



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 AGENDA

Town of Taos Council Chambers
400 Camino de la Placita, Taos, N.M. 87571
May 8, 2015
9:00a-11:00a

- A. Call to Order – Mayor Lucero – 9:00a-**
- B. Confirmation of Quorum - Mayor Lucero**
- C. Approval of Agenda – Mayor Lucero**
- D. Approval of Meeting Minutes - 9:15a (Tab A)**
- E. Discussion/Action Items (1 hr, 15mins) 9:15 – 10:40a**
 - A. NM Congressional Delegation Updates (10 mins) 9:15-9:25a
 - B. Presentation by Kathy Keith, Regional Development Corporation (30 mins) 9:25-9:55a (Tab B)
 - C. Presentation by Christine Gelles, Acting Manager of the Environmental Management Los Alamos Field Office, DOE (30 mins) 9:55a-10:25a
 - A. Updates for Board Members (15 min) 10:25a – 10:32a
 - a. Invitation and Information on Manhattan Park by Brian Bosshardt (3 mins)
 - b. RCLC Budget Update by Brian Bosshardt (2 mins) (Tab C)
 - c. Report from the Executive Director (2 mins) (Tab D)
 - B. **Action** - Review/Approve (3 mins) 10:32a-10:35a
 - a. Review/Approve Travel for ED travel to ECA Conference (Tab E – ECA Agenda)
- F. Meetings at a Glance (5 mins) 10:35a-10:40a (Tab G)**
- G. Public Comment (20 mins) 10:40a-11:00a**
- H. Adjournment – 11:00a**

About the Regional Coalition of LANL Communities:

The Regional Coalition is comprised of nine cities, towns, 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 2015 Board of Directors includes Chair, Mayor Alice Lucero, City of Espanola; Vice-Chair, Councilor Andrew Gonzales, Town of Taos; Secretary/Treasurer Javier Gonzales, Mayor of Santa Fe; Commissioner Henry Roybal, Santa Fe County; Councilor Steve Girrens, Los Alamos County Council; Commissioner Mark Gallegos, Taos County; Governor Earl Salazar, Pueblo of Ohkay Owingeh; Governor Raymond Loretto, Pueblo of Jemez; and Commissioner Barney Trujillo, Rio Arriba County;

<http://regionalcoalition.org>.

For more information please visit the Regional Coalition website at <http://regionalcoalition.org>

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REGIONAL COALITION MEETING AGENDA

Española City Chambers
405 N. Paseo de Oñate, Española, NM 87532
April 10, 2015
9:00a-11:00a

A. Call to Order – Mayor Lucero – 9:00a-

Attendance: Chair, Mayor Alice Lucero, City of Espanola; Vice Chair, Councilor Andrew Gonzales, Town of Taos; Secretary/Treasurer Javier Gonzales, Mayor of Santa Fe; Commissioner Henry Roybal, Santa Fe County; County Councilor Rick Reiss in place for Steve Girrens, Los Alamos County Council; Commissioner Mark Gallegos, Taos County; Governor Earl Salazar, Pueblo of Ohkay Owingeh; and Governor Raymond Loretto, Pueblo of Jemez (5 minutes late); Rio Arriba County Commissioner Barney Trujillo

B. Confirmation of Quorum - Mayor Lucero – Confirmed.

C. Approval of Agenda – Mayor Lucero – all approved.

Motion: To approve the agenda

Moved by Mayor Javier Gonzales, Seconded by Councilor Andrew Gonzales

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

D. Approval of Meeting Minutes - 9:15a (Tab A – In board packet) – Approved.

Motion: To approve the minutes.

Moved by Councilor Gonzales, Seconded by Commissioner Roybal

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

E. Discussion/Action Items (1.5 hours) 9:15 – 10:30a

A. NM Congressional Delegation Updates (5 mins) 9:15-9:20a (Tab B – In Board packet)

Updates since the last meeting, Senator Udall has been appointed to the Senate Appropriations committee subcommittee on defense. That is a big appointment for NM. In NM that subcommittee has jurisdiction over the three Air Force bases, WSMR, and Ft. Bliss. These all play a vital role in NM. Senator Udall also assumed a lead role as ranking member on the Appropriations committee subcommittee on interior environment and related agencies. His staff has met with local representatives in Northern NM. In addition he returned to the Senate

commerce and science committee. He will also continue to serve on the Senate foreign affairs, Indian affairs and rules committees. Also, late in March advocated for the reopening of WIPP via the Secretary of DOE. The professional delegation in NM has one staff member designated to identify federal funding.

Congressman Lujan representative mentioned the various committees that the Congressman was involved in. He shares a goal of strengthening our economy through technological innovations and the importance of the national labs.

B. Presentation by Pete Maggiore, Asst. Manager Environmental Projects Office (30 mins) 9:20-9:50a (*Tab C – In Board packet*)

Mr. Maggiore will provide a brief update on the Legacy cleanup work, the new office and how the work will be transitioned. There has been a lot of activity lately with the release of reports. I will begin with the direction that was given by the DOE secretary. The Secretary indicated specialized contractor would be beneficial. The cleanup programs across the sites would be more cohesive. All employees have been transitioned to the new office and several new positions have been created. A workforce analysis is being completed to determine what additional Federal positions will be needed.

There will be a bridge contract with LANS so the Legacy work can be completed. The government intends to execute this contract as soon as possible, for a term of 18-24 months. There is a lot of coordination required. Those agreements are being finalized.

There is a lot of interest in the contracting community of solicitations that will be issued in the future; the government also want the structure to be the developed.

Mayor Javier Gonzales: Question on developing a list of all the projects that are being worked on and what the status is. Maggiore indicated the cost and duration of the project is still in question. The cleanup budget is appropriated by Congress at about \$189 million. It is the responsibility of LANL and the State of NM. The scope of work is then negotiated with the State. We could commit to meeting with the Coalition on an annual basis. If the Coalition wants certain priorities they can put that in writing. We have ongoing financial responsibilities, we fund the NM Environment Department DOE oversight on an annual basis.

Mayor Javier Gonzales indicated that there is concern about the backlog of waste. It would be important over a 5, 10, 15 year period that were the greatest risk to the community exists that should be the priority. Maggiore said there is some flexibility, but it is governed by the consent order. The current consent order terminates in December of this year. They are not going to be able to meet all components of the consent order. Hopefully a new consent order will be developed with a strong risk prioritization component.

Mayor Javier Gonzales worries about the year after year negotiation of how the money is going to be spent. Hopefully we can have a calendar before those negotiations happen.

Councilor Andrew Gonzales referred to the off the top money and inquired what that amount was. He is concerned about funding other commitments. He wants to see the full amount of the money for cleanup. Maggiore said he has the information on how much money that is. Gonzales wants an update about water and said there has not been an update in quite a while. Maggiore said he will work with the ED and get her that information.

C. Presentation by Carole Rutten, Deputy Director of LANL Community Programs Office (30 minutes) 9:50a-10:20a (*Tab D – In Board packet*)

Carol Rutten thanked everyone for allowing her to share with the Coalition. The director of LANL community programs is now open and there is also a tribal liaison position that is open. There are 5 new members and the rest exist. The three primary areas are education, community development and work with the non-profits. Everything we do in our office is about partnerships by building capacity and have had great success. She indicated that she has a PowerPoint presentation. We build math, science and education for the regional workforce for the future. Everything they do is data informed and geared towards STEM. When we improve our math skills in our youth it really expands their future career opportunities. There are many different programs that LANL either coordinates or sponsors with other organizations. They want to excite students about science. We affected over 4,000 students and 341 teachers last year. The Robo Race Rally is a Rio Arriba County project that has grown and is a great example. The math and science academy works directly with teachers in the community and helps them teach math better. There has been much progress in the Native American population. There are over 60 programs that LANL is involved in.

Another part of helping is LANL taking a leadership role, we have started a statewide collaboration with major industry leaders. Intel, Sandia, Air Force leaders, etc. are going to put their time and energy to enable youth to attend math and science related groups.

We also partnership with small business and have been able to help 735 jobs. We are on the right track with this area. A number of businesses have been supported by the venture acceleration fund. FLUTE is one of the companies that are a success. It is all about the partnerships.

It is important to work with the non-profits and we want to give back to the communities where LANL employees live. It helps boost employee morale. It encourages leadership and 100% of the division leaders supported the campaign. 71% pledged to the campaign at the amount of \$122k. A 17.5% was recorded for employees. \$2.17 million dollars was pledged at the end of the day. United Way was a major recipient of these funds. A volunteer program allows employees and LANL retirees giving their time to various non-profits.

The LANL scholarship fund had another record breaking year at over \$327k pledged last year. 73 students are receiving over \$400k in scholarships from this program. New scholarships will be identified soon.

We also do a variety of different drives, where employees want to help. There is an annual school supply and shoe drive. These are delivered to various parts of the community. Employees give money, so that Payless and The Shoe Depot can help students with new shoes for school. We do a food drive every year and we provided over 37k in meals. Finally, we do a holiday gift drive. It is important that kids and seniors have gifts for the holidays.

When we look at what we are doing for 2015, we have been given \$2.5 million to do work in the different areas. Our partnerships continue to be strong. We want to continue to attract and retain the vital talent we have. We want to continue to identify new partnerships in our community.

Please refer to the presentation slides for greater detail on the various programs that LANL is involved in.

Mayor Gonzales said this is really good work for our community. He asked how the \$2.5 million is generated. Rutten indicated that this comes from the LANS partnership. Last year it was \$3 million and that has what it is historically. The WIPP situation affected the funding this year. Gonzales asked about outcomes and how the indicators developed. Rutten indicated that everything they do is data driven. Part of the responsibility is that they position their partners for success, so that they meet their metrics or work on fixing issues. They evaluate each contract and also hire an independent evaluator to determine if the money is getting a return.

Councilor Gonzales is still confused about the source of money. The funding is paid for out of the annual fee. Last year they only earned \$6 million, when they normally earn \$40-60 million. It was decided that this program was important, so it still funded, but at a reduced amount. It is never a given that this funding will happen every year. The federal government does not mandate it.

Gonzales wants to get this funding set in stone and said the money is at risk every year. Rutten indicated that the programs have been successful since 2006. Now the sustainability model comes into play. There are some great models for sustainability for building within each community. We are on our way and totally committed to it.

Councilor Gonzales: How can we make this a mandated dollar amount each year?

Mayor Lucero (inaudible)...unfortunately funding was cut down. It would be nice to see that funding go back to a higher level next year. The programs that are being supported are excellent, but we have so many needs. \$3 million does seem a bit insignificant.

Governor Loretto's pueblo has directly benefited from this program. Talked about how Los Alamos County is one of the richest. He believes it is important to encourage education. The math and science programs are great, but getting these kids to college is going to take more funding. I think the picture is good, but it needs improvement.

Commissioner Trujillo mentioned the collaboration is great, especially since the economic development director has come onboard. I do feel that there needs to be more funding, but he is proud of the work that has been done over the past few years. He asked that Rutten come to one of their commission meetings to explain the successes.

Rutten indicated there will be a going away invitation going out for Kurt's party. All Coalition members will be invited.

D. Report from the Executive Director (2 mins) –

Andrea Romero said this is her first time reporting. Three items to update: 1) there is a draft grant to DOE in process for FY16. This is due by the end of April. 2) Working with Mayor Lucero on updating meeting procedure, with a pilot project for public comment. 3) There is a trip to South Carolina regarding discussion on nuclear priorities at a national level. The peer exchange will address the role of local government.

Mayor Lucero indicated they can send two representatives on the trip.

E. Action - Review/Approve of Documents (10 mins) 10:20a-10:30a

a. Review/Approve Board Dues Plan (5 mins)

- i. Board approved invoicing each community at least \$3500 per member community, but it is up to the community if they would like to offer more to the Coalition. At this point no one has paid the 2015 dues. Brian Bosshart said it was historically \$10k with Santa Fe and Espanola and \$3,500 with Taos. One commissioner thinks that at least paying \$3,500 makes sure that board members attend.

Motion that each member pay a minimum of \$3,500 for FY15. Moved by Mayor Javier Gonzales
Seconded by Councilor Gonzales

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

b. Review/Approve 2015 Regional Coalition of LANL Communities Work Plan (5 mins) (*Tab E – In Board packet*)

Mayor Lucero indicated that the strategic plan was discussed at the last meeting. Andrea Romero indicated there short and long-term goals. Based on priorities with LANL the long-term goals are identified. They want to continuously review the priorities since it is a living document. Mayor Lucero thinks everything that was discussed is added. Commissioner suggested that if individuals want to modify or add, they notify the ED.

Moved by ?, Seconded by ?

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

1. Review of Financials (3 mins) 10:30-10:35a (*Tab F – In Board packet*)

No changes from two months ago. Mayor Lucero indicated the grant from DOE is in the amount of \$100k, and could be approved in August.

F. Meetings at a Glance (5 mins) 10:35a-10:40a (*Tab G – In Board packet*)

- a. Meeting on June 12th moved from Jemez Pueblo to Rio Arriba. July 10th meeting to be held in Jemez Pueblo.

G. Public Comment (20 mins) 10:40a-11:00a

Andrea Romero indicated that there is a three minute limit.

-Economist, from Taos, we are one of the communities that do not benefit from economic development. He submitted some material about allowing LANL to get 30 minutes to keep Los Alamos wealthy and other communities poor. You get paid to do marketing rather than analysis. Three points about information that was not accurate. He challenges them to give the same amount of time that was given to LANL so he can disprove what LANL community programs produce.

-Resident of Taos, thanked the board for being able to participate in the strategic planning session. She appreciated the details of the minutes. She encouraged revisiting the conflict of interest section. She wanted to commend Councilor Gonzales from Taos. The JPA has a motion to revisit in 6-months

and they want to be sure it is addressed at that time. Citizens have a responsibility to make sure tax dollars are being spend in a proper manner.

-Resident of Taos, LANL is a dinosaur and one way or another is slated for extinction. The trickle down economy is not working. If the rich get enough money we are hoping that some trickles down to us. She resents that they are be extorted to pay even more money to belong to this organization. Please be aware that you are representing the citizens not LANL. At the very least try to influence that the U.S. government to cancel the LANL contract, there is no way to put nuclear waste.

