhorn, Taos County; Ron Lovato, Director of Tsay Corporation, Pueblo of Ohkay Owingeh; and Governor Joshua Madalena of Jemez Pueblo.

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ACTION ITEMS

Title: Approval payments to Kutak Rock

Recommended Action: Discussion - Approval

Motion that the Coalition make payments to Kutak Rock (Seth Kirshenberg) for setting up meetings in D.C.

Background: Kutak Rock (Seth Kirshenberg and his team) does a good job of arranging meetings and strategies for the Coalition to lobby in Washington D.C. with Senators and Representatives, Congressional committees and agency heads. Up to now, Los Alamos County has been covering these costs. The County is requesting that the Coalition cover these expenses of roughly \$5,000 to \$10,000 per trip.



Regional Coalition of LANL Communities

Meeting at a Glance – January, February, March

MEETING DATE	POTENTIAL BUSINESS ITEMS	POTENTIAL BRIEFING ITEMS
January 16 Española City Chambers	<u>Legislative / DOE Issues</u> <ul style="list-style-type: none"> • Legislative Update • DOE Environmental Brief 	<u>Community Issues</u> <ul style="list-style-type: none"> • Community Commitment Plan • Education and Economic Development Update • Press Strategy (Exec Session)
February 20 Santa Fe County Chambers	<u>Regular Business Meeting</u>	<ul style="list-style-type: none"> • Report on ECA meeting • SCMC Update • Economic Development Update
March 20 Los Alamos County Chambers	<u>Fiscal Issues</u> <ul style="list-style-type: none"> • <u>Community Plan Budget</u> 	<u>Federal / LANL Budgets</u> <ul style="list-style-type: none"> • President's FY 16 Budget • LANL Procurement Forecast • Wildfire Projections

Issues to watch:

- WIPP
- Jobs at LANL
- TRU Waste 3706 Campaign
- Environmental Campaign Priorities
- Consent Order
- Subcontractor Issue
- Economic Development Priorities
- Manhattan Project Park
- DOE funding
- REDI-Net



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11 **REGIONAL COALITION OF LANL COMMUNITIES**
12 **City of Espanola – Los Alamos County – Rio Arriba County – Santa Fe County –**
13 **City of Santa Fe – Taos County – Town of Taos – Pueblo of Ohkay – Pueblo of Jemez**
14

15 **Los Alamos County Chambers**
16 **Friday, October 17, 2014**
17

18 **Attendance**

19 Alice Lucero (Chair RCLC); Los Alamos County Councilor Fran Berting; Rio Arriba County Assistant
20 Manager David Trujillo; Town of Taos Councilor Andrew Gonzales (Vice Chair RCLC), City of
21 Santa Fe Mayor Javier Gonzales (Secy./Treas. RCLC); Ron Lovato, Ohkay Owingeh; Los Alamos
22 County Councilor Steve Girrens; Santa Fe County Councilor Danny Mayfield.
23

24 JLH Media team members
25

26 **Welcome and Introductions**

27 Mayor Lucero called the meeting to order at 9:20 a.m. The public in attendance introduced
28 themselves. All the attending coalition members introduced themselves along with JLH Staff.
29

30 **Confirmation of Quorum**

31 Mayor Lucero confirms quorum.
32

33 **Presentation from DOE Environmental Management:**

34 Peter Maggiore presented first due to another pressing appointment.
35

36 On Sept. 25th Secretary Moniz issued a memo calling for a plan or strategy on legacy cleanup
37 work and transitioning it to the Office of Environmental Management. They are looking for
38 increased efficiencies. The criterion laid out requires the plan to address a variety of issues. The
39 directive includes a transition plan to be completed by November 14, 2014.
40

41 Mayor Lucero requested that due consideration be given for the current contractors and
42 subcontractors, that they should not have to go through a rebidding process because it is
43 expensive.
44

45 **Report from Congressman Ben Ray Lujan's Office**

46 Not much to report since Congress is not in session; will have more information next month.
47
48

1
2 **Report from Senator Udall's Office**

3 The full Congress will go back into session after Veteran's Day. A short term continuing
4 resolution was passed that funds the government through December. They are expecting a lame
5 duck session in which hopefully FY15 appropriations will be approved. Senator Udall will
6 continue to fight for full funding at the Labs. The appropriations bill includes \$323 million for
7 WIPP, \$100 million more than the President requested. The Senator is hopeful that an Omnibus
8 bill will be passed, including all 12 appropriations bills, at levels of funding previously approved.
9 If it is neither passed nor signed, they will go into a continuing resolution; the Senator will push
10 for a continuing resolution to make sure there is no blip in funding for these projects. Udall is
11 pushing elements of the technology transfer bill to his colleagues and hopes to have more to
12 share by December.

13
14 **Department of Energy Acquisition Requirements**

15 [Presentation: Kurt Steinhaus].

16 The update is about new funding and results in three areas:

- 17 1) Strengthen workforce pipeline (mutually beneficial, regional, and sustainable)
18 2) Expand economic development
19 3) Leverage community giving (mostly working with non-profits in Northern NM)

20
21 About \$76 million has come to NM for broadband development.

22
23 Highlands University provides the highest number of computer related graduates.

24
25 Scholarships are pretty incredible—each year, and for the past five years, LANL employees have
26 given over \$4 million to kids. The graduation rates for the kids that receive the scholarships are
27 over 90%. Greater than 50% are Hispanic.

28
29 San Juan Elementary school has a Math and Science Academy where NNSA funds a summer
30 program, teaching 70 teachers on Saturdays.

31
32 The Lab has volunteered a documented 1.53 million hours of volunteerism equaling a \$34.5
33 million dollar impact. Even with fewer employees, greater numbers of volunteer hours were
34 given.

35
36 The grant writing assistance program is a crucial component.

37
38 (3-minute video about the people benefiting from the plan).

39
40 The economic development program has a full suite of opportunities, which will help any
41 business.

42
43 **Approval of Minutes**

44 **Motion:** To approve the minutes.

45
46 Moved by Andrew Gonzales and Seconded by Javier Gonzales

47
48 **Vote:** Motion passed (**summary:** Yes = unanimous).

1
2 **Financial Information**

3 The only change is two monthly payments for JHL Media, the balance being decreased by those
4 two amounts. The balance is \$262k.

5
6 **Darien Cabral: Executive Director Report, JLH Team**

7 There is a new format for the packet. There was no quorum at the last meeting. If there is going
8 to be an absent member, it is important to appoint an alternate. There were several
9 presentations at the previous meeting.

10
11 The Coalition has been quite busy since the last meeting. Met on economic development issues,
12 vowed to work closely with the Santa Fe Business Incubator, drafted a white paper on RediNet
13 middle mile/last mile, and had a good meeting with Dr. Steinhaus regarding promoting the
14 Community Programs Office and its initiatives. Cabral mentioned the DOE/ECA national meeting
15 in New Orleans next month; reservations must be made quickly. A high speed broadband
16 network is crucial to attracting national companies to move to Northern NM.

