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Legacy Waste Cleanup at Los Alamos National Laboratory (LANL)

Background

In the November 16, 2011 presentation at the Radioactive and Hazardous Materials Committee, the New Mexico Environment Department (NMED) discussed accomplishments achieved at LANL regarding cleanup of legacy contamination under a Compliance Order on Consent (Consent Order) issued on March 1, 2005. As a result of the Las Conchas fire, Governor Susana Martinez has tasked the NMED to work with the Department of Energy (DOE) to make disposal of above-ground transuranic (TRU) legacy waste located at Technical Area 54 (TA-54) Material Disposal Area G (Area G) at LANL its number one cleanup priority. Protection of regional water resources, including groundwater and surface water sources of drinking water systems, were also identified by Governor Martinez as top priorities of the LANL cleanup effort.

During the last quarter of 2011, NMED and the DOE's National Nuclear Security Administration (NNSA) and Environmental Management (EM) offices have been engaged in a series of discussions regarding re-scheduling of cleanup activities to address the priorities identified above. These discussions have led to a Framework Agreement on how to move forward to meet these priorities.

Framework Agreement

This non-binding Framework Agreement is a blueprint on how cleanup will move forward in the immediate future. It specifically calls for the cleanup of transuranic waste currently stored in above-ground containers on the LANL grounds at Area G. The Framework Agreement sets a deadline for disposal of over 3,700 cubic meters of TRU waste from Area G by June 30, 2014. That disposal involves physically packing the low-level radioactive TRU waste into approved transportation containers that are then shipped by truck to the Waste Isolation Pilot Plant in Carlsbad for permanent underground emplacement.

The Framework Agreement also includes a DOE/LANL commitment to complete the removal of all newly generated TRU waste, received at Area G during FY12 and FY13, by December 31, 2014. Finally, the Framework Agreement continues to prioritize groundwater and surface water monitoring to ensure protection of human health and the environment. The agreement can be found at:

http://www.nmenv.state.nm.us/documents/LANL_Framework_Agreement.pdf

Public Meeting

The Governor's priorities set the stage for an in-depth discussion at a January 5, 2012 meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) in Pojoaque, NM. The meeting involved a series of presentations by both NMED and DOE senior level managers regarding the current status of legacy waste cleanup and plans for accelerating waste shipments in response to Governor Martinez's direction. Electronic copies of slide presentations used at the meeting are available upon request from the NMED. For copies, please contact Mr. Morgan Nelson at morgan.nelson@state.nm.us, or 505-827-2855.

Consent Order

The other significant item from the NNMCAB meeting was the first DOE/LANL public acknowledgment that the Consent Order milestone completion date of December 2015 cannot be met. The most significant reason is inadequate funding, as evidenced by Congressional action to reduce the President's FY12 LANL cleanup budget request by half. Technical challenges, such as, complex geology and waste volumes exceeding original estimates are also significant factors in DOE's inability to meet the original Consent Order schedule.

At the NNMCAB meeting, NMED made it clear that it is unwilling to renegotiate the original Consent Order at this time. NMED indicated the Consent Order represents the state's key piece of leverage over DOE's cleanup efforts. The Consent Order allows for significant fines to be assessed to DOE/LANL if cleanup efforts fail to meet the December 2015 deadline. The NMED did leave open the possibility of future renegotiation of the Consent Order if DOE/LANL demonstrates it can meet the June 2014 commitment for removal of all above ground TRU waste. There is no timetable for a possible date of renegotiation.

As part of the Framework Agreement, DOE/LANL has agreed to produce quarterly progress reports on TRU waste disposal progress that will be made public. NMED will use these reports in its assessment of the DOE/LANL TRU waste cleanup efforts. If DOE/LANL successfully meets interim milestones, NMED indicated it would be willing to begin discussions on renegotiating the Consent Order.

DOE/LANL and NMED have different views on when such possible renegotiation discussions on the Consent Order should take place. DOE/LANL has made it clear that since priorities are now on TRU waste removal, the Consent Order should be renegotiated at this time. Although NMED cannot predict when DOE/LANL will have demonstrated enough TRU waste removal to warrant renegotiations on the Consent Order, NMED indicated that it does not anticipate that such discussions would begin until at least 2013.

Both NMED and DOE/LANL pledged to continuous transparency as the cleanup efforts move forward.