-Resident of Taos, submitted a statement for the minutes. Please refer to the statement for exact comments.

H. Adjournment – 11:00a

ATTEST:

Mayor Alice Lucero, Chair

Andrea Romero, Executive Director

Comments submitted by Jeanne Green, citizen at RCLC meeting April 10, 2015 for inclusion in the minutes.

Thank you for endorsing a thorough clean-up and lobbying for clean-up funding. You must realize, as Andrew wisely stated at the last meeting, that as long as you are also lobbying for more nuclear weapons production (90% of LANL's mission), you are defeating your own purpose of clean-up. Drips and dabs of clean-up funding vs. funding for production of mountains of toxic waste with nowhere to go but into our environment is a losing battle for your constituents.

This board is purportedly an effort to represent constituents in regards to LANL's impacts on our communities. I was told Regional Coalition of LANL Communities does not mean bought, owned and sold down the river by LANL, but rather that the coalition would give community officials a voice in what happens at LANL in regards to a thorough clean-up of its toxic legacy. We elected you to represent us, not for-profit Bechtel.

Here are some priorities that we would like to see you act on NOW for us, your electors...

Instead of lobbying for more money for weapons of mass destruction (advocacy for LANL's mission), we want you to demand the immediate closure of the PF-4 plutonium facility. Even the governments' own oversight Board has declared it to be an immediate highly potential threat to New Mexico populations. It is entirely vulnerable to earthquakes that could result in massive contamination of your public. There is much ongoing negligence at LANL in regards to safety. For example, having ignition switches inside the glove boxes with highly flammable plutonium. Read the Defense Nuclear Facility Safety Board's report! Instead of covering for LANL regardless of massive mistakes, including the kitty litter debacle at WIPP, make a stand for us, your constituents. Protect us. We need your advocacy.

Do not take your marching orders from Kutak Rock and the Energy Communities Alliance. They have demonstrated at Rocky Flats and elsewhere that by creating and working with Regional Coalitions of local officials they can bring local governments into complicity in achieving quick, cheap and shoddy cleanups. The ECA's other grand purpose is to, then, facilitate transfer of contaminated lands to you and us, aka "long-term stewardship". Don't let Bechtel walk off scot-free and leave us with many generations of cancers as a way of life and no expertise on how to safely remove from our air, water and soils the most dangerous radioactive elements on the planet.

Demand that the sediment in the Rio Grande and its tributaries be cleaned up immediately. After LANL did not notify the Buckman Diversion Project for 48 hours after release of toxic, hazardous materials into the waters, why are you not concerned? Is it okay with you that your fellow citizens downstream may be unwittingly drinking and bathing in contaminated water every time it rains and every time LANL fails to notify the

Diversion Project until after the fact? The sediment has never been tested and is stirred up every time it rains. Your job is to represent us, not LANL. Protect us.

Instead of advocating for our needs, according to the Energy Communities Alliance newsletter, you have lobbied for millions of dollars for the glorification of weapons of mass destruction with the Manhattan Project Historical Park. And you've lobbied for the opening of the Yucca Mountain Repository that has been proven to be unsafe as a nuclear waste repository. Do not advocate for a rushed reopening of WIPP. Safety is more important.

We all believe in job creation. Yes, of course, promote jobs. But are a few local jobs worth the annihilation of hundreds of thousands of people in an instant in a nuclear explosion? According to the Defense Nuclear Facilities Safety Board, those lives may not be Iranians or Arabs. They may include your own children, grandchildren, mothers and fathers... indeed, your own New Mexican constituents. We want you to advocate for us.

March 12, 2015

Dear Regional Coalition Board of Directors,

We wish to commend you for many of your efforts, especially the firm clarity you presented in Washington, DC regarding clean-up funding, and the Coalition's comments about rebidding the contract currently held by Bechtel. We also applaud your choice of Andrea Romero as the new Executive Director.

Thank you for your encouragement over these past months to compile our thoughts as citizens and present them to the Coalition. We have spent quite some time, individually and collectively, reviewing the Regional Coalition By-Laws, Joint Powers Agreement, Legislative Priorities, Meeting Minutes, website, Report the Board of Directors from the Regional Coalition Board Retreat, and press releases, as well as attending Regional Coalition meetings and speaking with our Taos Town and County representatives to the Coalition. This process allowed us to gain insight into the Coalition's intention and operations.

Mayor Gonzales of Santa Fe, Executive Director Andrea Romero, Town Councilman Andrew Gonzalez of Taos, previous Executive Director Darien Cabral, and several other Coalition members have encouraged us to present some detailed comments and notes as citizens. Attached are edited documents with notes.

Additionally, we would like to bring up a few questions. Firstly, we are perturbed by the decision to move the March 20th Coalition meeting from Taos to Santa Fe. There are several Taos residents who are unable to attend the meeting now that it is in Santa Fe, though they had planned to attend in Taos. Are there plans to hold another meeting in Taos this year? When?

We also have concerns about the process by which meeting locations are shifted and/or rescheduled. We appreciate the efforts the Coalition makes to notify the public of the changes, but would like to know more about who decides where the meetings will be held and what the process is for changing that decision.

Another major concern we would like to express is the lack of citizen involvement and input in the agenda items of the March 20th meeting. Andrea Romero explained to us that this is a special, once-a-year session to "decide upon the specific advocacy roles the Board hopes to unite on and set the goals for the year" and that "in the upcoming session, the Coalition will be setting a region-wide agenda, defining the public interest and to work with DOE, NNSA, contractors and Congress to ensure that state and federal policies protect and promote local interests that reflect each local constituency in one united Coalition voice."

She also wrote that, "Because of the amount of work necessary for this planning, the Board has asked that we remove public comment so they can stay focused and maximize time to be able to create a dynamic and worthwhile strategic plan."

It is our belief that the agenda of this upcoming March 20th meeting contains subjects that the public should have the right to provide comment upon, and that it is to the benefit of the Coalition and all of our communities to engage the public in the process of making these important decisions.

Also, we would like to request a current copy of the actual Regional Coalition Strategic Plan. At one point, this document was available on the Regional Coalition website both in an early draft and final format. We have printed copies of this Regional Coalition Strategic Plan (draft and final), but when we went to find them again to print out copies for community members, we were unable to locate them. The Report to the Board on the Board Retreat is not a substitute for the Strategic Plan. We would be willing to provide our reflections on the Strategic Plan, as we have done for several other Regional Coalition documents, attached.

Please append this letter and its attachments to the Regional Coalition members meeting packet and to the March 20th Meeting Minutes.

Thank you. We appreciate your willingness to review these concerns and take them into account for the March 20th and all subsequent meetings. We also hope you will take these suggestions in the spirit in which they are given . . . as your citizens dedicated to creating a Regional Coalition which represents and advocates for the well-being of all.

Sincerely,

Rivera Sun, Dariel Garner, Rick Brown, Carol Brown, Margarita Denevan; Citizens of Taos County

Overview of Notes and Recommendations to the Regional Coalition of LANL Communities from Citizens of Taos, New Mexico

Title of Coalition

We would like to note that the name of the organization is demeaning to citizens of the counties and towns surrounding Los Alamos National Laboratory. The title of the organization gives the impression that our communities belong to LANL or have a special connection to LANL. Since that is not an accurate description, the name of this organization should not contain a subtle possessory phrasing. We recommend "Regional Coalition of Communities Affected by LANL" or perhaps "Regional Coalition of Communities Surrounding LANL".

Public Comment Periods, Public Scoping, Citizen Input

One area of particular concern for citizens regarding the Regional Coalition is the lack of clearly identified protocol regarding Public Comment Period at meetings, Public Scoping on issues, and citizen input in general. While the Regional Coalition's documents clearly emphasize an intention to engage citizens, the By-Laws, Joint Power Agreement, and Strategic Plan lack the codification of that intention into procedure. We will note our suggestions on these documents for how the Regional Coalition could address this.

Strategic Plan

As noted in the cover letter, the current Strategic Plan does not appear to be on the website. Please provide this document to the public. From earlier drafts and previously found versions of the Strategic Plan, we have these comments to make:

1. The Regional Coalition's Strategic Plan should contain a clearer process for obtaining citizen input and accessing the communities on the issues around Los Alamos, including a protocol around public scoping processes. The Regional Coalition should conduct public scoping prior to identifying the legislative priorities that they will be representing citizens upon; and also in the process of identifying new, diversified missions for LANL (see note below). We recommend holding public scoping sessions at least twice per year.
2. Since the Regional Coalition does not currently have sufficient protocol around public comment periods, the Strategic Plan should address this. We recommend mandatory public comment at the beginning (not the end) of the monthly Regional Coalition meetings, as well as prior to each action item and decision made by the Coalition. (Further notes on specific By-laws and Joint Power Agreement Sections to amend have been made below.)
3. The versions of the Strategic Plan printed out by citizens contain many references to promoting and educating the public about LANL missions and the importance of LANL to national security and defense. The 2015 Strategic Plan should focus on accurate and clear representation of LANL to the public. Nearly 80% of LANL's budget serves nuclear

weapons development in some way. Ethically, the Regional Coalition's promotion and education regarding LANL should reflect this percentage, rather than over-emphasis of the non-nuclear programs. The Strategic Plan should contain a clear process for developing guidelines for the Coalition around this concern.

4. Additionally, the Strategic Plan should identify a process for the purpose stated in the Coalition Joint Powers Agreement, Section 2. A. (i) "promotion of new missions for LANL that the citizens of the Coalition members support." Particularly, the Strategic Plan should acknowledge the issue of ethical diversification and develop a plan for engaging citizen input on what constitutes an ethical mission for LANL.

5. The Strategic Plan should engage the topic of pit production and modernization of nuclear arsenal. These proposed new missions at LANL impact citizens of the Coalition members, yet little discussion of pit production and modernization enters the monthly meetings or activities of the Regional Coalition. It is a failure of the Coalition's purpose to not conduct, assemble, and present clear and accurate information regarding the health risks and environmental impacts of these new missions.

6. Furthermore, while the Regional Coalition does excellent work in advocating for funding for environmental clean-up, the Strategic Plan of the Coalition could also emphasize advocating for funding to study the human health impacts of LANL, as in advocating for funding to complete the "LAHDRA Report".

Joint Powers Agreement

As we have mentioned at previous Regional Coalition meetings, we are concerned by the ambiguity in the Regional Coalition's documents regarding nuclear weapons. We acknowledge two things:

1. That 80% or more of LANL's budget is currently devoted to nuclear weapons related missions, and that the two billion dollars of annual funding of LANL is viewed as providing a significant and necessary impact on the economy of Northern New Mexico.
2. That many of the Regional Coalition members' citizens feel strongly that nuclear weapons are immoral, unethical, and should be immediately banned and dismantled. These citizens of Regional Coalition members feel strongly that their civic governments should provide neither taxpayer funding nor representatives (town and county) to a Regional Coalition that - through silence and ambiguity - ends up being a passive supporter of manufacture, research, development, production, maintenance, and modernization of nuclear weapons.

Those two things stated, we recognize the difficult position of the Regional Coalition. Representing diverse communities is challenging, particularly around an issue such as nuclear weapons. Out of respect for democracy, civic government, and the responsibility

of our elected representatives, we recommend that the Regional Coalition take the stance of neither advocating for further nuclear weapons funding, nor advocating for a decrease in current nuclear weapons funding, but rather amends their Joint Powers Agreement to reflect a proactive promotion of non-nuclear related missions.

This would be reflected in the following amendment to the Joint Powers Agreement to address the needs of the Regional Coalition members' diverse constituency:

Section 2. A. that currently reads, "Promotion of economic development, including:" would now read:

"promotion of continued economic development that is not related to maintenance, research, development, production, or modernization of nuclear weapons, including:"

And that,

Section 2. A. (ii) which currently reads, "advocacy of long-term stable funding of LANL missions;" would now read:

"support, lobbying, and advocacy of long-term stable funding of LANL missions by the Regional Coalition shall be narrowly and explicitly defined as not including support for LANL's nuclear weapons programs."

On another note, we recommend that the Joint Powers Agreement Section 5. which currently details "Meetings of Regional Coalition" A-E, add two items so that Section 5 includes,

F. Public Comment Period shall be held at every meeting, and before each decision of the Regional Coalition

G. Public Scoping sessions shall be held not less than twice per year.

By-Laws of the Board of Directors of the Regional Coalition of the LANL Communities

We note that the By-laws lack a clear process for agenda setting and revision, particularly in relation to how citizens may put an item on the agenda for discussion or action.

The By-laws also do not currently include anything about public disclosure of the Executive Committee members, how they are chosen, their public duties, or conflicts of interest. Likewise, the Executive Director Management Team should also be disclosed.

Article II, Section E. "Conflicts of Interest" currently reads "No Director or Alternative Director may enter into an employment relationship with the Regional Coalition (1) while serving on the Board or (2) for twelve months thereafter".

We recommend the addition of the following:

"No Director or Alternative Director may sit on the Board (1) while currently working for LANL or (2) have worked for LANL in the past five years."

Furthermore, we recommend that the Regional Coalition discuss and clearly define protocol of recusing oneself from a Regional Coalition decision in which the individual representative, Director, Alternative Director stands to see a personal gain, as in decisions regarding economic development opportunities, new missions for LANL, or legislative priorities.

This concludes our detailed recommendations. Thank you.

Article II, Section E. "Conflicts of Interest" currently reads "No Director or Alternative Director may enter into an employment relationship with the Regional Coalition (1) while serving on the Board or (2) for twelve months thereafter".