17
18 Councilor Gonzales indicated that RediNet touches on the most disadvantaged people. This is an
19 opportunity to bring the education base up. It is of great importance to have the appropriate
20 tools in place to address the requests.

21
22
23 **Action: Jemez Pueblo Membership:**

24 **Motion:** To approve the Jemez Pueblo Membership. Fran Berting thinks this in an excellent
25 idea.

26
27 Moved by Andrew Gonzales and Seconded by Javier Gonzales

28
29 **Vote:** Motion passed (**summary:** Yes = unanimous).

30
31 **Action: Promise Zone Application Letter of Support:**

32 **Motion:** To approve the Promise Zone letter of support for application. Cabral yielded to Chris
33 Madrid. This is a joint application with Rio Arriba, Taos County and the City of Taos. There are
34 only five selected, only one rural; but if it received there will be business tax breaks. Additional
35 federal benefits could be brought to the region. Cabral stated that the LANL grant writers are
36 assisting with the application.

37
38 Moved by Ron Lovato and Seconded by Andrew Gonzales

39
40 **Vote:** Motion passed (**summary:** Yes = unanimous).

41
42 **Action: SCMC Report Sponsorship:**

43 Darien yields to Liddie Martinez. Liddie said this is a request for sponsorship of a proposal to put
44 together a demonstration project to show contractor/subcontractors can work together. It
45 would be an e-procurement system that contractors would use. It would include training and
46 would be helpful for small minority businesses. The goal is to get together with LANL
47 procurement to integrate what they're doing with others at LANL and to have the NNSA

1 acquisition folks agree to the project and look at it. The group asks the coalition for a letter of
2 support.

3
4 No vote – board wants to review report first.

5
6 **Presentation from DOE Environmental Management: Chromium Plume**

7 High-level technical presentation on the chromium plume campaign. Hexavalent chromium was
8 released over a period of years.

9
10 The campaign is now a remediation campaign after years of study. LANL has made a very clear
11 commitment to move very aggressively to resolve this issue. The slide showed an outline of the
12 plume, relative to the lab. The source of the hexavalent chromium was a power plant from
13 1956-1972, where it was used as a corrosion inhibitor. They believe the plume got to this
14 location by surface water flow through complex geology. Toxicity associated with chromium
15 consumption occurs after two liters of water per adult every day for 70 years. There is no
16 evidence of contamination of the Los Alamos County wells. Levels are increasing rapidly in some
17 locations so it is important to remediate. A year’s worth of treatment is done and it produces
18 potable water in the end. In no way will this create adverse conditions. The scope is to put
19 together an annual work plan process through review and approval from the Environment
20 Department. The funding profile for chromium is healthy this year.

21
22
23 **Meetings at a glance:**

24 Next meeting will be held November 21st in the Taos chambers.

25
26
27 **Public Comment:**

28
29 Comment #1- Nuclear Watch NM, indicated that the CMRR facts in the packet are dated 2009.
30 They should request a more current one. No pits are considered to be made at this time. The
31 cleanup schedule and investigation reports need to be brought to light. It is important to know
32 what is not being done. Please consider focusing on what’s not being done.

33
34
35 **MEETING ADJOURNED AT 11:30.**

36
37
38 _____
Darien Cabral, Director

39
40 **ATTEST:**

41
42
43 _____
44 Mayor Alice Lucero, Chair

LETTERS / INFO



**Regional Coalition
of LANL
Communities**

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County of Los Alamos
County of Rio Arriba
City of Santa Fe
County of Santa Fe
Town of Taos
County of Taos
Pueblo of Ohkay Owingeh
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Executive Committee

Mayor Alice A. Lucero
Councilor Andrew Gonzales
Mayor Javier Gonzales

Board Members

Councilor Fran Berting
Commissioner Alfredo Montoya
Commissioner Tom Blankenhorn
Commissioner Danny Mayfield
Ron Lovato - Pueblo
of Ohkay Owingeh
Governor Joshua Madalena –
Pueblo of Jemez

Administration

Darien Cabral
Jennifer Hobson Hinsley
Lisa Neal
Alexandra Pratt

**518 Old Santa Fe Trail #456
Santa Fe, NM 87508
www.regionalcoalition.org**

November 1, 2014

Dr. Ernest Moniz- Secretary of Energy
United States Department of Energy
1000 Independence Ave., SW
Washington D.C. 20585

Honorable Secretary Moniz,

We enjoyed meeting you in Santa Fe at the Quadrennial Energy Review and discussing regional priorities. We consider your familiarity with northern New Mexico a boon for us. We also appreciate your insight regarding the inextricable links between a successful DOE facility and a vibrant local community. Fostering a vibrant community from linkages to LANL is our primary goal.

We understand that we won't know much about the NNSA/DOE transition until a plan is completed towards the middle of next month. The primary interest of the Regional Coalition is to understand the potential impact that the new chain of command will have on clean-up priorities and funding, the relationship with the New Mexico Environment Department, and on jobs and the regional economy. The suspension of the 3706 Campaign has already resulted in the loss of an amount of jobs that otherwise would not have occurred. We are concerned about the impacts the transition could potentially have at LANL, including impacts on our workforce and regional economy. Consequently, we ask that the Regional Coalition be consulted as to options being considered and that we be allowed to have input into the Plan prior to its finalization.

One of our major concerns is to ensure that a smooth transition occurs among local subcontractors, and that existing contracts with NNSA are honored and continued by DOE. Small businesses that currently have contracts with LANS will be unfairly penalized if they are forced to go through the procurement process as a result of the transition.

The local governments of the Regional Coalition are committed to the safe and efficient cleanup of the Los Alamos site and our continued strong partnership in maximizing economic benefits to the region. Consequently, we feel that it is essential that the Regional Coalition be consulted before any decisions or plans are implemented at LANL.

Thank you for attention to these matters of vital concern to our local communities.

Sincerely,

Alice Lucero
Chair

Congress of the United States
Washington, DC 20510

October 30, 2014

Mr. James M. "Mark" Whitney
Acting Assistant Secretary for Environmental Management
Department of Energy
1000 Independence Ave SW
Washington, District of Columbia 20585-0113

Dear Mr. Whitney:

In light of the Secretary Moniz's recent announcement that legacy environmental cleanup work at Los Alamos National Laboratory (LANL) will soon be overseen by DOE's Office of Environmental Management (EM), we write to strongly encourage EM to maintain all regional requirements from NNSA's existing prime contract that help maximize economic opportunities for local workers and businesses.

Northern New Mexico communities depend heavily on LANL for employment and regional economic development through the many subcontracts awarded to local companies. These local subcontractors provide critical support to the lab in a broad variety of areas, including environmental management. LANL's subcontracting with local businesses helps to sustain an important technical workforce pool in Northern New Mexico. Importantly, more than 40% of LANL's local major subcontractors are involved in EM's environmental restoration work. Given the deep interdependence of DOE and the region, we ask you to give careful thought in this transition to maintaining all existing contracts previously awarded by LANS to small businesses in the region to support that cleanup effort.

