

General

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1

Santa Fe, New Mexico 87505-6303

Phone (505) 476-6000 Fax (505) 476-6030

www.nmenv.state.nm.us



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 6, 2009

George Rael
Assistant Manager
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael Graham
Associate Director
Los Alamos National Laboratory
Environmental Programs, MS M991
Los Alamos, NM 87545

**RE: REQUEST FOR REVIEW AND CONFIRMATION OF ORDER ON CONSENT
MILESTONES FOR LOS ALAMOS NATIONAL LABORATORY,
EPA ID #NM0890010515
HWB-LANL-MISC**

Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) is in receipt of the Department of Energy National Nuclear Security Administration (DOE/NNSA) *Request for Review and Confirmation of Order on Consent Milestones for Los Alamos National Laboratory*, referenced by EO:15GR-008 and distributed via email on June 30, 2009.

DOE/NNSA states in its letter that “[NMED’s] expedited review of the milestones listed in the enclosure and confirmation that they are complete and comprehensive is required before American Recovery and Reinvestment Act (ARRA) funds can be released.” However, it is our understanding that release of these ARRA funds is wholly within the authority of the DOE/NNSA. While DOE/NNSA should continue to evaluate its ability to achieve milestones established in or by the March 1, 2005 Order on Consent (Consent Order), NMED’s review of any list created by DOE/NNSA is a courtesy, not a requirement. Under its statutory authority, NMED continuously monitors whether or not the DOE/NNSA complies with the Consent Order; compliance includes, but is not limited to, meeting “milestones.”

31825



Messrs. Rael and Graham
July 6, 2009
Page 2

For these and other reasons, NMED declines to provide review of this document. Please do not hesitate to contact me at (505) 476-6016 should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Goldstein, NMED Deputy Secretary
K. Roberts, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
D. Gregory, DOE LASO, MS A316
E. Worth, DOE LASO, MS A316
D. McInroy, LANS ENV MS M992
File: Reading and LANL General 2009