SUBMITTED BY ERICH KUERSCHNER,
THOS ECONOMIST
erichwwk@gmail.com

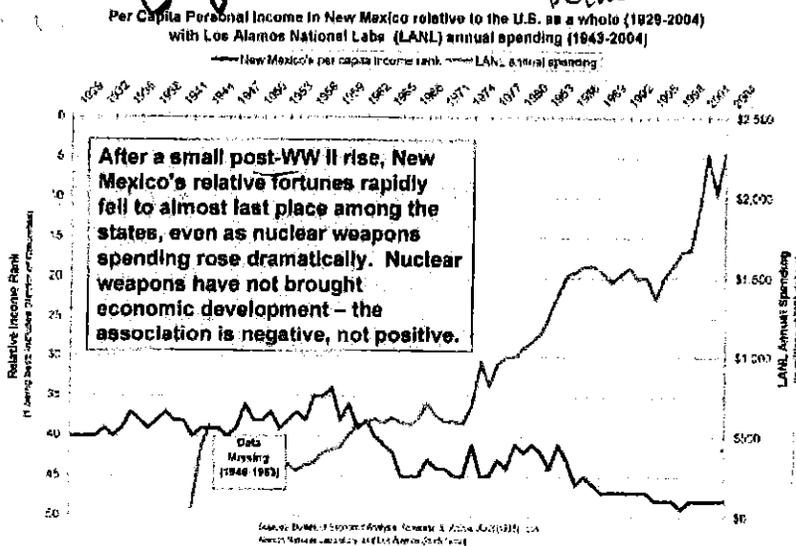
Rob Johnson at Davos: The Global Economy, Inequality, and the Humanity Behind Economics [@2:44 here: <http://bit.ly/1yxe2YH>]

THE THREE CORRUPTIONS OF ECONOMICS: [@ 2:44]

1. **PAYOLA.** You get paid to do marketing rather than analysis.
2. **THE CORRUPTION OF OMISSION.** Powerful people can hurt you if you object to them, so you tend to stay quiet. **The anthropologists will tell you that the way to study power in a society is to understand the contours of the silences. The silences reveal what is not said, and that is the clue to where power is.**
3. **THE YEARNING FOR ORDER,** which you might call the corruption of false precision. Demagogues tell you they have a clear crystal ball, or they have a model, or they're scientific. And a lot of it is fear, a lot of it is malarkey, a lot of it is what they call a confidence game, pretending that your tools and your methods make you more sound. It is belied by experience. Most really good economists know that econometric models pretend that society is stationary.

Re. Carole Rutter on CCP

- 1) focus on inputs (LANL gets from taxpayers)
- 2) RUC refuses equal time to economists view LANL AS a burden, not a benefit
- 3) Lot of numbers, none of which translate to achieving gains. As chart shows, gains are simply ^{below} not there



NM Median Income Ranking vs. LANL Spending from LASG

<http://lasg.org/>

From DOES LOS ALAMOS NATIONAL LAB HELP OR HURT THE NEW MEXICO ECONOMY?

WORKING PAPER, JULY 2006, GREG MELLO

http://lasg.org/LANLecon_impact.pdf edit

Comment to the Regional Coalition of LANL Communities
by Jay Coghlan, Nuclear Watch NM, 11-16-12

The front-page story in the New Mexican (11-15-12)
was about how this state has the most severe income gap of any of all 50
states.

I don't think there could be a starker example of the privileged 1% and the
remaining 99% than Los Alamos County and the rest of New Mexico. Here you
have the 2nd richest county in the U.S. in per capita income, with the most
millionaire households per capita, while the state as a whole has the
highest poverty rate at 22% of the entire population. Los Alamos County, according to
Census Bureau data, is over 80% non-Hispanic
Caucasian, in the only state where so-called minority populations are the
majority. In New Mexico the politicians and the nuclear
weapons labs themselves constantly tout the paramount economic importance of
the DOE presence in this state. But what good has that really done for the
average New Mexican? How does that jibe with the fact that New Mexico has
slipped from being 37th in per capita income in 1959 to bumping along the
bottom in 2012.

Now # 7
see
WSJ 1-2-15
ON WSJ.COM/
19M8P3

There are really two economies in New Mexico, one of the privileged high paying jobs
like at LANL, and the other of a poor and still largely rural state. This is a reflection
of deep inequality that remains in New Mexico." Thus it is really backwards for the
Regional Coalition to ask what the local governments can do for LANL when it should
be the other around. * EXACTLY

The semi-autonomous nuclear weapons agency, the National Nuclear
Security Administration (NNSA), has funded the Regional Coalition with
\$100,000. The Los Alamos County government is enriched by gross receipts
taxes on Lab operations, and then gives the Regional Coalition \$150,000 to
have local governments go lobby to support Lab operations, which are
nearly two-thirds for nuclear weapons. I find this incestuous loop while not
illegal certainly distasteful. And I am wondering where future job growth is
for the average New Mexican.

If local governments and the New Mexican congressional delegation really want job
creation they should push hard for comprehensive cleanup. But be warned that
this is exactly where the Regional Coalition could stand in the way. It has
a fact sheet about itself on its web site that describes the Regional
Coalition's missions and functions. Under the header of "FEDERAL
INVESTMENT = HUGE RETURNS TO TAXPAYERS" that fact sheet states

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.. upfront investments in regional, governmental partnerships yield significant returns for the taxpayer. At Rocky Flats, for instance, DOE provided the local government organization approximately \$300,000/year for seven years. In return, DOE was able to proactively resolve complex technical and policy issues. resolving those issues with local elected officials was part of the reason Rocky Flats closed years early, saving the taxpayer billions of dollars.

In my view, this is code for payoffs to the local governments to buy their assent for cleanup on the cheap. What occurred at Rocky Flats has direct relevance to LANL as both have been central to plutonium pit production. So-called cleanup at Rocky Flats was such that heavily contaminated soils were only lightly treated below 3 feet, and not at all below 6 feet. This may sound okay, but some of the most dangerous and polluted plutonium facilities in the U.S. were collapsed into their own basements and buried left untreated. To top it off, knowing that Rocky Flats so-called cleanup could never meet residential standards, with the stroke of a pen the U.S. government turned it into a wildlife refuge.

] yes

If local governments and the congressional delegation really want job creation they should insist on comprehensive cleanup at LANL. Recall that the estimated \$6 billion for the now postponed Chemistry and Metallurgy Research Replacement Project for expanded plutonium pit production was NOT going to produce a single new permanent job (instead it would merely relocate existing jobs). In contrast, comprehensive cleanup of Area G, the Lab's biggest radioactive dump, could create hundreds of high paying jobs for decades while permanently protecting the environment.

In December or January the New Mexico Environment Department (NMED) will give preliminary approval or not for the Lab's proposed method of cleanup for Area G. LANL has submitted its preferred "remedy" of "cap and cover" with an estimated cost of \$186 million, while leaving all of the wastes in place. This would take three years to build, followed by 30 years of monitoring and soil vapor extraction and a century of "institutional controls" (i.e. fences). LANL claims that this cap will protect the public and the environment for 1,000 years. However, many of the buried radionuclides in Area G will remain dangerous for 10s to 100s of thousands of years, and the dump is undisputedly located in an active seismic zone between a rift and a dormant supervolcano. For protection of the environment and posterity we should be thinking in terms of 10,000 years and beyond.

The Lab also submitted an estimate of full cleanup and offsite disposal of Area G wastes at \$29 billion. This seems clearly financially impossible, leading to its automatic rejection. But is that estimate for comprehensive

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cleanup of Area G credible, especially given LANL's deteriorating reputation for cost estimates? We believe that when LANL wants to do something it lowballs the estimate. For example the Lab originally priced the CMRR at \$660 million in 2004, but that cost increased almost 10-fold in 8 years. The flip side is that when the Lab doesn't want to do something it grossly inflates the cost estimate, such as its estimated \$29 billion for comprehensive cleanup of Area G, a figure that even NMED officials ridicule in private.

Nuclear Watch New Mexico has calculated cleanup costs for Area G by extrapolating actual costs from the nearly completed cleanup of Material Disposal Area B and cross checking that against recently released estimates for cleanup. But don't trust us. What we are trying to do is spur LANL and NMED to calculate realistic cost projections so that we can have an informed debate over Area G cleanup. What we found is that comprehensive cleanup should cost around the same estimated \$6 billion that the CMRR would have cost. But instead of \$6 billion dollars for an unneeded plutonium facility for expanded nuclear weapons production that wouldn't produce a single new permanent job, 6 billion dollars for comprehensive clean up of Area G would be a win-win for New Mexicans. It would permanently protect the environment, groundwater and the Rio Grande while creating 100s of long-term high paying jobs.

Recommendations

- Support and direct lobbying by the Regional Coalition for LANL's budget should be narrowly and explicitly defined as not including support for the Lab's nuclear weapons programs (two thirds of the \$2.3 billion annual budget). If not so defined, participating County and City governments should first make their objections clear and then, if still not satisfied, reconsider their involvement in the Coalition.
- The Regional Coalition for LANL Communities should not condone LANL's preferred method of "cleanup" for Area G, which is cap and cover. Instead it should adopt a position advocating for comprehensive cleanup of Area G.
- If the Regional Coalition fails to advocate for comprehensive cleanup of Area G the local governments should do so independent of the Coalition. The objective is to permanently protect the environment while creating 100s of high-paying jobs.

<Comment to the Regional Coalition of LANL Communities.doc>

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Comment to the Regional Coalition of LANL Communities

Thank you for this opportunity to speak. I want to especially recognize my mayor and chair of this regional coalition David Coss of Santa Fe, who saw to it that community voices could be heard at this meeting. I know that's David's intentions are excellent, motivated by his desire to see jobs created for Santa Feans and the City's water supplies permanently protected from LANL contaminants. Because of that I was then alarmed when I heard the head of the Santa Fe Chamber of Commerce say on KTRC 1260 AM that the Santa Fe mayor as a member of this Regional Coalition was unequivocally in support of LANL's budget, without stating any qualifications. David of course has to speak for himself, but I know that's not true.

The fact of the matter is that LANL's institutional budget of around \$2.3 annually is just under two-thirds for core research, testing and production programs for nuclear weapons. The Lab tries to play games with the budget numbers, for example breaking safeguards and security out as a separate budget category at 7% on their web site in order to bring the overall nuclear weapons percentage down to around 57%. But safeguards and security are there because of the nuclear weapons work, and to break it out separately is contrary to the NNSA presents to Congress in its annual budget request where they are included under "Total Weapons Activities."

Moreover, all remaining Lab programs, including cleanup, support nuclear weapons programs at least indirectly through the excessive rate of overhead at nearly 50%. Some non-weapons programs even directly support nuclear weapons programs. My favorite example is Earth Science, funded under the budget category of Science with a capital S. I know that a decade or so ago much of it was about the geologic effects of earth-penetrating nuclear weapons.

The point I'm making here is don't expect the City of Santa Fe, either its municipal government or the majority of its citizens, to support nuclear weapons programs at LANL. I think that would also be true of the County and City of Taos. The Regional Coalition and those who presume to speak for it in public should not stretch or blur the participation of these local governments into implying support for LANL's general budget, especially when it goes to directly lobby Congress. The corollary is that the Santa Fe and Taos City and County governments should be clear and insistent about this as well.

By asking local governments to support any portion of the Lab's budget the Regional Coalition is in effect asking them what they can do for LANL. I think that should be reversed and the question should become what can LANL do for the local population. Yesterday's front-page story in the New Mexican is how this state has the most severe income gap of any off all 50 states.

I don't think there could be a starker example of the privileged 1% and the remaining 99% than Los Alamos County and the rest of New Mexico. Here you have the 2nd richest county in the U.S. in

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per capita income, with the most millionaire households per capita, while the state as a whole has the highest rate of poverty at 22% of the entire population. Here you have a county that according to Census Bureau data is over 80% non-Hispanic Caucasian, in the only state where so-called minority populations are the majority. Here you have a state in which the politicians and the nuclear weapons labs themselves constantly tout the paramount economic importance of the DOE presence in this state. But what good has that really done for the average New Mexican? But how does that jibe with the fact that New Mexico has slipped from being 37th in per capita income in 1959 to bumping along the bottom in 2010, along with so many other socioeconomic indicators?

As yesterday's article points out, there are really two economies in New Mexico, one of the privileged high paying jobs like at LANL, and the other of a poor and still largely rural state. I quote the article, "The reality is that the workers don't work in the same workforce. This is a reflection of deep inequality that remains in New Mexico." Thus it is really backwards for the Regional Coalition to ask what the local governments can do for LANL when it should be the other around.

I'm reminded of the old Ray Charles song "Them's That Gots Are Them That Gets." The semi-autonomous nuclear weapons agency, the National Nuclear Security Administration (NNSA), has funded the Regional Coalition with \$100,000. The Los Alamos County government is enriched by gross receipts taxes on Lab operations, and then gives the Regional Coalition \$150,000 to have local governments go lobby to support Lab operations, which again are nearly two-thirds for nuclear weapons. I find this incestuous loop while not illegal certainly distasteful. And I am wondering where future job growth is for the average New Mexican.

We should all be realistic about LANL's future and where job growth can occur. I predict that Los Alamos National Laboratory is going to shrink over the decade, a process that has already begun, in part driven in the 10-fold rise in profits for management by Bechtel and the University of California. Nuclear weapons programs are going to be cut back for a number of reasons, and in my book that is a good thing. There has been some recent excitement over a possible expanded plutonium mission under the Mixed Oxide (MOX) Program that could create up to a 100 jobs, but that is likely to have little positive impact on the northern New Mexican economy. It could in fact harm tourism when it becomes known that up to an additional 2.5 metric tons could be coming to the Lab for every year until 2034 (and that's without accidents). Additionally, although it's touted as a nonproliferation program burning up weapons-grade plutonium in commercial nuclear reactors, it is in fact a proliferating program that by definition seeks to introduce plutonium to the global commercial market. Further, the Mixed Oxide Program is a financial boondoggle currently kept on life support by powerful South Carolina politicians. It will fail as another link in the ever-growing chain of spectacular NNSA and DOE failures. It is also a subset of the dying and discredited nuclear power industry that never could stand on its own two feet without taxpayer subsidies. The nation can no longer afford boondoggles that like this, and the MOX program too will probably collapse someday of its own weight.

Which brings me to predict that there are two potential job growth areas at the Lab: these nonproliferation programs (without MOX) and cleanup. Again, nuclear weapons programs will fortunately shrink over time, and almost all alternatives to them are economically ruled out by the Lab's astronomically high rate of overhead at 50%. The Lab is not capable of competing, and therefore will not attract major investments in, for example, renewable energy technologies. Additionally, the Lab is no longer protected by the seniority of Senators Domenici and Bingaman,

and there are 98 other senators out there with long budget knives in this increasingly constrained economic climate.

