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# CMRR Public Meeting, April 25, 2012

Volume 13

Los Alamos National Laboratory Los Alamos, NM







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# I. Agenda





## **CMRR Public Meeting**

## Wednesday, April 25, 2012

Fuller Lodge Los Alamos, NM 6:30 – 8:30

6:30 - 6:45	Welcome	E. Moreno
6:40 – 7:00	CMRR Project Update	S. Fong R. Holmes
7:00 - 7:30	Question and Answer	S. Fong
7:30 - 8:00	Interested Parties Presentation / Comments	Interested Parties
8:00 - 8:25	Questions	E. Moreno
8:25 - 8:30	Closure & Adjourn	E. Moreno

DOE Host: Herman LeDoux LANL Technical Host: Rick Holmes LANL Communications: Kim Powell, kspowell@lanl.gov LANL Environmental Outreach: Lorrie Bonds Lopez. envoutreach@lanl.gov

# II. Transcript

## TRANSCRIPT of Public Meeting

## Chemistry and Metallurgy Research Replacement (CMRR) Project April 25, 2012

[The meeting was called to order at 6:35 p.m. in the Fuller Lodge, Los Alamos, NM, by Meeting Facilitator Ed Moreno.]

[LANL Slide 1] [ED MORENO, FACILITATOR] People are still checking in, but most everybody has their seats. I want to welcome everybody to this status update for the Chemistry and Metallurgy Research Replacement Project meeting. My name is Ed Moreno, and I am the meeting facilitator for this meeting. Um, I've been asked to allow a little bit of a deviation from the agenda for some folks to make a presentation to the project team. So at this point I'm gonna turn it over to Greg [Mello, Los Alamos Study Group].

[Microphone feedback noises and off microphone discussion.]

## [GREG MELLO, LOS ALAMOS STUDY GROUP]

Will Steve [Fong], or Herman [LeDoux, Federal Project Director, NNSA Los Alamos Site Office], are they—? Steve, will you? Yeah. So, anyway, we wanted to give you these flowers. Um, it's very frustrating to work on this project and we've always wished that all you talented engineers were working on renewable energy projects. And so, flowers.

[STEVE FONG, PROJECT MANAGER, LOS ALAMOS SITE OFFICE (LASO), NNSA, DOE] Thank you very much.

## [LANL Slide 2]

[ED MORENO, FACILITATOR]

Okay. Let's get started then. I'm going to review the agenda. If I can have that slide, please. We are a little bit late, but we, um, have a good two hours for this meeting here tonight. We're gonna start out with me. I'm going to go through the ground rules and other expectations for this meeting. And then we have two blocks of presentations. There will be a CMRR project update, uh, featuring Steve Fong and Rick Holmes [Richard A. Holmes, CMRR Division Leader, Los Alamos National Laboratory]. There will be time for questions after that. And then we will have a presentation from the Interested Parties, uh, who were a part of this, uh this process. And I will identify who those are in just a moment. And we'll have also questions after that more efficient would be helpful. And then we are going to wrap it up, start wrapping it up at 8:25 [p.m.] and adjourn at 8:30.

## [LANL Slide 3] [ED MORENO, FACILITATOR]

So, I'm sure most of you have seen this slide before a number of times. I'm going to, going to review what the background and the purpose of this meeting is. The settlement that led to, uh, to resolution of a dispute over releasing information, uh, resulted in a settlement. And these are some of the provisions of that settlement. That air permitting, the air permitting process would be tailored to match the phased project development and to accommodate public involvement. Uh, next, that the settlement required that public meetings be limited to one subject, to this single subject, and that this topic would not be intermingled with any other topic that is, is happening here at the Laboratory. And that includes the SWEIS, the site-wide environmental impact statement, over the Laboratory.

## [ED MORENO, FACILITATOR]

The parties to the settlement are these who are listed: New Mexico Environment Department; Department of Energy; University of California; Concerned Citizens for Nuclear Safety; Nuclear Watch New Mexico; Peace Action New Mexico; Loretto Community; TEWA Women United; Embudo Valley Environmental Monitoring Group; and then New Mexico Environmental Law Center.