Under NNSA's current management and operating (M&O) contract for LANL there are a number of specific subcontracting provisions and requirements that ensure support for local employment, companies, and communities. For example, all businesses with subcontracts greater than \$5 million are required to include a regional community development plan. The contract also requires that procurement provide a five percent pricing preference for subcontractors who have a Northern New Mexico presence. These provisions also apply to subcontracts placed through the Supply Chain Management Center. These unique provisions have incentivized many environmental restoration companies to invest in Northern New Mexico communities.

Finally, the original request for proposal for LANL's M&O contract required bidders to suggest in their bids how they will participate in community engagement activities. We ask that EM also include community engagement as an evaluation criterion for any prime contract proposals for managing EM work at the Los Alamos site.

As EM takes over management of LANL's legacy environmental cleanup work, we ask you to maintain each of NNSA's specific contracting requirements for local community engagement. Ensuring that we keep local businesses and experienced workers fully involved as the cleanup effort continues is critical to supporting the economy of Northern New Mexico.

Thank you for your consideration.

Sincerely,



TOM UDALL
United States Senator



MARTIN HEINRICH
United States Senator



BEN RAY LUJÁN
Member of Congress

To/MS: LANL-ALL
From/MS: Charles McMillan, A100
Phone/Fax: 667-5101/667-2997
Symbol: DIR-14-207
Date: November 17, 2014

SUBJECT: WIPP RECOVERY UPDATE

Over the weekend, many of you may have read a story in the *Santa Fe New Mexican* suggesting that Los Alamos National Laboratory (LANL) was hiding scientific theories about the accident at the Waste Isolation Pilot Plant (WIPP). I want to assure you that nothing is further from the truth, and scientific integrity is valued above all else at this institution.

Santa Fe New Mexican story: Much of yesterday's news story centered on an email thread on a hypothesis that emerged in the brainstorming phase around what could have caused the breach in the drum at WIPP in February. One of our scientists discovered patent literature that seemed to be highly relevant; we took the hypothesis seriously and performed a number of experiments. But significant reactivity testing by our technical team members did not show the reactivity that was described in the patent. Let me be clear, we have not reprimanded anyone who advanced this or any hypothesis. Further, the Lab was very open with the Department of Energy (DOE) and the Carlsbad Field Office about hypotheses under evaluation, with daily discussions on all efforts to discover the cause of the breach and to ensure the safety and security of the remaining drums. To this day, open discussions continue as we work closely to resolve technical questions.

NMED Enforcement action: We anticipate a state enforcement action any day now. We expect that the action will stem mostly from waste characterization and processing violations we discovered and reported as part of our own internal investigation after the Los Alamos drum breached. We voluntarily reported the violations to the state in July and October, and we will work with NMED to reach resolution of the enforcement action.

Taking Responsibility: We fully acknowledge the seriousness of our process deficiencies discovered through our internal investigation. As part of our initial corrective actions, I changed the leadership responsible for managing our environmental clean-up and transuranic waste operations. And our new leadership is rigorously implementing further corrective actions to address the shortcomings in our waste characterization and processing so we can resume safe, compliant legacy waste operations in the future. Additional actions will come in cooperation with DOE and WIPP.

Transition and Moving Forward: We anticipate that DOE will soon release its plan addressing the Secretary of Energy's September 25, 2014 memorandum regarding environmental programs at LANL.

We remain committed to working closely with DOE-Environmental Management, NNSA and the Field Office as well as the State of New Mexico. We appreciate your patience and support as we work through these challenging issues. Success in these missions is of utmost importance to national security and to our obligations to the state of New Mexico. We will do our best to keep you informed of developments as they occur.



Legislative Update

The midterm elections are in November and analysts now expect the Republican Party to narrowly take control of the Senate. Two races, however, that may determine control may not be decided for weeks after November 4th. Louisiana, where Senate Energy and Natural Resources Chairwoman Mary Landrieu is locked in a tight race with 6th District Representative Bill Cassidy, will likely be headed to a runoff held on December 6. In Georgia, Democrat Michelle Nunn has kept the race surprisingly close – statistically tied in the latest polls – against Republican nominee David Perdue. If no candidate gets more than 50% of the votes on Election Day, a runoff will be held on January 6 – after the next Congress convenes. Most political analysts expect Republicans to pick up five to eight seats in the House.

Before the 114th Congress convenes next year, the current Congress will meet for a “lame duck” session starting November 12th. It is scheduled to consider a \$1 trillion omnibus spending bill, the National Defense Authorization Act (NDAA), and authorization for the Pentagon’s operations in Syria, over the course of four weeks. All of this legislation is considered “must-pass.”

The Continuing Resolution (CR) that currently funds government operations expires on December 11. By this date, Congress must pass either a yearlong spending bill or another stopgap measure. While the full Senate has not considered any appropriations bills, many have been passed by committee. The House has passed a number of its bills this year. Many of the House and Senate measures are no more than a few billion dollars

apart making final negotiations for an entire government funding measure much easier for staff and legislators. The minimal differences can be attributed to the two year Murray-Ryan budget deal that set spending levels for the current fiscal year (FY). Should the Republicans capture the Senate, some have suggested delaying action on final appropriations until after the new Congress convenes. Senior appropriators are keen to finalize government spending this year, however.

Included in the omnibus bill will be roughly \$550 billion in defense appropriations, nearly \$60 billion for the Pentagon’s Overseas Contingency Operations account, and roughly \$40 billion in energy and water development appropriations which funds defense environmental cleanup.

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Negotiations for final passage of the FY15 NDAA, which includes a provision creating the Manhattan Project National Historical Park, have been ongoing since it became clear that the Senate would not be able to consider it during the two week session in September. Congress has passed the NDAA every year for 53 years. Both retiring Armed Services Committee Chairs, Sen. Carl Levin and Rep. Buck McKeon, do not want their legacies marred by failure to pass this key bill.

This month, Washington Governor Jay Laslee wrote a letter in support of the National Park. Other ECA members and supporters continue to meet with an advocate for the project. ECA staff will keep you updated on any new developments.

(Continued from page 4)

Prioritizing Defense Waste: New Report Identifies Potential Advantages of Separate Geologic Disposal Pathway for Legacy HLW and SNF

recommendation is consistent with ECA’s policies that state:

“As the strategy for managing and disposing of the nation’s nuclear waste is debated, the disposal of defense waste must be addressed with urgency. Defense – or legacy – waste is older and colder than commercial spent fuel, and it has no value as it can never be reused. The communities that have become *de facto* storage sites for defense waste played an important role supporting the country as part of the Manhattan project, and disposing of the waste that currently sits at these sites should be considered a priority as is the waste at decommissioned commercial nuclear power plants.”

Further, ECA agrees with the Assessment that if DOE begins by disposing of defense waste, the technical and institutional lessons learned through the process can only assist in the development of any future consolidated interim storage site or geologic repository (Yucca) for commercial waste.