The future job growth that can occur at LANL will be work that has to occur at LANL. By definition cleanup of LANL has to occur at LANL. With respect to nonproliferation programs the Lab does have vital nuclear expertise that will be crucial to maintain for nuclear weapons forensics and treaty verification technologies that can provide the technical underpinnings for working toward a future world free of nuclear weapons. I am a strong advocate for growth in LANL's nonproliferation programs, again excepting MOX. But we should be realistic that these programs will never be able to compensate for the loss of money and jobs in the nuclear weapons programs.

So I am finally getting down to the business point at hand here. If local governments and the New Mexican congressional delegation really want job creation push hard for comprehensive cleanup. But be warned that this is exactly where the Regional Coalition could stand in the way. There is a fact sheet about itself on its web site that describes the Regional Coalition's missions and functions.¹ Under the header of "FEDERAL INVESTMENT = HUGE RETURNS TO TAXPAYERS" that fact sheet states

.. upfront investments in regional, governmental partnerships yield significant returns for the taxpayer. At Rocky Flats, for instance, DOE provided the local government organization approximately \$300,000/year for seven years. In return, DOE was able to proactively resolve complex technical and policy issues.... resolving those issues with local elected officials was part of the reason Rocky Flats closed years early, saving the taxpayer billions of dollars.

In my view, this is code for payoffs to the local governments to buy their assent for cleanup on the cheap. What occurred at Rocky Flats has direct relevance to LANL as both as been central to plutonium pit production. So-called cleanup at Rocky Flats was such that heavily contaminated soils were only lightly treated below 3 feet, and not at all below 6 feet. This may sound okay, but some of the most dangerous and polluted buildings in the U.S. were collapsed into their own basements and buried left untreated. To top it off, knowing that Rocky Flat's so-called cleanup could meet never meet residential standards, with the stroke of a pen the U.S. government turned it into a wildlife refuge.

If local governments and the congressional delegation really want job creation insist on comprehensive cleanup at LANL. Recall that the estimated \$6 billion for the now postponed Chemistry and Metallurgy Research Replacement Project (CMRR) for expanded plutonium pit production was NOT going to produce a single new permanent job (instead it would merely relocate existing jobs). In contrast, comprehensive cleanup of Area G, the Lab's biggest radioactive dump, could create hundreds of high paying jobs for decades while permanently protecting the environment.

1 "Regional Coalition Fact Sheet,"

http://www.losalamosnm.us/news/Documents/2012.3.22_Regional%20Coalition%20Fact%20Sheet.pdf
http://www.losalamosnm.us/news/Documents/2012.3.22_Regional%20Coalition%20Fact%20Sheet.pdf

In December or January the New Mexico Environment Department (NMED) will give preliminary approval or not for the Lab's proposed method of cleanup for Area G. This will be followed by a public comment period of at least 60 days and public hearings. There may also be hearings on Area G in the New Mexican House and/or Senate. LANL has submitted its preferred "remedy" of "cap and cover" with an estimated cost of \$186 million, while leaving all of the wastes in place. This would take three years to build, followed by 30 years of monitoring and soil vapor extraction and a century of "institutional controls" (i.e. fences). LANL claims that this cap will protect the public and the environment for 1,000 years. However, many of the buried radionuclides in Area G will remain dangerous for 10's to 100's of thousands of years, and the dump is undisputedly located in an active seismic zone between a rift and a dormant supervolcano. For protection of the environment and posterity we should be thinking in terms of 10,000 years and beyond.

The Lab also submitted an estimate of full cleanup and offsite disposal of Area G wastes at \$29 billion. This seems clearly financially impossible, leading to its automatic rejection. But is that estimate for comprehensive cleanup of Area G credible, especially given LANL's deteriorating reputation for cost estimates? We believe that when LANL wants to do something it lowballs the estimate. For example the Lab originally priced the CMRR at \$660 million in 2004, but that cost increased almost 10-fold in 8 years. The flip side is that when the Lab doesn't want to do something it grossly inflates the cost estimate, such as its estimated \$29 billion for comprehensive cleanup of Area G, a figure that even NMED officials ridicule in private.

Nuclear Watch New Mexico has calculated cleanup costs for Area G by extrapolating actual costs from the nearly completed cleanup of Material Disposal Area B and cross checking that against recently released estimates for cleanup of MDA C.² But don't trust us. What we are trying to do is spur LANL and NMED to calculate realistic cost projections so that we can have an informed debate over Area G cleanup. What we found is that comprehensive cleanup should cost around the same estimated \$6 billion that the CMRR would have cost. **But instead of \$6 billion dollars for an unneeded plutonium facility for expanded nuclear weapons production that wouldn't produce a single new permanent job, 6 billion dollars for comprehensive clean up of Area G would be a win-win for New Mexicans. It would permanently protect the environment, groundwater and the Rio Grande while creating 100's of long-term high paying jobs.**

Recommendations:

- **Support and direct lobbying by the Regional Coalition for LANL's budget should be narrowly and explicitly defined as not including support for the Lab's nuclear weapons programs. If not participating County and City governments should first make their objections clear and then, if not satisfied, reconsider their involvement in the Coalition.**
- **The Regional Coalition for LANL Communities should not condone LANL's preferred method of "cleanup" for Area G, which is cap and cover. Instead it should adopt a position advocating for comprehensive cleanup of Area G.**
- **If the Regional Coalition fails to advocate for comprehensive cleanup of Area G the local governments should do so independent of the Coalition. The objective is to permanently protect the environment while creating 100's of high-paying jobs. c**

² Please see "What Should Comprehensive Cleanup of Area G Cost? Budget Comparisons between Material Disposal Areas B, C, and G," Nuclear Watch New Mexico, November 2012, http://nukewatch.org/facts/nwd/Area_G_Comparison_Costs-11-14-12.pdf

JAN, 2015

One deep underground dump, one dud

Author: Jim Green – Nuclear Monitor editor

NM801.4460 There is only one deep underground dump (DUD) for nuclear waste anywhere in the world, and it's a dud. The broad outline of this dud DUD story is simple and predictable: over a period of 10–15 years, high standards gave way to complacency, cost-cutting and corner-cutting.

The Waste Isolation Pilot Plant (WIPP) in New Mexico, USA, is a burial site for long-lived intermediate-level waste from the US nuclear weapons program. More than 171,000 waste drums have been stored in salt caverns 2,100 feet (640 metres) underground since WIPP opened in 1999.

Earl Potter, a lawyer who represented Westinghouse, WIPP's first operating contractor, said: "At the beginning, there was an almost fanatical attention to safety. I'm afraid the emphasis shifted to looking at how quickly and how inexpensively they could dispose of this waste."¹

Likewise, Rick Fuentes, president of the Carlsbad chapter of the United Steelworkers union, said: "In the early days, we had to prove to the stakeholders that we could operate this place safely for both people and the environment. After time, complacency set in. Money didn't get invested into the equipment and the things it should have."¹

Before WIPP opened, sceptical locals were invited to watch experiments to assure them how safe the facility would be. Waste containers were dropped from great heights onto metal spikes, submerged in water and rammed by trains.¹ Little did they know that a typo and kitty litter would be the undoing of WIPP.

On 14 February 2014, a drum rupture spread contaminants through about one-third of the underground caverns and tunnels, up the exhaust shaft, and into the outside environment. Twenty-two people were contaminated with low-level radioactivity.

A Technical Assessment Team convened by the US Department of Energy (DoE) has recently released a report into the February 2014 accident.² The report concludes that just one drum was the source of radioactive contamination, and that the drum rupture resulted from internal chemical reactions.

Chemically incompatible contents in the drum – nitrate salt residues, organic sorbent and an acid neutralization agent – supported heat-generating chemical reactions which led to the creation of gases within the drum. The build-up of gases displaced the drum lid, venting radioactive material and hot matter that further reacted with the air or other materials outside the drum to cause the observed damage.

Kitty litter

The problems began at Los Alamos National Laboratory (LANL), where the drum was packed. One of the problems at LANL was the replacement of inorganic absorbent with

an organic absorbent – kitty litter. Carbohydrates in the kitty litter provided fuel for a chemical reaction with metal nitrate salts being disposed of.

The switch to kitty litter took effect on 1 August 2012. LANL staff were explicitly directed to "ENSURE an organic absorbent (kitty litter) is added to the waste" when packaging drums of nitrate salts. LANL's use of organic kitty litter defied clear instructions from WIPP to use an inorganic absorbent.³

Why switch from inorganic absorbent to organic kitty litter? The most likely explanation is that the problem originated with a typo in notes from a meeting at LANL about how to package "difficult" waste for shipment to WIPP – and the subsequent failure of anyone at LANL to correct the error. In email correspondence, Mark Percy, a member of the team that reviews waste to ensure it is acceptable to be stored at WIPP, said: "General consensus is that the 'organic' designation was a typo that wasn't caught."³

LANL officials have since acknowledged several violations of its Hazardous Waste Facility Permit including the failure to follow proper procedures in making the switch to organic litter, and the lack of follow-up on waste that tests showed to be highly acidic.⁴

Ongoing risks

The heat generated by the rupture of drum #68660 may have destabilized up to 55 other drums that were in close proximity. A June 2014 report by LANL staff based at WIPP said the heat "may have dried out some of the unreacted oxidizer-organic mixtures increasing their potential for spontaneous reaction. 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."⁵

The Albuquerque Journal reported on March 15 that 368 drums with waste comparable to drum #68660 are stored underground at WIPP – 313 in Panel 6, and 55 in Room 7 of Panel 7, the same room as drum #68660. WIPP operators are trying to isolate areas considered to be at risk with chain links, brattice cloth to restrict air flow, mined salt buffers and steel bulkheads. Efforts to shut off particular rooms and panels have been delayed and complicated by radiological contamination, limitations on the number of workers and equipment that can be used due to poor ventilation, and months of missed maintenance that followed the February 2014 accident.⁶

An *Associated Press* report states that since September 2012, LANL packed up to 5,565 drums with organic kitty litter. Of particular concern are 16 drums with highly acidic contents as well as nitrate salts. Of those 16 drums, 11 are underground at WIPP (one of them is drum #68660), and the other five are in temporary storage at a private waste facility in Andrews, Texas.⁴

Freedom of Information revelations

The Santa Fe *New Mexican* newspaper has revealed further details about problems before and after the February 2014 accident, based on material from a Freedom of Information Act request.³

The *New Mexican* reports that LANL workers came across a batch of waste that was highly acidic, making it unsafe for shipping. A careful review of treatment options should have followed, but instead LANL and its contractors took shortcuts, adding acid neutralizer as well as kitty litter to absorb excess liquid. The wrong neutralizer was used, exacerbating the problem.³

One of these waste drums was #68660. Documents accompanying the drum from LANL to WIPP made no mention of the high acidity or the neutralizer, and they said that it contained an inorganic absorbent.³

The decision to take shortcuts was likely motivated by pressure to meet a deadline to remove waste from an area at LANL considered vulnerable to fire. Meeting the deadline would have helped LANL contractors' extend their lucrative contracts to package waste at LANL and transport it to WIPP.³

For two years preceding the February 2014 incident, LANL refused to allow inspectors conducting annual audits for the New Mexico Environment Department (NMED) inside the facility where waste was treated, saying the auditors did not have appropriate training to be around radioactive waste. The NMED did not insist on gaining access because, in the words of a departmental spokesperson, it was "working on higher priority duties at the time that mandated our attention."³

There were further lapses after the drum rupture. The *New Mexican* reported:

*"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."*³

Several months after the rupture of drum #68660, an LANL chemist discovered that the contents of the drum matched those of a patented explosive. Personnel at WIPP were not informed of the potential for an explosive reaction for nearly another week – and they only learned about the problem after a DoE employee leaked a copy of the chemist's memo to a colleague in Carlsbad the night before a planned entry into the room that held the ruptured drum. That planned entry was cancelled. Workers in protective suits entered the underground area several days later to collect samples.³

"I am appalled that LANL didn't provide us this information," Dana Bryson from DoE's Carlsbad Field Office wrote in an email when she learned of the memo.³

The DoE employee who first alerted WIPP personnel to the threat was reprimanded by the DoE's Los Alamos Site Office for sharing the information.³

Drum #68660 (Model)

Head space

Mass, 0.091 kg
Volume, 0.0623 m³ (21.7 gallons)
Density, 1.1 kg/m³

Nitrate-Salt Admixture Layer

Mass, 39.2 kg (13.0 kg Swheat, 26.2kg nitrate salt)
Volume, 0.053 m³ (14.0 gallons)
Density, 738 kg/m³

Neutralized and Sorbed Liquid Layer

Mass, 32.1 kg (10.5 kg acid, 8.0 kg neut., 13.6 kg Swheat)
Volume, 0.038 m³ (10 gallons)
Density, 848 kg/m³

Job Control Solid Waste Layer

Mass, 11 kg (glove, plastic, rubber)
Volume, 0.0403 m³ (13.2 gallons)
Density, 273 kg/m³

Contamination

Inevitably the clean-up has faced problems due to radioactive contamination in the underground panels and tunnels, and delays in routine underground maintenance because of the contamination. The Santa Fe *New Mexican* reported on some of these problems:

"In October, when a fan was tested for the first time since the accident, it kicked up low levels of radioactive materials that escaped from the mine. Waste drums that normally would have been permanently disposed of within days of their arrival at WIPP instead were housed in an above-ground holding area for months and leaked harmful but nonradioactive vapors that sickened four workers. A chunk of the cavern's ceiling crashed to the ground after the contamination delayed for months the routine bolting that would have stabilized the roof."