## [LANL Slide 4]

## [ED MORENO, FACILITATOR]

And then by stipulation in the settlement, these meetings happen every six months. So, the ground rules are pretty straight forward. Ground rules for good behavior. As a general principle, if things start to get out of hand and unruly and coarse in any way, that would, that would not be a good thing, and, if it's sufficient enough, we may terminate the meeting on account of it. But I'm sure that everybody is going to follow the rules. And so, we can have a good successful meeting here. Listen respectfully. Share the conversation time with other participants. Turn off your cell phones or place them on mute. No personal attacks. Civil discussions only. No raised voices. We have plenty of amplification here in the room with lots of microphones. There's no need for raising voices.

## [ED MORENO, FACILITATOR]

Uh, if you have a topic to talk with someone who is sitting next to you and it's not, uh, and it is, it's disturbing people, I'm going to ask you to step outside and have that discussion outside. We will be recording in a couple of different ways. Electronically. We have a —Tell me your name again— a transcriber, Morrison Bennett, who is also taking notes. And most of you will take some notes of one type or another, and we will take any topic requests that are pertinent to the CMRR and list them on the flip chart here.

## [ED MORENO, FACILITATOR]

Okay. I think that's it for the introduction and the ground rules. And now, I'm going to turn it over to Steve Fong.

## [LANL Slide 5]

[STEVE FONG, PROJECT MANAGER, LOS ALAMOS SITE OFFICE (LASO), NNSA, DOE] I'm going to stand over here because that's a rather bright screen. Before I get started, I wanted to acknowledge that we do have a representative from Senator Bingamen's office, Miss Rebecca Montoya in the back. So, I wanted to make sure to do that acknowledge. Uhm, next slide please.

## [STEVE FONG]

I'm Steve Fong. Rick Holmes is— I'm with the federal project team. Rick Holmes is the Laboratory's division director for CMRR. And together we are gonna break up the presentation between us.

## [STEVE FONG]

CMRR. The Chemistry and Metallurgy Research Replacement Project. It is a replacement of missions that currently exist at the Laboratory. Uh, we are doing so with two buildings. One is gonna be the Rad Lab Utility Office Building. Rick's gonna go through that discussion, where the status is at. I'm gonna through a, sort of a, the latest summary of what's going on with the nuclear facility. It is a project. That means it has a set scope and it has a set cost and schedule. I think of a project, what makes a line item project, is it's congressional data sheet, which is approved in the federal budgeting process. And that defines the project.

## [LANL Slide 6]

## [STEVE FONG]

With that, I'll start up with the nuclear facility. As part of the Administration's budget for FY13, uh, the decision was to defer the project, the nuclear facility construction, for at least five years. So that is true. So you actually see— this is out of the Congressional project data sheet in '13, a zero dollar amount. This year we are appropriated funds, an amount of 200 million. And with that they are asking us to go ahead and finish and wrap up and complete the design, and also proceed and finish up our Rad Lab Utility Office Building. With that, — next slide.

## [LANL Slide 7]

## [STEVE FONG]

We are taking, with our team, we are trying to take the design to its next logical stopping point in all areas. There are multiple disciplines. There are multiple contractors around the country that are helping us out in this endeavor. We're gonna make sure that we, in all areas, take a look at the design where it's at, and come up and actually conclude, at its best location.

## [STEVE FONG]

One of the things that we are— This project, since it's deferred, we are making sure that we preserve the design and the design investment to date. So we are wrapping up rather than just letting everybody go home at this point, trying to wrap up all of the design documents, so it's cataloged for the next team. As part of that future we need to provide

that next team a road map so that they can take that design and start up with an efficient take off. You can imagine that there are lot of documents that are developed for a project of this size. And we want to make sure that we give all that instruction, and helpful how-to-do books when they do arrive.

## [STEVE FONG]

We are also transitioning staff, as we speak, off the project. And it's been done so, markedly so. By this time next year I don't expect to see any— there won't be any staff on the project. Everything will be cataloged and all the staff at the Laboratory have been transitioned to their next endeavors.

## [STEVE FONG]

Uh, we expect that most of the design deliverables will be completed at the end of this fiscal year, which is— transitions September to October, with final wrap-ups, ya' know, disposition of trailers, cleaning up computers, receipt of design information, transitioning through the first quarter of FY13. And so, with that, the nuclear facility design is basically in close-out mode. And that's what we are working. That is the status of the project at the moment. So that's where I wanted—

## [LANL Slide 8]

## [STEVE FONG]

Oh, one other thing. Is that, as part of our agreement, uh, we don't expect, we won't be submitting any permit submissions to NMED [New Mexico Environment Department] for the construction of the project. And, once the project starts up, they are going to have to take a look at, uh, their time lines and decide when best to submit for construction permits, with either the New Mexico Environment Department or with EPA [Environmental Protection Agency]. And that's kinda all I had for the Nuclear Facility design.

