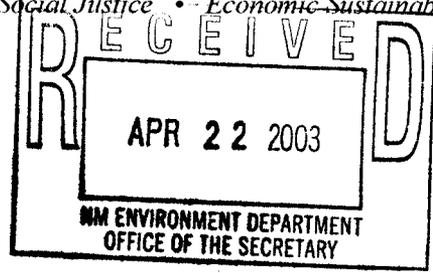




Los Alamos Study Group

Nuclear Disarmament • Environmental Protection • Social Justice • Economic Sustainability



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April 21, 2003

The Honorable Ron Curry, Secretary
New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Drive
Santa Fe, NM 87502 – 6110

Re: Los Alamos National Laboratory (LANL) Technical Area (TA) - 54, disposal areas G, H, and L; request for meeting with you

Dear Ron –

Before moving to the subject of this letter, I want to thank you for meeting recently with Don Hancock, Jay Coghlan, and myself, principally regarding the so-called “Letter of Intent” (LOI) and Performance Management Plans (PMPs) for New Mexico. In that meeting, you indicated to us your commitment NOT to approve any PMP for New Mexico, and to call us prior to any reconsideration of this decision.

I also thought it might be a good idea to formally repudiate the LOI, in order to make it clear to the Department of Energy (DOE) that this informal instrument, which I would describe as a secretly negotiated outside the applicable permitting processes in the last New Mexico Environment Department (NMED) administration, does not bind you.

Several Study Group members and supporters met with your staff last week regarding the TA-54 disposal areas – particularly regarding Area G, where active disposal of waste still continues at an unpermitted hazardous waste disposal site. I would characterize the meeting as an amicable “get-acquainted” meeting. We were glad to be able to convey to the Hazardous Waste Bureau (HWB), and to those of your own staff present, that the Administrative Order issued by NMED for LANL – whatever we may variously think of it – doesn’t address any of our concerns about the environmental and compliance issues at Area G.

At the meeting, we learned that NMED hasn’t made progress in stopping disposal at Area G, or in formal closure of any of the three areas. We reminded staff present that some 26 New Mexico environmental organizations had petitioned for just these two things, along with 2,000 individuals. There has been no substantive answer to these petitions. These two actions are ones which NMED, as far as we can tell, has been required to take by law since 1985. We reminded staff that the aggregate amount of unregulated and unconfined nuclear waste being placed into the environment at LANL continues to increase.

As you will recognize, formal closure of an active dump site with 11 million cubic feet of low-level, transuranic, hazardous, and mixed waste, including spent nuclear fuel and PCBs, is no simple task. Nor is it quick (although cessation of disposal certainly could and should be prompt). At the present time, there is (among other regulatory lacunae at the site) no closure plan, no post-closure plan, and no clear process for coming up with either one. To do so will require a considerable period of time.



Last summer, NMED senior management indicated to us that they expected to issue, instead of a "closure plan" as part of a draft permit, a "process" for coming up with a plan – a plan for a plan, in other words. This, of course, is not what the Resource Conservation and Recovery Act (RCRA) intended, nor is it what the Act requires. The public wants to know, "What is going to be done with the waste buried in Area G?" It is not an easy question, and no LANL permit will be complete without an answer to it.

The first step, of course, is to stop dumping.

Our volunteers have been collecting more letters in our "Can-Paign" to close Area G. We want to bring these letters (in the form of food cans dressed up as informative mock waste drums) to the Governor in the near future and to discuss Area G with him at that time, in the presence of journalists if they come.

We would very much like to meet with you to discuss these matters before meeting with the Governor.

In this I'm assuming, based on our recent meeting with NMED staff and many similar prior meetings, that NMED has no intention of stopping disposal and requiring formal closure at Area G, except as these issues come up peripherally in the draft LANL permit likely to be issued some time later this year.

Would you meet with us as early as later this week? I've spoken with Ned Farquhar of the Governor's office, and I think he might be interested in joining us as well.

We hope we can meet with the Governor some time in the third week of May. We will be issuing a press release regarding the meeting.

None of us expect either you or the Governor to have immediate positive answers to all our concerns. We do, however, hope for positive, definitive answers to at least *some* of our concerns; the others can come later. It's possible that your staff could offer some creative suggestions which, when translated into agency commitments, would give us all something positive to report.

We appreciate your time and attention to these very important matters.

Sincerely,

A handwritten signature in black ink that reads "greg mello". The letters are lowercase and written in a cursive, slightly slanted style.

Greg Mello, for dozens of volunteers and thousands of petitioners