Another problem is that workers are entering underground areas that are not being monitored for carcinogenic volatile organic compounds. Monitoring of these compounds, a condition of WIPP's permit from the state of New Mexico, has not been taking place since February 2014 because of limited access to contaminated underground areas.⁵

Don Hancock from the Southwest Research and Information Center said:

"They have no intention of starting to do the volatile organic compound monitoring in the underground at least until January of 2016. They fully intend to keep sending workers into the underground with no intention

of following this requirement. It's in violation of the permit, and the Environment Department should say so."⁵

Fines

The NMED has fined the DoE US\$54 million (€49.2m). The Department identified 13 violations at WIPP, and imposed penalties of US\$17.7 million (€16.1m). The Department identified 24 violations at LANL, and imposed penalties of US\$36.6 million (€33.3m).⁷ The DoE is appealing the fines.⁸

The DoE says that any state fines it pays for the WIPP accident will come from money appropriated to clean up nuclear weapons sites in New Mexico. A 2016 budget year summary presented in February by DoE's Office of Environmental Management says: "Any fines and penalties assessed on the EM [environmental management] program would be provided by cleanup dollars, resulting in reduced funding for cleanup activities."⁶

NMED Secretary Ryan Flynn responded:

*"Essentially, DoE is threatening to punish states by doing less cleanup work if states attempt to hold it accountable for violating federal and state environmental laws. States like New Mexico welcome federal facilities into our communities with the understanding that these facilities will respect the health and safety of our citizens by complying with federal and state laws."*⁹

The NMED is working on a new compliance order that could include fines of more than US\$100 million (€91.1m). Flynn said:

"We've indicated all along that if DoE is willing to take accountability for the events that caused the release and work with the state then we'd be willing to release them from any further liability at Los Alamos and

*WIPP. If DoE is not willing to take accountability for what's occurred, then they are going to face significant additional penalties."*⁹

A February 22 editorial in the *Albuquerque Journal* states:

*"It would behoove the DoE to quit poisoning the well when it doesn't have another option for disposing of this kind of waste underground. ... So the DOE should start paying up and playing fair with the only game in town."*¹⁰

Greg Mello from the Los Alamos Study Group said that an increase in weapons spending proposed by the Obama administration would pay "all the NMED-proposed fines a few times over."⁸

Clean-up costs

Costs associated with the February 2014 accident include clean-up costs, fines, and costs associated with managing the backlog of waste at other sites until it can be sent to WIPP. Total costs will be at least US\$500 million (€455m).¹

WIPP is unlikely to be fully operational until at least 2018 according to federal Energy Secretary Ernest Moniz. "We are targeting 2018 but I have to admit that that remains a little uncertain; the key project is the new ventilation system and that is still undergoing engineering analysis," Moniz said in February.

Don Hancock doubts that the 2018 timeline can be met. Salt mines exist across the world, he said, but reopening a contaminated salt mine following a radiological release is unprecedented and the government has no model to follow.¹¹

Earl Potter, the former Westinghouse lawyer with a long association with WIPP, told the *New Mexican* that he doubted whether WIPP could continue if another radiation leak happened during the recovery process. "We can survive one," he said, "but two, I don't think so."¹¹

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1. Patrick Malone, 14 Feb 2015, 'Repository's future uncertain, but New Mexico town still believes', www.santafenewmexican.com/special_reports/from_lanl_to_leak/repository-s-future-uncertain-but-new-mexico-town-still-believes/article_38b0e57b-2d4e-5476-b3f5-9cfe81ce94cc.html
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Treat the state's lab addiction

By Greg Mello PUBLISHED: Friday, March 20, 2015 at 12:05 am

Nuclear explosions produce inhumanly extreme temperatures and pressures, many orders of magnitude beyond those friendly to life. Warhead energy yields are more than a million times what chemical explosions can produce. To produce these effects requires unstable (hence radiotoxic) materials, which must be handled carefully and securely. Esoteric knowledge must be kept secret.



From these basic facts, others follow as night follows day. Including this: nuclear labs and factories like Los Alamos National Laboratory (LANL) cannot be engines of economic development. And LANL hasn't been.

What's worse, political attachment to the state's nuclear laboratories is now a potent barrier to even keeping, let alone improving, our economic, social and political well-being. At present, we're failing. Faith in lab-based "innovation" as an economic engine will drive us down, as it has already.

To thrive, New Mexico must fully and quickly embrace political goals based on human dignity and solidarity, and on active, successful environmental stewardship. These are truly conservative values.

This kind of politics, which is the only kind capable of saving the state from further abuse and decline, is incompatible with respect for nuclear weapons and their custodial

institutions.

Meditating on the *Iliad*, Simone Weil remarked, "Only he who knows the empire of might, and knows how not to respect it, is capable of love and justice." "Love and justice" is shorthand for the social contract and environmental stewardship New Mexico needs.

To prosper, it is necessary to politically let go of the labs in order to embrace almost opposite values. The labs haven't made net contributions to the state. They won't. Their uncertain future will always be clouded – and, especially in LANL's case, controversial and contaminated. That future need not be ours. For fundamental reasons these labs, especially LANL, will remain economically sterile and politically destructive. Our political attention, values and investments can and must be elsewhere.

For 72 years, LANL has been primarily devoted to nuclear weapons. Right at the beginning, using the new bombs on cities was a horrendous war crime, the shame of which has blighted Los Alamos ever since. Far from rushing to beat Hitler to the bomb, the leaders of Los Alamos knew in 1944 that Germany never had an atomic bomb project. By March, 16 months before Trinity, General Groves told a dinner party at Los Alamos that the main purpose of the Manhattan Project was to provide the military means to dominate the Soviet Union.

That mission hasn't changed much. Eurasian sovereignty remains the primary challenge to U.S. global domination. Technologies of control and coercion, especially nuclear weapons, remain the labs' mission.

Why can't nuclear weapons and the institutions that serve them produce economic development, fundamentally?

Think about it. Nuclear weapons are neither productive investments nor a salable good. They're a bad.

Nuclear weapons are inherently transgressive of moral and legal norms. Their direct physical effects – blast, fire and radiation – produce devastation over very wide areas. Indirect effects, less predictable, extend even farther in space

and time. The fatal and injuring effects of nuclear weapons so greatly outstrip the local and temporary effects of chemical and biological weapons as to be in another class entirely. They and all that pertains to them are inherently anti-civilizational.

The "deterrence" they supposedly offer (inapplicable to nearly every real threat, even in the most generous analysis) is based on mutual terror. It presupposes a firm plan, to be executed rapidly, that would annihilate one's own country along with the enemy's.

Annihilation would occur in two ways. First, via incoming warheads. With nodal targeting and electromagnetic pulse, even a few warheads – perhaps even just one or two – would suffice to eliminate the United States as a functioning society. Second, soot-induced "nuclear winter" and destruction of the ozone layer that would follow the use of even a small fraction of current arsenals would ensure the deaths of billions and the extinction of many terrestrial species (e.g. from retinal burns).

So nuclear deterrence is akin to a large suicide vest, with a lethal radius comparable to that of the earth. Any "patriotism" it claims is perverted and paranoid. Of course, we all know it's not patriotism that drives this industry. It's mostly greed.

Nuclear weapons have no military utility, even against non-nuclear foes, as repeated analyses have shown. They would cause widespread "collateral damage" with even the smallest yields. Any nation using them can kiss its status, respect and security goodbye. Economic decline would be swift.

Such useless, pariah "weapons" have a dim future. As does LANL.

The point is, these are not productive assets. This whole industry is a liability.

As far as federal spending goes, non-military spending produces far more jobs, even in this state. The political loyalties, values and committee assignments that support nuclear weapons run counter to economic development. With our heads in the labs, the future passes us by. When politicians support the nuclear labs "because of jobs," it's really just their own jobs they're talking about.

Sure, LANL has employees who spend some of their outsized salaries. It has suppliers and contractors. But that's not economic development. It's the dole. What of value is produced? What infrastructure is built?

Meanwhile, contamination remains. Dumping continues. The risk of accidents continues. Secrecy continues, with no true public meaning worth having. The "aura of apartheid" (Bourgeois) continues.

LANL in particular cannot fruitfully broaden its missions. It's far too expensive, isolated and specialized (in both staff and facilities). It's not all that competent. It does cleanup inefficiently. It is highly politicized and uses monopoly power to extract outrageous rents on its nuclear weapons mission, which it seeks to make as complicated, lucrative and permanent as possible. Its parent companies are involved in civilian nuclear technologies worldwide, creating conflicts of interest in energy and nonproliferation. There is no new mission for LANL that could not be better done elsewhere. Its bomb mission won't grow, thankfully.

The state faces a grim future unless conservative values of solidarity and stewardship are made cornerstones, and our nuclear lab addiction is successfully treated.

Greg Mello is co-founder of the Los Alamos Study Group, a watchdog organization that advocates nuclear disarmament.

**Presentation to:
Regional Coalition of LANL Communities
May 8, 2015**



**REGIONAL
DEVELOPMENT
CORPORATION**

Working To Create Jobs In Northern New Mexico

706 Bond Street
Española, NM 87532
505-820-1226
www.rdcnm.org

About the RDC

- **Non-profit organization established in 1996 as the Community Reuse Organization (CRO) for the Department of Energy, Los Alamos Site.**
- **Has grown into a full-service economic development organization (EDO).**
- **Our mission: To create a diverse and sustainable economy in northern New Mexico.**
- **Our primary service area: Los Alamos, Rio Arriba, Santa Fe and Taos. We also work in San Miguel, Mora and Sandoval counties on select projects.**
- **15 Member Board of private sector leaders: nine nominated by local elected officials, one by Pueblo Council, five at-large.**



REGIONAL
DEVELOPMENT
CORPORATION

What is Economic Development?

JOBS

How do we diversify our economy so we are not dependent on one industry or employer?

What resources do we have to grow industries?

Which industries are expanding/contracting?

Which industries are culturally appropriate for our communities?

Which industries have the potential to raise the average wage in the region?

How do we invest resources wisely to get the most JOBS?

How do we get the businesses here and keep them here?



REGIONAL
DEVELOPMENT
CORPORATION

Economic and Cultural Diversity: RDC Communities

Rio Arriba County

Pop: 40,674
Median HH Income:
\$42,514
Below Poverty: 20.1%
Race: Hispanic 72.2%
Native American 13.7%
White 15%

Los Alamos County

Pop: 18,431
Median HH Income:
\$100,423
Below Poverty: 3.2%
Race: White 78.9%
Hispanic 20.3%
Native American 3.3%



Sandoval County

Pop: 116,811
Median HH Income:
\$56,703
Below Poverty: 10.9%
Race: White 55.9%
Hispanic 32.5%
Native American 13.8%

Santa Fe County

Pop: 143,501
Median HH Income:
\$52,923
Below Poverty: 13.4%
Race: Hispanic 50.3%
White 46%
Native American 3.3%

Taos County

Pop: 31,444
Median HH Income:
\$35,800
Below Poverty: 18.5%
Race: Hispanic
55.4%
White 39%
Native American 6.6%

San Miguel County

Pop: 28,600
Median HH Income:
\$30,956
Below Poverty: 24.6%
Race:
Hispanic 77.3%
White 22%
Native American 1.7%

Northern New Mexico

Los Alamos, Santa Fe, Rio Arriba and Taos Counties

Employment



- Govt
- Manufacturing
- Construction
- Retail
- Services*

*Tourism,
professional
services, real
estate

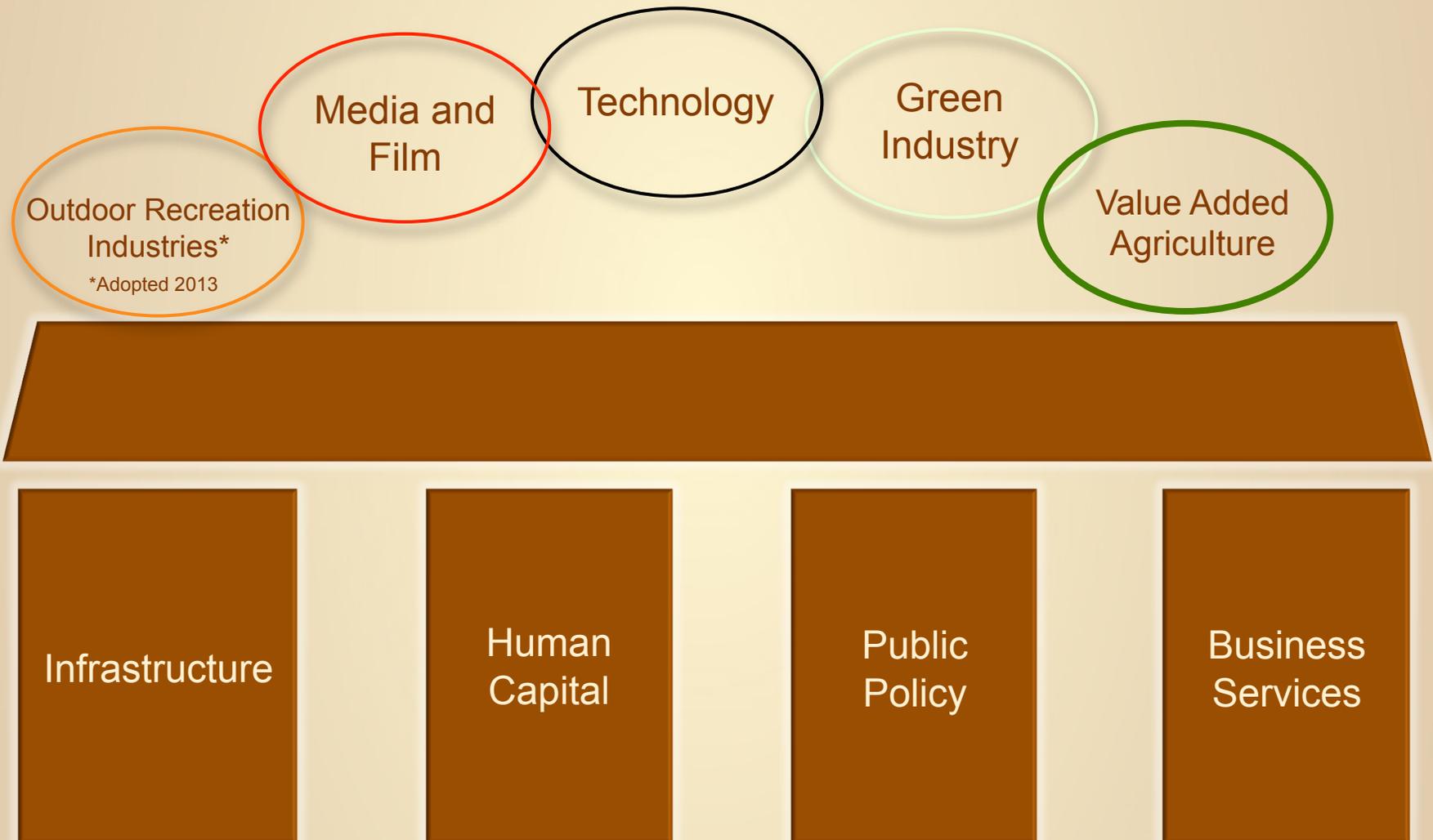


REGIONAL
DEVELOPMENT
CORPORATION

About Our Work

Regional Economic Development Initiative (REDI)

