



DEPARTMENT OF ENERGY
Environmental Management Los Alamos Field Office (EM-LA)
Los Alamos, New Mexico 87544

EMLA-2021-0003-02-002

Date: October 28, 2020

Mr. Kevin Pierard
Bureau Chief Hazardous Waste Bureau
New Mexico Environment Department (NMED)
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313

Subject: Continuation of Informal Dispute Resolution, DOE's Proposed Appendix B for Fiscal Year 2021, 2016 Compliance Order on Consent

Reference: New Mexico Environmental Department Compliance Order on Consent: U.S Department of Energy Los Alamos National Laboratory June 2016 (Modified February 2017)

Dear Mr. Pierard:

As you know, pursuant to the 2016 Compliance Order on Consent (Consent Order) dispute resolution process, the Parties have been actively engaged in the informal negotiation phase since October 1, 2020. Pursuant to Section XXV(B) of the Consent Order, informal negotiations shall not exceed 20 business days unless the Parties agree to extend the period. Accordingly, the period for informal negotiations is currently scheduled to terminate on October 29, 2020.


Informal negotiations have allowed the respective Designated Agency Managers (DAMs) and technical experts most directly engaged in the annual process to update milestones and targets with the opportunity to continue their efforts toward reaching agreement. To date, the Parties have agreed on 13 milestones for FY21 and discussions between the DAMs on potential additional milestones for FY21 have been extremely productive. The New Mexico Environment Department (NMED) deserves enormous credit for driving the Parties toward reaching a constructive resolution to establishing beneficial milestones and targets for the next several fiscal years.

As informal negotiations appear to be very close to resolving any remaining dispute between the Parties and as the Consent Order allows for the Parties to agree to an extension of the informal negotiation period, I am requesting an extension to the informal negotiation for a period not to exceed an additional 20 business days. This will allow the DAMs and technical experts most directly engaged in the disputed matter to resolve it without the need for preparing a Statement of Position or elevating this matter to senior managers.

As informal negotiations are currently scheduled to terminate on October 29, 2020, please let me know if you agree with my proposal by close of business on October 29, 2020. Thank you for your cooperation throughout this dispute resolution process.

Sincerely,

**Arturo
Duran**

 Digitally signed by
Arturo Duran
Date: 2020.10.28
15:45:43 -06'00'

Arturo Duran
Designated Agency Manager
Environmental Management
Los Alamos Field Office

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