In the Assessment, potential advantages to a strategy that allows some DOE HLW and SNF to be disposed of separately from the commercial HLW and SNF are identified. Many of them echo ECA’s testimony in front of the BRC and to the Senate Energy and Natural Resources Committee regarding the Nuclear Waste Administration Act of 2013 (S. 3469), including a sentence on page 24 of the Assessment: “The communities and states currently storing DOE-managed HLW and SNF are doing so largely as a result of federal eminent domain processes to site facilities used for the benefit of the entire country.”

“The Assessment recommends that DOE pursue options for disposing of defense waste separately from commercial waste. The recommendation is welcomed by the majority of ECA’s local government members, many of whom host sites with high-level defense waste.”

Potential advantages outlined in the report include:

- **Fewer challenges to moving forward** since a repository used exclusively for the disposal of DOE-managed HLW and SNF not of commercial origin can be sited and developed outside the framework of the Nuclear Waste Policy Act of 1982.
- **Little further technology development** is needed to support repository design and licensing. Further, the lower thermal output of this waste and lower overall radionuclide inventory could allow for a simplified design and licensing process.
 - The potential to **help provide a greater degree of public acceptability** by implementing and testing a consent-based, flexible waste management system incrementally that can adapt operations based on lessons learned.
 - Potential **savings to taxpayers** due to avoided costs for safely storing inventories of immobilized tank waste if a repository for these wastes is available earlier. Resulting savings could then be redirected to focus resources on other high-priority cleanup activities at the three defense HLW sites: the Savannah River Site in South Carolina, the Hanford Site in Washington, and the Idaho National Laboratory.
- **Providing a pathway for timely progress on DOE’s cleanup mission** as a significant amount of HLW already exists in its final form at the Savannah River Site and projected HLW canisters can be transported by truck which can allow disposal to begin as soon as a repository is available. This could increase the likelihood that DOE can meet its consent and compliance agreements with states and local communities around the DOE complex.

(C)

Manhattan Project National Historical Park Update

ECA Communities remain united in their efforts to pass legislation to create the Manhattan Project National Historical Park. Oak Ridge, Los Alamos, and the Tri-Cities continue to meet with Members of Congress and work with other supporting organizations to press their case for this important educational and historical preservation project.

The Manhattan Project legislation has long had strong bipartisan, bicameral support. Efforts have been underway since 2003 to preserve Manhattan Project history, study creation of a national park, and to actually establish sites and make them available to tourists and the general public. In April 2013, the House passed the park legislation (H.R. 1280) a



(S. 507). This year, the legislation is included in the National Defense Authorization Act (NDAA). Oak Ridge and the Tri-Cities are encouraging their senators and senators from other energy community states to work with the Armed Services Committee and support its passage as part of the NDAA.

On October 30, Washington Governor Jay Inslee wrote a letter to leaders of the Senate Energy and Natural Resources Committee as well as the House Natural Resources Committee in support of the National Historical Park. His letter was also sent to

key Armed Services Committee members. He noted that more than 220,000 tourists visited the B Reactor at Hanford, the Bradbury Science Museum in Los Alamos, and the American Museum of Science and Energy in Oak Ridge last year. “With the creation of the Manhattan Project National Historical Park, tens of thousands of additional visitors are expected to visit these former ‘Secret Cities’ of the Manhattan Project,” the letter said. Governor Inslee called the park “critical to the preservation of important 20th century American history” and hoped this year’s NDAA would include a provision creating the park.

Oak Ridge, Los Alamos, and the Tri-Cities, along with other groups including the Regional Coalition of LANL Communities and a group of business from the Tri-Cities groups, have also been engaging in letter writing and media campaigns to support the park. ECA has drafted a letter for those from outside of the Tri-Cities, Oak Ridge and Los Alamos to send to their senators to express support for the establishment of the Park. Please contact Allison Finelli at allison@energyca.org if your community is interested in writing a letter of support.

ECA members have been working very hard to get the Manhattan Project National Historical Park legislation passed. Please support their efforts!



(Continued from page 1)

Prioritizing Defense Waste: New Report Identifies Potential Advantages of Separate Geologic Disposal Pathway for Legacy HLW and SNF

repositories); (2) disposal of some DOE-managed HLW and SNF in a separate repository; and (3) disposal of smaller waste forms in deep boreholes.

The Assessment concludes that it is technically feasible to have multiple disposal options, and recommends that DOE pursue options for disposing of DOE-managed HLW from defense activities and some thermally-cooler DOE-managed SNF (such as cooler naval SNF) separately from commercial HLW and SNF waste. The recommendation is welcomed by the majority of ECA’s local government members, many of whom host sites with high-level defense waste. The

(Continued on page 5)

Intergovernmental Meeting with the U.S. Department of Energy

NOVEMBER 12-14, 2014

HOTEL MONTELEONE

NEW ORLEANS, LOUISIANA

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PARTICIPATING INTERGOVERNMENTAL GROUPS

ENERGY COMMUNITIES ALLIANCE (ECA)

ENVIRONMENTAL COUNCIL OF THE STATES (ECOS)

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL (NAAG)

NATIONAL CONFERENCE OF STATE LEGISLATURES (NCSL)

NATIONAL GOVERNORS ASSOCIATION (NGA)

STATE AND TRIBAL GOVERNMENT WORKING GROUP (STGWG)

AGENDA

Wednesday, November 12, 2014

INTERGOVERNMENTAL GROUPS MEET SEPARATELY		
8:00 am - 11:00 am	NGA Federal Facilities Task Force	
8:00 am - 1:00 pm	NCSL Nuclear Legislative Workgroup	
8:30 am - 10:30 am	STGWG Tribal Session (Open to DOE at 9:30 am)	
9:30 am - 12:30 pm	Energy Communities Alliance (ECA) Meeting	
11:00 am - 11:45 am	STGWG Closed Business Session	
12:00 pm - 1:15 pm	STGWG Meeting with DOE	

PLENARY SESSION: INTERGOVERNMENTAL GROUPS & DOE OFFICIALS		
1:15 pm – 2:00 pm	<p>INTRODUCTION FOR NEW INTERGOVERNMENTAL MEETING PARTICIPANTS <i>Is this your first Intergovernmental Meeting?</i> <i>Do you want to learn about the history and the purpose of the meeting?</i> <i>Do you want to know about the other groups and what they do? Do you want to meet people from other organizations?</i></p> <p><i>This optional meeting, open to all participants, will help answer those questions and others through an informal discussion with DOE and veteran participants. New intergovernmental group members and meeting participants are encouraged to attend.</i></p> <p>Discussion Leaders: Kristen Ellis, DOE-EM Amy Fitzgerald, City of Oak Ridge, TN Ken Niles, Oregon Department of Energy</p>	Room TBD
2:00pm – 2:15pm	<p>INTRODUCTIONS AND INVOCATION Introduction and Welcome <i>Andrew Kambour, NGA</i> <i>Kristen Ellis, DOE-EM</i></p> <p>Tribal Invocation TBD</p>	
2:15pm – 2:30pm	<p>PRESENTATION OF INTERGOVERNMENTAL GROUP PRIORITIES</p> <p>Carolyn Hanson Deputy Executive Director Environmental Council of the States (ECOS)</p>	Queen Anne Ballroom
2:30pm – 3:30pm	<p>UPDATE ON THE DOE ENVIRONMENTAL MANAGEMENT PROGRAM</p> <p>Mark Whitney Acting Assistant Secretary for Environmental Management U.S. Department of Energy</p> <p><i>Following the presentation, a moderator will join Mr. Whitney on the stage and facilitate questions and answers from the audience in a conversational format.</i> <i>Introduction of Speaker: Mayor Tom Beehan, City of Oak Ridge, TN</i> <i>Q&A Moderator: Ken Niles, Oregon Department of Energy</i></p>	Queen Anne Ballroom