A Partnership of 7 Local Governments and a Tribal Council



Infrastructure

Priority



Broadband

- REDI Net - \$76 million secured for fiber backbone from Santa Fe to Taos.
- Next Steps – Network Expansion



REGIONAL
DEVELOPMENT
CORPORATION

Human Capital

Workforce Development

www.acceleratenm.org



- **Partnership with 6 colleges:** UNM Los Alamos, UNM Taos, Northern NM College, Santa Fe Community College, Luna College and New Mexico Highlands
- Certificates and 2-year technical training degrees for 120 students per year
- Funded by grant from the US Dept. of Energy, Office of Environmental Management



REGIONAL
DEVELOPMENT
CORPORATION

Public Policy

Advocacy for local, state and federal policies which support economic development:

- State Film Incentives
- Expanding Local Economic Development Act to Retail Development
- Rural Broadband



REGIONAL
DEVELOPMENT
CORPORATION

Business Services

1. Starting New Businesses

Los Alamos Connect
Venture Acceleration Fund
Tribal Venture Acceleration Fund
Entrepreneurial Networking

2. Expanding Businesses

Business Outreach Program

3. Attracting Businesses

Inventory of incentives/sites
Regional Website and Marketing Material
<http://nnmredi.org/>



RESULTS

2013

Companies Served  307

Jobs Created/Retained 

New salaries  \$9 million

Revenue Growth  \$11.4 million

Financing Attracted  \$70.2 million

FUNDERS

Outdoor
Recreation
Industries

Media and
Film

Technology

Green Industry

Value Added
Agriculture



Los Alamos County - \$1.15 million over last 5 years in direct support

Infrastructure

- REDI Net:
\$70.6 million
- US Dept of
Commerce
- USDA

Human Capital

- US Dept. of
Energy: \$3.1
million over 5
years
- EM

Public Policy

Business Services

- Los Alamos
National Lab:**
\$4.4 million over
last 5 years for
new business
development &
expansion
- VAF: Santa Fe
County, City of
Santa Fe and NM
MEP

LOS ALAMOS
National Security, LLC





Summary of Receipts and Disbursements
Inception to date, as of 5/06/15

Beginning Cash Balance	\$ -
Receipts	
Member Contributions	\$ 547,375.00
DOE Grant Reimbursables	\$ 72,224.95
Disbursements	
Executive Director Services	\$ (451,478.74)
Legal Services	\$ (324.56)
Membership & Subscriptions	\$ (1,900.00)
Travel	\$ (23,708.94)
Board Meetings	\$ (10,000.00)
Disbursements	\$ (487,412.24)
Ending Cash Balance	\$ 132,187.71

Member Contributions to Date

City of Española	\$	16,000.00
Los Alamos County	\$	450,000.00
Pubeblo of Ohkay Owingeh	\$	10,000.00
Rio Arriba County	\$	12,500.00
City of Santa Fe	\$	22,500.00
Santa Fe County	\$	25,000.00
Taos County	\$	7,875.00
Town of Taos	\$	3,500.00
		<hr/>
	\$	547,375.00



ECA Peer Exchange on Advancing Nuclear Priorities
Aiken, South Carolina
May 18-19, 2015

Sunday, May 17, 2015

2:30 pm – 8:00 pm **Welcome Reception with ECA Chairman Chuck Smith**
(Participants must register in advance to attend. Transportation will be provided and will leave from The Holiday Inn Express in Aiken)

Monday, May 18, 2015
Applied Research Center
Aiken, SC 29801

8:00 am – 8:30 am **Breakfast**

8:30 am – 8:45 am **Welcome and Introductions**
Councilman Chuck Smith, Chair, ECA, Aiken County, SC
Seth Kirshenberg, Executive Director, ECA

8:45 am – 9:30 am **Assistant Secretary Pete Lyons, Office of Nuclear Energy**
(Invited)

The Office of Nuclear Energy will discuss how it is addressing both the front end and the back end of the fuel cycle, including steps to develop interim storage, site a repository for defense high-level waste, advancing new nuclear technologies, and the role communities can play with DOE to remains part of a national all-of-the-above strategy.

9:30 am – 9:45 am **Break**

9:45 am – 10:30 am

Update: The Pursuit of SMRs and Advanced Reactors

DOE and industry recently gathered to work out the barriers to the widespread commercialization of SMRs. Does support for SMR development still exist at the local level? What is the status of community visions for SMR development? Do they need to be adjusted? Are there other advanced nuclear technologies communities should be supporting?

10:30 am – 11:15 am

Discussion on Redefining Waste

*Speakers: Rick McLeod, SRSCRO
Tim Frazier, Bipartisan Policy Center*

There is growing support to consider redefining nuclear waste based on composition rather than origin. What advantages would that present? Is there support across communities for this change? What would it entail? Who should communities be working with?

11:15 am -11:45 am

Tour of the Applied Research Center

Fred Hume, Director, Applied Research Center

11:45 am -12:45 am

Lunch

1:00 pm – 5:00 pm

Tours to Plant Vogtle or the Savannah River Site

Rick McLeod, Executive Director, SRSCRO
**Transportation will be provided. Buses for each tour will leave from the Applied Research Center and will return to the Holiday Inn Express, Aiken.*

6:00 pm – 8:00 pm

Reception - Sage Valley Lodge (*Tentative*)

Tuesday, May 19, 2015

Aiken County Government Center: The Sandlapper Room

1930 University Parkway, Aiken, SC 29801

8:00 am – 8:30 am

Breakfast

8:30 am – 9:30 am

Reconsidering a Consent-Based Process

Three new bills in Congress once again call for a consent-based siting process, as does the Administration’s strategy for developing interim storage and disposal facilities. What are the priorities for local communities in defining “consent”? What are the necessary elements and cost to begin an education and outreach program?

9:30 am – 10:30 am

Panel Discussion: What is the Direction for Defense Communities?

The Administration recently announced “de-coupling” defense and commercial high-level waste. What are the potential impacts and what is the message that defense communities want to provide to DOE? What can our local communities do to support DOE efforts to site a defense HLW repository?

10:30 am – 10:45 am

Break

10:45 am – 11:45 am

Ensuring a Nuclear Workforce for the Future

TBD, SRSCRO

If nuclear energy is going to be part of an all-of-the above energy portfolio and if the role of nuclear is to be expanded to help reduce carbon emissions, how can communities support development of an adequately trained nuclear workforce? Are there community initiatives to consider? What resources and outreach strategies are needed for a workforce development initiative?

11:45 am – 12:45 pm

Lunch

Communities Working with DOE on Infrastructure and Excess Facilities, *Mark Gilbertson (Invited)*

12:45 pm - 1:45 pm

House and Senate Bills on Nuclear Waste – What are Community Priorities?

Both the House and Senate have introduced legislation addressing disposal of nuclear waste. What does each bill say and what do

communities need to know about each bill? What are they key elements and opportunities in each for energy communities in terms of cleanup and the potential for new missions?

1:45 pm – 2:45 pm

Communities Coordinating with National Labs

How are local governments working with DOE and national laboratories? How can this collaboration benefit communities and how should those benefits be communicated within the community and more broadly within the state? What future opportunities exist?



Executive Director Update, May 8, 2015

- **Submitted DOE Grant Application** – Currently being reviewed by Genna Hackett of DOE. She will get back to me with any changes necessary.
- **Letter to House Energy and Water Appropriations** (included) –
 - We heard that the House Energy and Water Appropriations was looking to cut LANL cleanup funding from the \$189M allocated from the President’s FY16 budget down to \$180M. We wrote a letter to vice-chair of House Energy and Water Appropriations, Rep. Ben Ray Luján to express our disapproval of the decrease in funding and area awaiting response from Rep. Luján on any developments.
- **Meeting with Deputy Assistant Secretary Mark Whitney of Department of Energy, Environmental Management** – talking points crafted (included)
 - Also in attendance: Christine Gelles, Acting Manager of the Environmental Management Los Alamos Field Office, DOE; Kim Davis Lebak, NNSA, Los Alamos Field Office Manager; Pete Maggiore, Assistant Manager of the Environmental Projects Office at the NNSA Los Alamos Field Office; several Board Members and their representatives also in attendance.
 - Timely meeting with Mark Whitney included questions on the recent agreement made with the state of NM to settling on an agreement costing DOE \$73M. NNSA
 - “Under this agreement, instead of paying fines DOE will provide support for a variety of mutually beneficial and critical projects that will protect local communities and better safeguard transportation routes in New Mexico and around DOE sites, which will improve the safety and security of nuclear materials and the designated roads on which they travel.”
 - These projects, estimated at a total value of \$73 million, include approximately:
 - \$34 million to improve roads and transportation routes around the WIPP site in Southeastern New Mexico;
 - \$12 million to improve transuranic waste transportation routes in and around Los Alamos;
 - \$10 million to upgrade critical water infrastructure in and around Los Alamos;
 - \$9.5 million to build engineering structures and increase monitoring capabilities around LANL to better manage storm water flows;
 - \$5 million to construct an emergency operations center in Carlsbad and provide enhanced training for emergency responders and mine rescue teams; and,
 - \$2.75 million to fund an independent triennial compliance and operational review.
 - Were also able to discuss continued WIPP risk mitigation,
- **Letters to Pueblos to invite their participation** (included)
 - Sent letters to Cochiti, Santa Clara, Pojoaque. San Ildefonso already reached out stating their interest in participating. Awaiting any new information.
- **New JLH Staff Appointed to Coalition** – Lindi Douglass, recent graduate of UNM in Communications
- **News Briefs & Principals of Settlement Agreement** (included in packet)



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

April 27, 2015

Congressman Ben Ray Lujan
2446 Rayburn HOB
Washington, D.C. 20515

Dear Congressman Ben Ray Lujan,

The Regional Coalition of LANL Communities is asking for your assistance to reverse the yearly reductions to LANL clean up funding for our region. The House Energy and Water Development Appropriations Bill for 2016 is a blow to our communities in regards to necessary clean up funding.

When we visited you in February of this year, we requested assistance from you to work with the committee for \$255 million in cleanup funds in order to conduct a full-fledged operation to yield our desired results. In the past few years our funding has dropped from \$225 million (FY14) to \$189 million (FY15) and now this year's House appropriations bill proposes another decrease to only \$180 million; (even the President's budget requested over \$189 million). The funding proposed is insufficient to address the environmental cleanup risks at LANL.

We have seen other communities with similar cleanup needs see vast increases in their budgets from \$30 to \$50 million dollars across the DOE Complex. While budgets continue to grow in other communities, high-risk sites are not being addressed at LANL. We are greatly concerned the incredible need for clean up in these areas will continue to go on without completion and continue to add to the plague of job loss and continued uncertainty.

Our communities were once told that once the 3706 WIPP shipments were complete, the funding that was used for the shipments would then be used specifically for other environmental cleanup at LANL. If we continue to see reductions in clean up funding and no follow-through on promises made, how do we explain to our communities that they were sold a bill of goods?

As the Vice-Chairman of House Cleanup Caucus, we ask you to work with the other members of the caucus to understand the impact of the continued cleanup fund cuts to the site. Further, we request that you introduce an amendment to the proposed House Energy and Water Development Appropriations Bill for 2016. We request that DOE give us funding for clean up projects equal to \$255 million. Please offer an amendment to the bill to provide us sufficient funding for clean up at LANL. We ask that you help us in doing all you can to ensure we receive increased clean up funding to best service our communities in need.

Sincerely,


Andrea Romero, Executive Director on behalf of all Regional Coalition Members;

Chair, Mayor Alice Lucero, City of Española
Vice Chair, Councilor Andrew Gonzales, Town of Taos
Secretary/Treasurer Javier Gonzales, Mayor of Santa Fe
Commissioner Henry Roybal, Santa Fe County
County Councilor Steve Girens, Los Alamos County Council
Governor Earl Salazar, Pueblo of Ohkay Owingeh
Governor Raymond Loretto, Pueblo of Jemez
Commissioner Barney Trujillo, Rio Arriba County
Commissioner Mark Gallegos, Taos County

RegionalCoalition.org

Physical Address: 121 Sandoval Street, Santa Fe, NM 87501 | Mailing Address: 518 Old Santa Fe Trail #456, Santa Fe, NM 87505

Info@RegionalCoalition.org – (505) 470-6684



REGIONAL COALITION of LANL COMMUNITIES

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

May 4, 2015

Pueblo of Cochiti
Governor Leroy Arquero
P.O. Box 70
Cochiti Pueblo, NM 87072

Dear Governor Leroy Arquero,

It is with great pleasure that I write to you to invite Cochiti Pueblo to become members of the Regional Coalition of Los Alamos National Laboratory Communities. The Regional Coalition is comprised of nine cities, towns, counties and pueblos surrounding the Department of Energy's LANL, northern New Mexico's largest employer. Founded in 2011, the Regional Coalition works in partnership to ensure national decisions incorporate local needs and concerns.

