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VIA FACSIMILE AND U.S. MAIL

J.D. Campbell, Ph.D., P.E., Chair
Menice Santistevan, Executive Director
Northern New Mexico Citizens' Advisory Board
1660 Old Pecos Trail, Suite B
Santa Fe, NM 87505

RE: Request for Invitation for NNM CAB Representatives to Attend and Observe Meeting Regarding NRDAR Issues at LANL

Dear Dr. Campbell and Executive Director Santistevan:

I represent the New Mexico Natural Resources Trustee and the New Mexico Office of the Natural Resources Trustee. (My name has changed since our last meeting; I was formerly Karen Fisher.) I am responding to your letter of yesterday requesting to attend an upcoming meeting regarding the initiation of a cooperative natural resource damage assessment and restoration (NRDAR) process among natural resource trustees for the Los Alamos National Laboratory (LANL).

We appreciate your interest in the cooperative NRDAR process at LANL and are in agreement with your recommendations to integrate NRDA issues with the environmental clean-up and the Consent Order work underway at LANL. However, the upcoming meeting is not open to the public, because it constitutes the initiation of confidential settlement discussions between the natural resource trustees and the potentially responsible parties. As a legal matter, attendance of nonparties at the meeting could constitute a waiver of privilege, which may have serious adverse consequences for the resolution process.

There are two distinct phases to the NRDAR process – injury assessment, and restoration planning and implementation. Public involvement in restoration planning and implementation is critical to the success of this process. On the other hand, because the injury assessment phase involves preparation of settlement confidential technical modeling and analyses, public involvement is limited during this phase of the process.

Currently, we are attempting to initiate an injury assessment, the first of these phases. Although the meetings that occur during this phase will not be open to the public, we would be

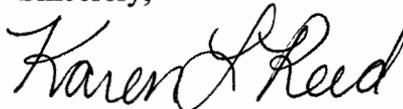


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glad to provide updates to the NNM CAB and other interested stakeholders regarding the general progress of the process. Once we have reached the restoration planning and implementation phase of the process, we anticipate scheduling a number of discussions with members of the public, including your organization.

Thanks again for your interest, and please feel free to contact me with any questions or concerns.

Sincerely,



Karen L. Reed
Assistant Attorney General

✓ cc: James Bearzi, Hazardous Waste Bureau Chief
New Mexico Environment Department

Joe Chavarria, Environmental Division
Pueblo of Santa Clara

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New Mexico Natural Resources Trustee

Christina Houston, Deputy Designated Federal Officer
NNMCAB, DOE

Rebecca Neri Zagal, Executive Director
New Mexico Office of Natural Resources Trustee

Cindy Padilla, Deputy Secretary
New Mexico Environment Department

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Andrew Phelps, Associate Director for Environmental Programs
Los Alamos National Security, LLC

George Rael, Manager for Environmental Operations
NNSA, Los Alamos Site

Alvin Warren, Lt. Governor
Santa Clara Pueblo

Neil S. Weber, Director, Department of Environmental and Cultural Preservation
San Ildefonso Pueblo