3:30pm – 3:45pm	BREAK	
3:45pm – 4:45pm	<p>PRESENTATION AND DISCUSSION: THE BUDGET AND LONG-TERM PLANNING</p> <p>Presentation Speaker: Connie Flohr Acting Deputy Assistant Secretary for Program Planning and Budget, DOE-EM</p> <p><i>Introduction of Speaker: TBD</i></p>	
4:45pm – 5:30pm	<p>PRESENTATION AND DISCUSSION: POTENTIAL IMPACTS OF THE MIDTERM ELECTIONS ON THE EM PROGRAM</p> <p>Presentation Speaker: Seth Kirshenberg Executive Director, Energy Communities Alliance</p> <p><i>Additional Panelists to be confirmed</i></p>	
5:30pm	WRAP-UP AND CONCLUSION OF DAY 1	

Thursday, November 13, 2014

8:30am – 8:45am	WELCOME TO DAY 2	
8:45am – 9:30am	<p>PRESENTATION FROM THE SECRETARY’S OFFICE</p> <p>Presentation Speaker: Betsy Connell Senior Advisor, Office of the Secretary, DOE</p>	<i>Queene Anne Ballroom</i>
9:30am – 9:45am	BREAK	
9:45am – 11:00am	<p>PRESENTATIONS AND DISCUSSION: RISK DECISION-MAKING FROM INTERGOVERNMENTAL GROUPS’ PERSPECTIVE</p> <p>Presentation Focus: <i>Risks to public health and the environment are one of several drivers of cleanup decision-making. This panel will discuss the role that risk plays in DOE’s decision-making process and the view of the intergovernmental groups on how risks should inform cleanup decisions.</i></p>	

	<p>Presentation Speaker: Mark Gilbertson Deputy Assistant Secretary for Site Restoration, DOE-EM</p> <p><i>Additional Panelists from Intergovernmental Groups TBD</i></p>	
<p>11:00 am - 12:00 pm</p>	<p>PRESENTATION AND DISCUSSION: ROLE OF NEW CLEANUP TECHNOLOGIES AT SITES AND TECHNOLOGY DEVELOPMENT</p> <p>Presentation Focus: <i>The role of technology in cleanup, how technology is being used to share information with others, the impact of technology on future budgets, and the importance of funding technology in the budget.</i></p> <p>Presentation Speaker: Monica Regalbuto (invited) Associate Principal Deputy Assistant Secretary, DOE-EM</p>	
<p>12:00 pm - 1:15 pm</p>	<p>LUNCH PRESENTATION: UPDATE FROM THE OFFICE OF NUCLEAR ENERGY</p> <p>Presentation Speaker: John Herczeg, DOE Office of Nuclear Energy (invited)</p>	
<p>1:15 pm - 2:00 pm</p>	<p>PRESENTATION: WASTE MANAGEMENT ISSUES ACROSS THE COMPLEX</p> <p>Presentation Speaker: Frank Marcinowski Deputy Assistant Secretary for Waste Management, DOE-EM</p>	
<p>2:00 pm - 3:15 pm</p>	<p>PRESENTATION AND DISCUSSION: UPDATE FROM WIPP AND THE FUTURE OF THE TRU PROGRAM FROM THE DOE, STATE, LOCAL, AND TRIBAL PERSPECTIVE</p> <p>Presentation Speaker: Frank Marcinowski Deputy Assistant Secretary for Waste Management, DOE-EM</p> <p>WIPP Presentation Panel:</p> <ul style="list-style-type: none"> • Ryan Flynn, Cabinet Secretary, New Mexico Environment Department • Additional panelists to be confirmed 	
<p>3:15 pm - 3:30 pm</p>	<p>BREAK</p>	

<p>3:30 pm – 4:30 pm</p>	<p>ROUNDTABLE DISCUSSION: HOW WILL WASTE BE MANAGED OVER THE LONG-TERM AT DOE NUCLEAR FACILITIES <i>As DOE continues to request that more waste be buried or stored (including high level defense materials and waste) at sites the discussion of the impacts from the natural environment to the defense and safety risks continue to be asked at all sites. How is DOE addressing the issues at the sites?</i></p> <p>Moderator and Discussants:</p> <ul style="list-style-type: none"> • <i>TBD, but will likely include participation from DOE-EM headquarters, DOE site managers, and each of the intergovernmental groups</i> 	
<p>4:30 pm – 5:00 pm</p>	<p>INTERGOVERNMENTAL GROUPS – NEXT STEPS <i>The meeting will conclude with a discussion of critical issues raised during the meeting and how the groups will carry out any action items or next steps identified during the meeting, both jointly and individually.</i></p>	
<p>5:00 pm</p>	<p>WRAP-UP/PLENARY SESSION ADJOURNS</p>	

Friday, November 14, 2014

<p style="text-align: center;">INTERGOVERNMENTAL GROUPS MEET SEPARATELY</p>		
<p>9:00 am – 11:30 am</p>	<p style="text-align: center;">STGWG Meeting (STGWG Tribal Planning Meeting with DOE beginning at 10:00 am)</p>	
<p>9:00 am – 11:00 am</p>	<p style="text-align: center;">ECOS Meeting</p>	
<p>9:00 am – 12:00 pm</p>	<p style="text-align: center;">NCSL Nuclear Legislative Workgroup</p>	
<p>9:00 am – 12:00 pm</p>	<p style="text-align: center;">NAAG Meeting</p>	

PRESS RELEASE



Regional Coalition of LANL Communities Participates in First Ever Rio Arriba Leadership Summit

Rio Arriba County Commission holds meeting with goal of bringing together community and institutional leaders to discuss economic development and education in Rio Arriba County

FOR IMMEDIATE RELEASE—October 15, 2014 (Santa Fe, NM): Members of the Regional Coalition of LANL Communities (RCLC) participated recently in a first ever Rio Arriba Leadership Summit presented by the Rio Arriba County Commission and hosted by the Pueblo of Santa Clara at the Santa Claran Hotel in Espanola, New Mexico. The purpose of the meeting was to bring together community and institutional leaders to discuss economic development and education in Rio Arriba County. RCLC member attendees included Espanola Mayor Alice Lucero, Chairman of the RCLC, Rio Arriba County Assistant County Manager David Trujillo, who helped organize the meeting, and Rio Arriba County Commissioner Alfredo Montoya. Rio Arriba County Commissioners Barney Trujillo and Chairman Danny Garcia, who spearheaded the Summit, attended as well.