The Coalition's focuses are environmental remediation, regional economic development and site employment, and adequate federal funding for LANL and the community-centric programs stemming from LANL activity. The 2015 Board of Directors includes Chair, Mayor Alice Lucero, City of Espanola; Vice-Chair, Councilor Andrew Gonzales, Town of Taos; Secretary/Treasurer, Javier Gonzales, Mayor of Santa Fe; Commissioner Henry Roybal, Santa Fe County; Councilor Steve Girrens, Los Alamos County Council; Commissioner Mark Gallegos, Taos County; Governor Earl Salazar, Pueblo of Ohkay Owingeh; Governor Raymond Loretto, Pueblo of Jemez; and Commissioner Barney Trujillo Rio Arriba County. As part of our 2015 Strategic Plan, the Board specifically recommended Cochiti Pueblo to join our Board Directors.

Each of our Board Directors has become signatories to our Joint Powers Agreement, stating commitment to our region by representing each community's respective interest and uniting in one voice as a Coalition in common agreement on pertinent issues. Our concerted and unique voice in the region has earned us great respect among the various community stakeholders. Since its inception we have built lasting relationships with the Department of Energy, DOE Environmental Management, National Nuclear Security Agency, LANL Community Programs office, Los Alamos Nuclear Security LLC, LANL Major Subcontractors, Citizen Advisory Board and other dedicated community entities. We are hoping to introduce you to partake in the dialogue on the many issues, stakeholders, and vibrant Coalition as a voting member of our Board.

I am happy to meet with you at your earliest convenience to provide any additional information. If you are interested in becoming a member of the organization, please feel free to call or email at any time: 505.470.6684; Andrea@RegionalCoalition.org. We thank you for taking the time to reflect upon potential for engagement and participation, and we look forward to your response.

Sincerely,

Andrea Romero
Executive Director, Regional Coalition of LANL Communities

Enclosed: RCLC Joint Powers Agreement & Regional Coalition Bylaws

RegionalCoalition.org

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REGIONAL COALITION of LANL COMMUNITIES

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

May 4, 2015

Pueblo of Pojoaque
Governor Joseph M. Talachy
78 Cities of Gold Road
Santa Fe, NM 87506

Dear Governor Joseph M. Talachy,

It is with great pleasure that I write to you to invite Pojoaque Pueblo to become members of the Regional Coalition of Los Alamos National Laboratory Communities. The Regional Coalition is comprised of nine cities, towns, counties and pueblos surrounding the Department of Energy's LANL, northern New Mexico's largest employer. Founded in 2011, the Regional Coalition works in partnership to ensure national decisions incorporate local needs and concerns.

The Coalition's focuses are environmental remediation, regional economic development and site employment, and adequate federal funding for LANL and the community-centric programs stemming from LANL activity. The 2015 Board of Directors includes Chair, Mayor Alice Lucero, City of Espanola; Vice-Chair, Councilor Andrew Gonzales, Town of Taos; Secretary/Treasurer, Javier Gonzales, Mayor of Santa Fe; Commissioner Henry Roybal, Santa Fe County; Councilor Steve Girrens, Los Alamos County Council; Commissioner Mark Gallegos, Taos County; Governor Earl Salazar, Pueblo of Ohkay Owingeh; Governor Raymond Loretto, Pueblo of Jemez; and Commissioner Barney Trujillo Rio Arriba County. As part of our 2015 Strategic Plan, the Board specifically recommended Pojoaque Pueblo to join our Board Directors.

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Andrea Romero
Executive Director, Regional Coalition of LANL Communities

Enclosed: RCLC Joint Powers Agreement & Regional Coalition Bylaws

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Info@RegionalCoalition.org – (505) 470-6684



REGIONAL COALITION of LANL COMMUNITIES

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

May 4, 2015

Santa Clara Pueblo
Office of the Governor
578 Kee Street
Española, NM 87532

Dear Governor J. Michael Chavarria,

It is with great pleasure that I write to you to invite Santa Clara Pueblo to become members of the Regional Coalition of Los Alamos National Laboratory Communities. The Regional Coalition is comprised of nine cities, towns, counties and pueblos surrounding the Department of Energy's LANL, northern New Mexico's largest employer. Founded in 2011, the Regional Coalition works in partnership to ensure national decisions incorporate local needs and concerns.

The Coalition's focuses are environmental remediation, regional economic development and site employment, and adequate federal funding for LANL and the community-centric programs stemming from LANL activity. The 2015 Board of Directors includes Chair, Mayor Alice Lucero, City of Espanola; Vice Chair, Councilor Andrew Gonzales, Town of Taos; Secretary/Treasurer Javier Gonzales, Mayor of Santa Fe; Commissioner Henry Roybal, Santa Fe County; County Councilor Steve Girrens, Los Alamos County Council; Commissioner Mark Gallegos, Taos County; Governor Earl Salazar, Pueblo of Ohkay Owingeh; and Governor Raymond Loretto, Pueblo of Jemez; and Rio Arriba County Commissioner Barney Trujillo. As part of our 2015 Strategic Plan, the Board specifically recommended Santa Clara Pueblo to join our Board Directors.

Each of our Board Directors has become signatories to our Joint Powers Agreement, stating commitment to our region by representing each community's respective interest and uniting in one voice as a Coalition in common agreement on pertinent issues. Our concerted and unique voice in the region has earned us great respect among the various community stakeholders. Since its inception we have built lasting relationships with the Department of Energy, DOE Environmental Management, National Nuclear Security Agency, LANL Community Programs office, Los Alamos Nuclear Security LLC, LANL Major Subcontractors, Citizen Advisory Board and other dedicated community entities. We are hoping to introduce you to partake in the dialogue on the many issues, stakeholders, and vibrant Coalition as a voting member of our Board.

I am happy to meet with you at your earliest convenience to provide any additional information. If you are interested in becoming a member of the organization, please feel free to call or email at any time: 505.470.6684; Andrea@RegionalCoalition.org. We thank you for taking the time to reflect upon potential for engagement and participation, and we look forward to your response.

Sincerely,

Andrea Romero
Executive Director, Regional Coalition of LANL Communities

Enclosed: RCLC Joint Powers Agreement & Regional Coalition Bylaws

RegionalCoalition.org

Physical Address: 121 Sandoval Street, Santa Fe, NM 87501 | Mailing Address: 518 Old Santa Fe Trail #456, Santa Fe, NM 87505

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Talking Points

Breakfast with Deputy Assistant Secretary Mark Whitney - May 1, 2015

Issue #1 - Fines to DOE

Since NMED proposed \$54M in fines on LANL and DOE in December 2014, we want to know what progress has been made to reach an agreement between DOE and NMED, as to how DOE will respond to the fines.

Background

In February 2015, we supported the State's efforts to hold DOE accountable for not meeting the terms of the Consent Order executed in March of 2005. In an effort to hold DOE accountable for the WIPP disaster, the Coalition was in favor of a de minimus fine. This would coincide with a scope of additional cleanup work agreed to, allowing DOE to 'work-off' the fine by providing for and enacting additional cleanup. DOE and Secretary Ryan Flynn and NMED are in agreement with the Regional Coalition in ensuring that any fine money paid goes directly to cleaning up in the LANL site.

Questions:

- What progress has been made to address the NMED fines imposed on DOE?
- Will there be a work-off plan as we discussed in February 2015?
- How soon will we know what the result will be?

Issue #2 - Transition from DOE's National Nuclear Security Agency (NNSA) to Environmental Management (EM)

We would like an update regarding the transition from NNSA to EM as it pertains to overseeing and enacting cleanup efforts.

Background

DOE assured the Coalition in February 2015 that the transition from NNSA to EM would be efficient.

The Coalition was reassured that subcontractors currently under contract with LANS will not lose those contracts during the 18-month or 2-year transition period. The Coalition was told there will be a competitive process to rebid those projects at the end of the transition period, and the Coalition will be able to have input into the terms of the RFP that will be issued.

Current contracts require subcontractors who enter into a contract over \$5M are obligated to contribute funds to local community programs and receive a 5% small business preference in regards to their application for the contract. The Coalition would like those requirements to continue, since the commitment is very valuable to the community.

Questions:

- What have been the major milestones in the transition? What is the timeline for the transition?
- Have there been any decisions made as to how LANS cleanup contracts will be handled throughout the transition period and thereafter?
- Will there be a requirement from EM for subcontractors with \$5M+ contracts to contribute to community programs?
- Will there be a 5% small business contract preference on EM contracts?

Issue #3 – Life-Cycle Cost Baseline

The Coalition would like to understand how soon to expect a Life Cycle Baseline Cost for LANL’s cleanup needs.

Background

The life-cycle cost baseline is the financial estimate providing an exhaustive and structured accounting of all resources and associated cost elements required to develop, produce, deploy, and sustain a particular program, in this case all LANL cleanup. A life-cycle cost estimate encompasses all past (or sunk), present, and future costs for every aspect of the program, regardless of funding source. We have heard this life-cycle cost analysis will ‘coming soon’ in order to empower our cleanup advocacy based on what is needed over the course of several years.

Questions:

- What is the timeline for the delivery of a Life-Cycle Cost Baseline?

Issue #4 - Consent Order Agreement

The Coalition would like to understand how soon a new Consent Order Agreement will be in place.

Background

The Consent Order Agreement for current cleanup is LANL’s agreement for full on, fence-to-fence cleanup of Cold War era legacy waste. DOE signed the Consent Order with the State of New Mexico on March 1, 2005, which required DOE to complete a “fence-to-fence” cleanup of LANL by December 2015. Since the shutdown of WIPP in February 2014, no further reduction in the risk from TRU stored at DOE sites such as LANL has occurred, and the distributed risk from these sites continues, while no new Consent Order Agreement is in sight. NMED has granted several extensions on cleanup milestones that are included in the Consent Order.

- Have there been any talks regarding a new Consent Order Agreement to replace the current one that expires in December 2015?
- Will current contractors who have not had the ability to continue work since the WIPP disaster, still be able to work under a new Consent Order Agreement?
- Without a Consent Order Agreement are the priorities being considered for FY16 in regards to cleanup efforts?

Issue #5 - WIPP

The Coalition would like a current update on how WIPP is shaping up for reopening. Also, in the interim time until WIPP is open, the Coalition would like to know how the waste is being handled that currently has nowhere to go.

Background

Since February 2014 when the WIPP disaster occurred, the public has not yet received a realistic plan and timetable to restore WIPP to full operation. With the transition from NNSA to EM, we would like to know how DOE is handling the waste differently or more delicately than NNSA had done in the past, leading to the single drum breach that caused the WIPP disaster.

Questions:

- What is being done to restore public confidence by DOE through EM to prove their ability to safely manage TRU waste, meet its commitments to its state regulators, and minimize the risk to the public from the massive amounts of waste it currently has on hand?
- When will the Coalition and general public have a realistic plan and timetable to restore WIPP to full operation?
- What is being done to ensure there are current safe alternatives to retaining waste at its point of generation until WIPP is restored to full operation and how are they being instituted?



Regional Coalition of LANL Communities

Meetings at a Glance – June, July, August 2015

MEETING DATE	POTENTIAL BUSINESS ITEMS	POTENTIAL BRIEFING ITEMS
June 12 th Rio Arriba Council Chambers	<ul style="list-style-type: none"> • Approval of RCLC FY16 Budget • Revisit RCLC Budget Plan • Update from ED on Pueblo Recruitment Efforts • Update on Mapping of LANL and external programs • ED report on ECA Conference on Nuclear Waste and Future Priorities in the Complex • Invitation to Manhattan Park meeting 	<u>Federal / LANL Budgets</u> <ul style="list-style-type: none"> • President’s FY16 Budget • LANL Procurement Forecast • Wildfire Projections
July 10 th Jemez Pueblo	<ul style="list-style-type: none"> • RCLC Executive Committee Election 	<u>NMED</u> <ul style="list-style-type: none"> • Updates regarding Environmental Priorities and Consent Order agreement for post-2015 <u>Viz Demo</u> <ul style="list-style-type: none"> • Demo on software emulating simulations for training purposes
August 14 th Española City Chambers	<ul style="list-style-type: none"> • Confirmation of DOE Grant information 	<u>Manhattan Park</u> Information from Park Service regarding regional planning for Park

Issues to watch:

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|---|--|
| <ul style="list-style-type: none"> • Life Cycle Baseline Cost • WIPP • Chromium Plume Campaign • RDX Explosion Campaign • Other Environmental Campaign Priorities • Consent Order conclusion of 2015 and new proposal for post-2015 | <ul style="list-style-type: none"> • LANL Major Subcontractor – SCMC and procurement issues, clean up revamping efforts • Economic Development Priorities • Federal Manhattan Park Construction and Planning • DOE funding for FY16 and FY17 • REDI-Net Updates • Jobs at LANL |
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GENERAL PRINCIPLES OF AGREEMENT HWB-14-20 and HWB-14-21

These General Principles of Agreement (“Principles of Agreement”) are agreed upon by the New Mexico Environment Department (“NMED”), and the United States Department of Energy (“DOE”), Los Alamos National Security, LLC (“LANS”), and Nuclear Waste Partnership, LLC (“NWP”) (collectively, with DOE and LANS, the “DOE Permittees”) for the purpose of resolving Compliance Order Nos. HWB-14-20 and HWB-14-21 (“Compliance Orders”), related to the Los Alamos National Laboratory (“LANL”) and the Waste Isolation Pilot Plant (“WIPP”).

PREAMBLE

NMED and the DOE Permittees (“Parties”) have engaged in settlement discussions in an effort to resolve the Compliance Orders without further administrative or judicial actions. As a result of these discussions, the Parties enter into these Principles of Agreement for the purpose of settling the claims of NMED as stated in the Compliance Orders, and any future claims related thereto. These Principles of Agreement are binding on the Parties, their officers, directors, employees, constituent agencies, contractors, subsidiaries, successors, assigns, trustees, receivers and other affiliates. These Principles of Agreement provide a binding framework the Parties will follow as the Parties work toward a detailed settlement agreement and stipulated final order that will incorporate the compromise and settlement of the alleged violations, including the necessary corrective actions, so LANL and WIPP may work toward resumption of waste processing operations.

TERMS

Accordingly, to settle any and all present and future claims, penalties, fines, or other sanctions, against the DOE Permittees, their constituent agencies, contractors and other affiliates arising from or relating to the February 2014 incidents at WIPP, the Parties commit to the following Principles of Agreement. The Parties shall work cooperatively and in good faith to implement these Principles of Agreement beginning with implementation particulars – scope, timing and other implementation details of the supplemental environmental projects outlined below.

1. DOE will pay to the State of New Mexico (“State”) \$34 million to fund necessary repairs to New Mexico roads used for the transportation of DOE shipments of transuranic waste to WIPP (“WIPP designated routes”), as specified at 18.20.9 NMAC, in the southeastern portion of New Mexico near the City of Carlsbad.
 - A. Monies will be used first to repave/repair the WIPP North Access Road, an approximately 13 mile stretch of road between Highway 62-180 and the WIPP site.
 - B. The State may prioritize WIPP designated routes for improvements in conjunction with DOE following improvements of the North Access Road.
 - C. DOE will assign designees to participate in meetings with the New Mexico Department of Transportation (“NMDOT”) and NMED in order to execute the commitments in Principle 1, including but not limited to, coordinating the receipt and application of funds and implementing the necessary procedures.

2. DOE will fund up to \$12 million to improve DOE-owned transportation routes at LANL used for transportation of transuranic waste to WIPP. Potential projects include widening portions

of East Jemez Road and constructing egress/merge lanes at the intersection of East Jemez Road and New Mexico Route 4.

- A. DOE will assign designees to participate in meetings with NMDOT and NMED, in order to execute the commitments in Principle 2, including but not limited to determining the best use of the funds for improvements to DOE-owned transportation routes at LANL.
 - B. DOE, NMDOT and NMED will take into consideration input from Los Alamos County.
3. DOE will fund independent, external triennial reviews of environmental regulatory compliance and operations at LANL and WIPP to ensure any regulatory deficiencies are identified. The results of such reviews shall be made available to NMED and the public. The DOE Permittees, their constituent agencies, contractors and affiliates agree to address any deficiencies identified in such reviews. NMED agrees to refrain from taking any enforcement action against the DOE Permittees, their constituent agencies, contractors and affiliates for any violations identified in the triennial reviews so long as the DOE Permittees and their facility operators correct any deficiencies identified in the course of such reviews. DOE and NMED shall agree on a third party to perform the independent reviews.
 4. DOE will fund enhanced training and capabilities for local emergency responders, including funding for training and exercises with local mine rescue teams, in and around Carlsbad, NM, and DOE will fund an offsite emergency operations center near WIPP.
 5. DOE will fund and install engineering structures in canyons in and around LANL to slow storm water flow and decrease sediment load to improve water quality in the area, allowing DOE and NMED to manage surface water at a watershed scale.
 6. DOE will fund increased sampling and monitoring capabilities for storm water runoff in and around LANL, with the results of sampling and monitoring to be shared with the public and NMED.
 7. DOE will provide \$10 million for LANL to replace aging potable water lines and install metering equipment on LANL potable water systems. These improvements will reduce potable water losses, minimize reportable spills and enhance water conservation efforts at LANL.
 8. In addition to waiving any and all present and future claims, penalties, fines, or other sanctions, against the DOE Permittees, their constituent agencies, contractors and other affiliates arising from or relating to the February 2014 incidents at WIPP, NMED also agrees to: consider in a timely manner a request for extension to store transuranic waste in the waste handling building on the surface of WIPP beyond the date of May 6, 2015, as is currently required under the most recent NMED permit extension; consider in a timely manner a permit modification request to allow for an above-ground storage facility for temporary on-site storage of transuranic waste at WIPP; enter into good-faith discussions concerning modifications to the 2005 Consent Order for completion of the cleanup of legacy contamination, and forego penalties so far assessed under the 2005 Consent Order.
 9. The Parties will resume the WIPP and LANL technical working groups to identify and implement the necessary corrective actions at both facilities. The technical working groups will memorialize the corrective actions necessary to satisfy the Compliance Orders' Schedules of Compliance,

Section III of the Compliance Orders, to be incorporated as addenda to the settlement agreement and stipulated final order.

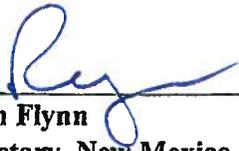
10. DOE will agree to good-faith, informal discussions with NMED and NMDOT concerning the State's ongoing and future needs to maintain roads on WIPP designated routes and how best to address those needs following the expiration of the WIPP designated routes grant.
11. Nothing in these Principles of Agreement, including Paragraphs 1 through 7 above, is intended to obligate DOE to expend funds in excess of available appropriations. DOE will take all necessary steps, including Budget reprogramming, within its existing authority to effectuate the provisions of Paragraphs 1 through 7. Funds used by DOE to execute these Principles of Agreement will not detract from work at LANL or from the WIPP recovery. Nothing in these Principles of Agreement will obligate the DOE Permittees to disclose information when such disclosure is contrary to law, including classified information.
12. The Parties will seek a stay of discovery and all litigation proceedings concerning the Compliance Orders pending execution of the settlement agreement and stipulated final order.

IMPLEMENTATION

The Parties agree they will act reasonably and in good faith at all times to accomplish the objectives of these Principles of Agreement. These Principles of Agreement will serve as the document that will bind the Parties' execution of a detailed settlement agreement and stipulated final order. These Principles of Agreement shall not be altered or amended. These Principles of Agreement shall become effective and enforceable on the date executed by all the Parties and shall remain in effect until the Parties execute a detailed settlement agreement and stipulated final order incorporating these terms.

BY SIGNING THESE PRINCIPLES OF AGREEMENT, THE SIGNATORY FOR EACH PARTY BELOW CERTIFIES THAT HE OR SHE HAS THE AUTHORITY TO LEGALLY BIND THE PARTY TO THESE PRINCIPLES OF AGREEMENT.

NEW MEXICO ENVIRONMENT DEPARTMENT

By: 
Ryan Flynn
Secretary, New Mexico Environment Department

Date: 4/30/2015

UNITED STATES DEPARTMENT OF ENERGY

By: 
Mark Whitney
Principal Deputy Assistant Secretary, Environmental Management

Date: 4/30/15

By: 
Frank G. Klotz
Under Secretary for Nuclear Security, Department of Energy
Administrator, National Nuclear Security Administration

Date: 4/30/2015

LOS ALAMOS NATIONAL SECURITY, LLC

By: 
Dr. Charles F. McMillan
Director, LANS

Date: 4/30/15

NUCLEAR WASTE PARTNERSHIP, LLC

By: 
Robert L. McQuinn
President, NWP

Date: 4/30/2015

Local Officials Near DOE Sites Express Concern Over Procurement Policies

Mike Nartker

WC Monitor

5/1/2015

Warning that the Department of Energy's current contracting approaches are "increasingly insupportable," local officials near DOE sites expressed concern this week over the Department's procurement policies. "Our concern is that DOE is departing from the most successful contract mechanisms and past practices that cleaned up Rocky Flats, Fernald and the Hanford River Corridor," Energy Communities Alliance Chairman and Aiken County, S.C., Councilmember Chuck Smith wrote in April 27 letter to acting DOE cleanup chief Mark Whitney. "Instead, the latest procurement approaches replace incentives structures with punitive liabilities. The results have discouraged competition and small business integration. Tier 1 engineering firms are reluctant if not openly avoiding the latest round of DOE procurements. Good contractors are key to good outcomes and we feel that DOE's current approach is driving industry away."

The ECA letter appears to be referencing DOE's efforts to find a new cleanup contractor for the Department's Idaho site. Initially, as many as four teams were believed to have formed to compete for the new Idaho Cleanup Project (ICP) Core contract. While the new Idaho contract represents one of the few major near-term business opportunities in the DOE cleanup program, there have been questions as to how many companies would choose to actually bid on the job since DOE issued an initial draft Request for Proposals that was met with concern from potential bidders. Nearly all potential bidders made it clear that they could not bid on the contract as outlined in the initial draft RFP because of concerns over provisions that would make the winning contractor liable for costs above the target cost combined with uncertainties in the work scope to be performed. In apparent response, DOE made several changes to the planned contract, including modifications to the fee structure. As a result, it appears now that two teams are bidding for the work—one led by Fluor and one by AECOM.

Are Locals Being 'Drowned Out' in Contracting Decisions?

In its letter, the ECA also said it was concerned about an apparent lack of local input into DOE contracting decisions. "Historically communities have served as vital partners with the DOE field offices and contractors. Now DOE seems to be focusing instead on centralizing the process, relying on the influence of DOE-HQ and thus, is becoming increasingly deaf to local needs and site-specific issues. Instead of empowering field offices to be more involved, the latest procurements seem to decouple contract decisions from local knowledge, insight and sensitivity to community needs," Smith wrote.

He went on to add, "Contracts do not appear to reflect the importance of contractors engaging with their host communities. The voice of the community, DOE Field Offices, and knowledgeable contractors seems to be drowned out. Short contract performance periods no longer line up with site-specific milestones or terminate just as die contractors finally come up to speed. Contract mechanisms no longer seem to align well with the scope of work being sought. ECA believes DOE has become overly risk-averse, loading contracts with risk and liabilities that discourage - rather than reward -innovation and creativity." The DOE Office of Environmental Management did not respond to a request for comment on the ECA letter this week.

[Editorial: Southeast NM could lead in nuclear waste storage](#)

Editorials Opinion, By Albuquerque Journal Editorial Board

PUBLISHED: Sunday, May 3, 2015 at 12:02 am

At some point the leaders of the free world are going to have to stop kicking the radiation canister down the road and pick a real nuclear waste storage site.

Because continuing to allow the nation's nuclear waste to be kept in temporary facilities in 39 states – some sites adjacent to rivers or on top of water tables – is irresponsible at best.

For the second time in three years, southeastern New Mexico has stepped up to offer an arid, sparsely populated, underground site for some of the country's more than 70,000 metric tons of used reactor fuel. Lea and Eddy counties and the cities of Carlsbad and Hobbs have signed a memorandum of agreement with Holtec International Inc.

The company already owns the 32 acres the proposed depository would sit on, will cover the \$80 million licensing process and \$200 million in first-phase building operations, and could expand to equal all the planned storage capacity at the politically shuttered \$15 billion Yucca Mountain storage site.

Despite widespread support by those who live in the area, New Mexico's senators in Washington, D.C., are against private enterprise investing hundreds of millions of dollars in their state and on behalf of their nation's security. It's disappointing but not surprising; their former majority leader, Sen. Harry Reid, D-Nev., has kept underground storage facility Yucca Mountain in limbo for decades, using various appointment and appropriation moves to keep its 2008 licensing application on hold at a \$15 billion cost to taxpayers.

Sen. Martin Heinrich wants to delay any interim site here "until we are sure that there will be a path forward to permanent disposal." And Sen. Tom Udall says, "I don't think we should be talking about this at all while the state and the Department of Energy are still addressing the serious accident and radiation release at the Waste Isolation Pilot Plant."

Yet both must know the Holtec "interim" site is designed for 100-year storage, that a "path forward to permanent disposal" has been blocked by Reid and that a significant, non-carbon-producing energy source continues to churn out radioactive waste from power plants across the nation, and that waste has to go somewhere.

On the same day Heinrich and Udall voiced their opposition, the state and DOE cut a \$73 million deal regarding WIPP and agreed the problems that led to the radiation release – and low levels of contamination – occurred at Los Alamos National Laboratory, where the canisters were packed, not at WIPP, where they were stored.

That Holtec has a 35-year safety record in this business and uses containers that can withstand direct artillery strikes and the potential impact of two rail cars smashing head-on into each other at 60 mph, and that those containers in turn will be stored in concrete cavities that can withstand a crashing aircraft or a missile attack, speaks to the safety and security of the proposed operation and should allay WIPP leak critics.

And that a company considered a major player in the global spent-fuel storage industry is interested in southeastern New Mexico speaks to the region's terrain and expertise. The proposed site is dry and desolate, situated between Carlsbad and Hobbs, about 12 miles north of WIPP and in the so-called nuclear alley that includes the \$4 billion Urenco USA uranium enrichment plant in Eunice, a proposed \$100 million International Isotopes plant to process spent uranium from the Urenco plant, and a proposed spent-fuel storage facility run by Waste Control Specialists and French firm AREVA Inc just across the Texas state line. (It's of note AREVA wanted to partner with southeastern New Mexico in 2012 but has since decided the grass is greener in Texas and will instead be competing with New Mexico and Holtec.)

Licensing the Holtec site is expected to take at least three years, and legal clarification is needed on allowing the company to transport and store spent fuel at an interim site. Heinrich and Udall could take leadership roles and ensure New Mexico is at the forefront of this part of the new energy economy – as they have done with wind and solar.

Or they can stick with the group that keeps kicking the radiation canister down the road.

Udall, Heinrich Statements on Proposed Interim Nuclear Waste Facility in New Mexico

April 30, 2015

WASHINGTON - U.S. Senators Tom Udall and Martin Heinrich issued the following statements on the proposal for New Mexico to become an interim storage site for high-level nuclear waste:

"I don't think we should be talking about this at all while the state and the Department of Energy are still addressing the serious accident and radiation release at the Waste Isolation Pilot Plant. I have helped secure hundreds of millions in vital funding for WIPP for many years, and my focus now is ensuring WIPP can reopen safely and the workers are protected," said Udall, a member of the Senate Appropriations Committee. "Several aspects of this proposal concern me. No matter where it's built, I will not support an interim disposal site without a plan for permanent disposal - whether the site is in southeastern New Mexico or anywhere else in the country -- because that nuclear waste could be orphaned there indefinitely. When WIPP opened, New Mexicans understood that we were making our contribution to helping solve the storage problem. I was among the people fighting to ensure the law authorizing WIPP prohibited high level waste there, so any future nuclear waste mission in New Mexico would need broad support throughout the state before I would consider supporting it."

"Southeastern New Mexico should be commended for its leadership in the nuclear industry, including being home to LES and WIPP, the nation's only deep geologic repository for transuranic nuclear weapons waste and an integral part of the environmental clean-up of Cold War programs at Department of Energy defense sites," said Heinrich, a member of the Senate Energy and Natural Resources Committee. "But we can't put the cart before the horse. I cannot support establishing an interim storage facility until we are sure there will be a path forward to permanent disposal. There must be an open and transparent process that allows for input on what's best for our entire state."