“Rio Arriba County did a great job of pulling together representatives from the County, the local School Districts, Northern New Mexico Community College, State Representatives Nick Salazar and Carl Trujillo, State Senator Carlos Cisneros, Presbyterian Espanola Hospital, Las Cumbres and Los Alamos National Laboratory and its Foundation,” said Mayor Alice Lucero of Espanola. “Special thanks to Governor Michael Chavarria for providing the wonderful meeting space at the Santa Claran Hotel.”

“We had a vital discussion with all attendees presenting challenges and opportunities they see in our communities. Thanks to Rio Arriba County for conceiving the event and bringing many community leaders together in one room, including Lab Director Charles McMillan,” said Mayor Lucero.

“One of the major objectives of the Coalition is to stay abreast of significant economic development issues here in Northern New Mexico, and I think all of us who attended were grateful to have a forum to share top-of-mind issues and to see the overall positive thrust of the conversation,” the Mayor said. “I am really pleased that all of us busy people expressed interest in continuing the discussions at a later date.”

Issues discussed at the summit which the RCLC has studied included the Redi-Net broadband system and the NNSA’s Supply Chain Management Center and its impact on the Major Subcontractors at LANL.

The next meeting of the Regional Coalition of LANL Communities will be held on Friday, October 17, 2014 from 9:00—11:00am in the Los Alamos Council Chambers.

###

The Regional Coalition is comprised of eight cities, counties and pueblos surrounding the Department of

Energy's Los Alamos National Laboratory (LANL). Founded in 2011, the Regional Coalition works in partnership to ensure national decisions incorporate local needs and concerns. The organization's focus is environmental remediation, regional economic development and site employment, and adequate funding for LANL. The Board of Directors includes Chair, Mayor Alice Lucero, City of Espanola; Vice---Chair, Councilor Andrew Gonzales, Town of Taos; Sect./Treas. Javier Gonzales, Mayor of Santa Fe; County Councilor Fran Berting, Los Alamos County Council; Commissioner Alfredo Montoya, Rio Arriba County; Commissioner Tom Blankenhorn, Taos County; and Ron Lovato, Pueblo of Ohkay Owingeh.
<http://regionalcoalition.org/>.

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DOE urged to stay with local subcontractors

Oct 31, 2014, 6:11am MDT

[Gary Gerew](#)

Assistant Editor- Albuquerque Business First

[Email](#)

The Department of Energy is being asked to maintain policies that require the use of local contractors for environmental cleanup projects.

The request was made by members of New Mexico's Congressional delegation following an announcement last month that the DOE was transferring responsibility for such work from the National Nuclear Security Administration to the Office of Environmental Management.

The shift applies to waste cleanup projects at Los Alamos National Laboratory.

The current management and operating contract for LANL includes a number of specific subcontracting provisions and requirements that ensure support for local employment, companies, and communities, according to a letter sent by Senators [Tom Udall](#) and [Martin Heinrich](#) and Rep. [Ben Ray Lujan](#) to [James "Mark" Whitney](#), the acting assistant secretary for environmental management.

"As [the Department of Energy] takes over management of legacy environmental cleanup work, we ask you to maintain each of NNSA's specific contracting requirements for local community engagement," the lawmakers wrote. "Ensuring that we keep

local businesses and experienced workers fully involved as the cleanup effort continues is critical to supporting the economy of Northern New Mexico."

In their letter, the representatives outlined specific contracting provisions, such as a requirement that all businesses with subcontracts greater than \$5 million are required to include a regional community development plan, the 5 percent pricing preference for subcontractors with a Northern New Mexico presence and the recommendation that contractors suggest how they will participate in community engagement activities in their bids.

To read the letter, [click here](#).

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LANL officials downplayed waste's dangers even after leak

Posted: Saturday, November 15, 2014 11:00 pm | Updated: 5:13 pm, Sun Nov 16, 2014.

By Patrick Malone

The New Mexican | [7 comments](#)

In the summer of 2012, Gov. Susana Martinez visited the hilltop facilities of Los Alamos National Laboratory to commemorate a milestone. The lab, under an agreement with the state, had just shipped its 1,000th truckload of Cold War-era nuclear waste from the grounds of Los Alamos to a salt cavern deep under the Southern New Mexico desert.

The achievement meant the lab was well on its way to meeting a June 30, 2014, deadline imposed by Martinez to remove radioactive gloves, machinery and other equipment left over from decades of nuclear weapons research.

For Los Alamos National Security LLC, the private consortium that operates the lab, the stakes were high. Meeting the deadline would help it secure an extension of its \$2.2 billion annual contract from the U.S. Department of Energy.

But the following summer, workers packaging the waste came across a batch that was extraordinarily acidic, making it unsafe for shipping. The lab's guidelines called for work to shut down while the batch underwent a rigid set of reviews to determine how to treat it, a time-consuming process that jeopardized the lab's goal of meeting the deadline.

Instead, the lab and its various contractors took shortcuts in treating the acidic nuclear waste, adding neutralizer and a wheat-based organic kitty litter to absorb excess liquid. The combination turned the waste into a potential bomb that one lab chemist later characterized as akin to plastic explosives, according to a six-month investigation by *The New Mexican*.

The lab then shipped a 55-gallon drum of the volatile material 330 miles to the Waste Isolation Pilot Plant, the nation's only underground repository for nuclear waste, southeast of Carlsbad. Documents accompanying the drum, which were supposed to include a detailed description of its contents, were deeply flawed. They made no mention of the acidity or the neutralizer, and they mischaracterized the kitty litter as a clay-based material — not the more combustible organic variety that most chemists would have recognized as hazardous if mixed with waste laden with nitrate salts, according to interviews and a review of thousands of pages of documents and internal emails obtained through a Freedom of Information Act request.

On Feb. 14, with the campaign to clear the waste from Los Alamos more than 90 percent complete, the drum's lid cracked open. Radiation leaked into the air. Temperatures in the underground chamber soared to 1,600 degrees, threatening dozens of nearby drums. At least 20 workers were contaminated with what federal officials have described as low levels of radiation — though one worker has filed a lawsuit saying his health has drastically deteriorated due to radiation exposure.

The facility, meanwhile, remains shut down as an estimated \$500 million recovery effort expected to last several years gets underway, leaving thousands of containers of nuclear waste destined for WIPP stranded at national laboratories across the country.

Documents and internal emails show that even after the radiation leak, lab officials downplayed the dangers of the waste — even to the Carlsbad managers whose staff members were endangered by its presence — and withheld critical information from regulators and WIPP officials investigating the leak. Internal emails, harshly worded at times, convey a tone of exasperation with LANL from WIPP personnel, primarily employees of the Department of Energy and Nuclear Waste Partnership, the contractor that operates the repository.

Taken together, the documents provide a window into a culture of oversight at the lab that, in the race to clean up the waste, had so broken down that small missteps sometimes led to systemic problems.

Even before the waste was treated at Los Alamos, mistakes had been made that could have been instrumental in causing the accident at WIPP. Emails between WIPP contractors involved in the leak investigation indicate that something as simple as a typographical error in a revision of LANL's procedural manual for processing waste containing nitrate salts may have precipitated a switch from inorganic clay kitty litter to the organic variety.

And for two years preceding the February incident, the lab refused to allow inspectors conducting annual permitting audits for the New Mexico Environment Department inside the facility where waste was treated. Only since the radiation leak has the Environment Department demanded that it go inside the facility for inspections.

The waste container that ultimately burst would not have met federal transportation standards to get on the road from Los Alamos to Carlsbad, nor would it have been accepted at WIPP, if its true ingredients had been reported by the lab. Investigators have zeroed in on those ingredients as the possible cause of the chemical reaction that led to the radiation leak, although the exact catalyst for the reaction remains a mystery.

The National Nuclear Security Administration's Accident Investigation Board, an arm of the Energy Department, is expected to soon release findings of its investigation on the cause of the radiation leak. And the New Mexico Environment Department is set to begin levying fines against LANL that some lab officials expect could total \$10 million or more.

As its report takes shape, the federal board is exploring what role LANL contractors' profit motive and the rush to meet the deadline imposed by the state Environment Department — a key objective necessary to fully extend its lucrative contract — played in the missteps that caused the leak.

"We expect that that report will address this very specific question," Mark Whitney, the Department of Energy's acting assistant secretary of environmental management, told reporters during a teleconference in late September.

A patented explosive

More than three months after the leak, LANL chemist Steve Clemmons compared the ingredients of the drum, labeled Waste Drum 68660, to a database of federal patents and found that together, the drum's contents match the makeup of patented plastic, water-gel and slurry explosives, according to a memo.

“All of the required components included in the patent claims would be present,” Clemmons wrote in the May 21 memo.

Personnel at WIPP were oblivious to Clemmons’ discovery for nearly a week after he made it. Only after a Department of Energy employee leaked a copy of the memo to a colleague in Carlsbad the night before a planned entry into the room that held the ruptured drum did WIPP get word that it could be dealing with explosive components inside Waste Drum 68660.

“Have you heard that we at the lab have confirmed that the material used in the drum DOES create an explosive mixture????” James O’Neil of the Department of Energy’s National Nuclear Security Administration wrote May 27 to Hung-Cheng Chiou, who works at the Department of Energy’s Carlsbad Field Office.

In a follow-up email, O’Neil clarified what he meant: “A letter from the LANL chemistry group here ... stated that putting the type of kitty litter of sorts mixed with the nitrate salts created a patented explosive mixture.”

“Wow, that is the news to me,” Chiou wrote back. “How can the explosive mixture be in the drum content that could be sent to WIPP?”

O’Neil expressed his own surprise that such a dangerous load was allowed to be shipped to WIPP.

“Not sure how [that] type drum, which does not meet WIPP [waste acceptance criteria] even got shipped to you guys,” he wrote.

From there, word of the memo reached managers at WIPP.

“I am appalled that LANL didn’t provide us this information!” Dana Bryson, deputy manager of the Department of Energy’s Carlsbad Field Office, wrote in an email to WIPP-based field office manager Jose Franco and others when she learned of the memo.

LANL officials, in a written statement from a spokesman, said scientific testing has eliminated the explosive nature of the waste as the cause of the radiation leak. Numerous experiments trying to replicate the conditions in Waste Drum 68660 have failed to yield the same result, officials said.

But Greg Mello, executive director of the Los Alamos Study Group, a watchdog organization that tracks activities at the lab, said LANL should have recognized the potentially volatile mix it had concocted before shipping it to WIPP, rather than three months after it burst.

“It took only seconds with Google to find explosives patents” when the foremost ingredients in Waste Drum 68660 were punched in, he said.

On May 27, when they learned of the memo about patented explosives that the lab hadn’t shared with them, supervisors at WIPP abandoned plans for the next day to sample the area where the breach occurred, fearing it was too dangerous.

“In a phone call with LANL, they indicated that there is a possibility that any sampling of the kitty litter/drum contents could cause another event,” David Freeman, Nuclear Waste Partnership’s chief nuclear engineer, wrote in an email.

Bryson demanded answers from Peter Maggiore, the National Nuclear Security Administration's assistant manager for environmental programs at LANL.

"We have a formal letter on LANL letterhead implying there is a real and present danger in the WIPP underground," Bryson wrote. "This is contrary to everything I have heard from LANL on this issue. The email you sent from LANL implied there might be more of these hidden yet formal warnings."

Chiou, too, was livid when he learned that the Los Alamos-based employee who first alerted WIPP personnel to the threat was reprimanded by the Department of Energy's Los Alamos Site Office for sharing that information.

"This is direct contradiction of DOE/NNSA policy and what we believed in," Chiou wrote to Franco, Bryson and others. "It is most important that we have the information (regardless official or unofficial) so that we as [the Carlsbad Field Office of the Energy Department] can make better informed decisions as best we could. However, it may not work that way as it seems. ... I hope that we can do better in getting relevant information from LANL so we can make a better decision for the WIPP project."

After a conference call with LANL officials, WIPP decision-makers on May 30 sent workers in protective suits into the room to collect samples. But a June 17 report by LANL personnel based at WIPP found the intense underground flare may have destabilized up to 55 more drums of waste that were in close proximity to Waste Drum 68660 when it ruptured, calling into question whether they, too, had become poised to burst.

"[The high heat event] may have dried out some of the unreacted oxidizer-organic mixtures increasing their potential for spontaneous reaction," the report said. "The dehydration of the fuel-oxidizer mixtures caused by the heating of the drums is recognized as a condition known to increase the potential for reaction."

Keeping secrets

Frustrations over LANL's reluctance to share what it knew about Waste Drum 68660 had been percolating at WIPP long before the discovery of the memo that suggested the drum contained all the ingredients of a patented plastic explosive.

A May 5 email between WIPP employee James Willison and federal contractor Fran Williams suggested LANL was reluctant to acknowledge the most basic details about what Waste Drum 68660 held.

"LANL used a wheat-based kitty litter rather than clay-based kitty litter as a stabilizer," Willison wrote. "They fessed up after we nailed down the general area. ... At least now we know."

"Wow," Williams responded. "How bad is that?"

On paper, the volatile combination of contents inside the drum that burst were not evident to experts who reviewed them because they were not included in the list of ingredients Los Alamos is required to generate for regulatory purposes and to assure the waste is stable enough to be accepted at WIPP.

In the case of Waste Drum 68660, that report, known as acceptable knowledge, was woefully incomplete and portrayed the mix as far more stable than it truly was, according to the emails.

In documents filed with the New Mexico Environment Department before the accident, LANL reported that the waste in the drum that would later burst “is stable and will not undergo violent chemical change without detonating,” and “there is no indication that the waste contains explosive materials, and it is not capable of detonation or explosive reaction. The materials in the waste stream are therefore not reactive wastes.”

Los Alamos’ description of the drum’s contents was so flawed that post-accident reviews by WIPP personnel resulted in a revised acceptable knowledge report in May that included everything that had been left out of the original.

“Be sure and read the AK [acceptable knowledge] description ... it assumed that the absorbent was clay based,” Freeman wrote to another waste specialist at WIPP.

“A neutralizing agent was used [at LANL] to obtain a neutral pH — though not in the procedure and not documented,” Freeman wrote in another message.

A WIPP report that followed stated: “These chemicals not being considered could lead to an incomplete AK record which could be a violation of the WIPP hazardous waste facility permit requirements.”

Yet another WIPP briefing paper suggests that even though the contents inside Waste Drum 68660 came from an unusually acidic batch of waste with a pH of zero, appropriate handling at LANL could have mitigated the threat, but the use of the wrong neutralizer failed to reconcile the problem and in fact exacerbated it. And in the lab’s description of the waste before it shipped to WIPP, its uniquely high acidity was not reported.

“If the manufacturer’s directions were followed, the liquid would have been neutralized to a pH of approximately 7,” Michael Papp, a waste composition specialist at Nuclear Waste Partnership, wrote to managers for the contractor. “However, the final pH of the liquid was not included in the repackaging paperwork.”

A costly typo

In a damning report issued in October, the Department of Energy’s Office of Inspector General chided LANL and its waste packaging subcontractor EnergySolutions for the change from clay-based to organic kitty litter and the use of an acid neutralizer.

“This action may have led to an adverse chemical reaction within the drums resulting in serious safety implications,” the report said, referring to the litter change. A lab spokesman said LANL officials recognize deficiencies in the lab’s safety processes were spotlighted by the disaster at WIPP.

But LANL has never publicly acknowledged the reason why it switched from clay-based litter to the organic variety believed to be the fuel that fed the intense heat. In internal emails, nuclear waste specialists pondered several theories about the reason for the change in kitty litters before settling on an almost comically simplistic conclusion that has never been publicly discussed: A typographical error in a revision to a LANL policy manual for repackaging waste led to a wholesale shift from clay litter to the wheat-based variety.

The revision, approved by LANL, took effect Aug. 1, 2012, mere days after the governor's celebratory visit to Los Alamos, and explicitly directed waste packagers at the lab to "ENSURE an organic absorbent (kitty litter) is added to the waste" when packaging drums of nitrate salt.

"Does it seem strange that the procedure was revised to specifically require organic kitty litter to process nitrate salt drums?" Freeman, Nuclear Waste Partnership's chief nuclear engineer at WIPP, asked a colleague in a May 28 email.

Freeman went on to echo some of the possible reasons for the change bandied about in earlier emails, such as the off-putting dust or perfumed scents characteristic of clay litter. But his colleague, Mark Percy, a member of the team that reviews waste to ensure it is acceptable to be stored at WIPP, offered a surprising explanation.

"General consensus is that the 'organic' designation was a typo that wasn't caught," he wrote, implying that the directions should have called for inorganic litter.

Officials at LANL declined to comment about whether a typographical error led to the switch to organic kitty litter.

Whatever the reason, LANL began treating waste with assorted varieties of organic kitty litter as early as September 2012, spawning thousands of drums of waste that hold the same organic threat that's being eyed as a contributing factor in the rupture of Waste Drum 68660.

Organic kitty litter may have been mixed in up to 5,565 containers of waste at LANL starting in September 2012 that were incorrectly labeled as holding inorganic litter, according to an assessment conducted by WIPP personnel.

Notes from a May conference call with federal regulators contained in the emails show LANL's use of organic kitty litter defied clear instructions from WIPP personnel to use the clay type.

"[WIPP contractors] authorized 'X' for use and LANL used 'Y,'" Todd Sellmer, transportation and packaging manager at Nuclear Waste Partnership, wrote in an email documenting the call.

Lax state oversight

The push to speed up nuclear waste removal from Los Alamos began after the June 2011 Las Conchas Fire. The blaze, the largest in New Mexico history, scorched 156,000 acres in the Jemez Mountains and came within a few miles of LANL's Area G, where 3,327.5 cubic feet of waste from decades of nuclear weapons development was stored.

Worried that another fire would breach the compound, the state Environment Department and lab officials agreed to a June 30, 2014, deadline to clear The Hill of waste and ship it to WIPP.

Meeting the goal meant big money for Los Alamos National Security, the private company formed eight years ago by Bechtel, Babcock & Wilcox Technical Services, URS Energy and Construction, and the University of California to operate LANL. The deadline was built into the federal grading scale that determines the contractor's fee, and more importantly, whether LANS receives extensions of its \$2.2 billion-a-year contract to operate the lab at Los Alamos. LANS already had been denied a one-year extension when it failed to meet goals associated with progress toward making several dilapidated facilities operable.

But since the deadline was set, nuclear watchdog groups have publicly criticized Gov. Martinez's Cabinet secretary for the Environment Department, Ryan Flynn, for relaxing the frequency of waste drum inspections during LANL's cleanup campaign. Emails obtained by *The New Mexican* raise new questions about whether oversight of LANL's waste packaging activities by Flynn's department was sufficient.

Department inspectors are required to conduct annual audits of the lab to ensure it meets state permitting guidelines. But in 2012 and 2013, Environment Department officials say, LANL warned them to stay out of the waste handling facility because they did not have appropriate training to be around radioactive waste, according to emails.

Jim Winchester, a spokesman for the Environment Department, said the state's audit team didn't insist on entering because it was "working on higher priority duties at the time that mandated our attention."

Only since the disaster at WIPP has the department insisted on getting access to the site where Waste Drum 68660 was processed.

Flynn, meanwhile, has expressed similar frustrations with WIPP officials over what he has called LANL's reluctance to share what it knows about the contents of the drum. He has made clear that the Environment Department is poised to levy steep penalties against the lab's permit.

"The more we investigate, the more we're discovering at Los Alamos," Flynn told *The New Mexican* in a September interview.

It's still unclear what impact the Feb. 14 leak will have on LANS and its contract, which runs through Oct. 1, 2017, according to federal records. Four managers overseeing the cleanup at the lab already have been replaced, and more shake-ups are underway.

Federal officials, meanwhile, estimate a years long recovery plan to reopen WIPP will cost at least \$500 million — a figure some critics characterize as an overly conservative guess. The financial consequences of the disaster were already becoming evident by May 7, when WIPP-based Department of Energy employee Irene Joo emailed a colleague to speculate about what had gone wrong at LANL.

She wrote: "I expect we will all pay the price."

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