## [STEVE FONG]

So, I'll entertain questions on the Nuclear Facility. Things that are Rad Lab related, I think we should wait to, uh, Rick's [Holmes'] conversation. So— Peter?

[STEVE FONG] First you have to state your name.

## [ED MORENO, FACILITATOR]

We want everybody to say their names before they start speaking in order to record it for posterity and make sure we know who you are.

## [PETER NIELS, LOS ALAMOS STUDY GROUP]

Thank you. Peter Niels, Los Alamos Study Group. Um, are you looking at the deep or shallow options in this design here?

[STEVE FONG] Yes, we are. We are continuing on with the design.

[PETER NIELS] I'm asking, have you settled on one or the other?

[STEVE FONG] No, we have not.

[PETER NIELS] So—

[STEVE FONG] That is an active conversation that's ongoing.

## [PETER NIELS]

So, that, that raises the second question. If you're calling these "final design," at what point do you make that decision?

## [STEVE FONG]

Right. And I, I got a mike, so— Appreciate that. You are exactly right, we are considering that and we are looking forward to when we think that the design considerations will make— will allow us to make that decision. And quite possibly here in this year. But, I'm not, we have not landed on any solid decision of whether or not we are going to do that or not. At this point.

[GREG MELLO, LOS ALAMOS STUDY GROUP] Steve, you are looking at—

[UNIDENTIFIED PERSON] Who are you?

## [GREG MELLO, LOS ALAMOS STUDY GROUP]

Oh, Greg Mello, Los Alamos Study Group. Will you be producing a baseline in fiscal year '12 for the project? Will you be at 90%, which is when— is that the right point for producing a baseline?

## [STEVE FONG]

Okay. As part of the instruction that we received, uh, in the president's budget request, they've asked us not to go forward with vendor design, actually obtain vendor design to support our final design effort. So we are not going to achieve the 90% design. We're taking everything up to that point without vendor design.

## [STEVE FONG]

Will we baseline the facility? No, we will not. That's for the next team to go do. They will have to look at all the factors that are provided to them at that time. And I would imagine that we're gonna provide them enough information so that they can get to that point relatively quickly. But they are going to have to look at the, uh—, basic, all the factors of that day before they include uh, a, a baseline in which they will commit to Congress to go achieve and perform against.

## [WILLEM MALTEN, LOS ALAMOS STUDY GROUP]

My name is Willem Malten. Also Los Alamos Study Group. I have two questions, really. One is: How realistic is it to think that a different team in five years is gonna pick up the ball and create the same facility as what you are designing for. And, secondly, as I understand it, there's a lot of money left over, in the design phase. Is it realistic and smart to spend that money on a building that may never be built? Or is it more realistic to say, "Okay, let's use that money for, uh, different purposes, uh, for instance, the layoffs in Los Alamos, find new directions for a different future for Northern New Mexico?"

## [STEVE FONG]

Is it realistic? Well, first of all, it's the instruction of Congress and the Administration to go do. That's the deferred design. So that is our order. We are going to go ahead and facilitate and provide the design in a product, preserve that investment so that the team will have every chance success to take off five years from now.

## [STEVE FONG]

Uh, the design project product that we have now is pretty firm. I mean, we've looked at this for quite some time. It is NNSA's, the minimum set of capabilities that is required to do the mission today. A lot of that has been— that mission has been around for fifty, sixty years. We don't think that there's gonna be large fluctuations for the capabilities that will be required in, let's say, five years from now. So, with that being said, the design is pretty stout. If there is a call that says "we want you to put in another capability, a different capability," the design that we have now would still fulfill the base requirements, and anything in addition we'll have to study at that time, or the next project team will have to study at that time.

## [STEVE FONG]

Your second question is, "With the 200 million that was appropriated, is it all going— What are you gonna do with the remainder of the dollars? So, some of that will go to, like today, to project closeout, which we have a closeout plan that gets us to October. Uh, we have to complete the Rad Lab Utility Office Building equipment installation, which is a nominal amount that's ongoing.

## [STEVE FONG]

Everything else, we return to headquarters for them to work with Congress to decide what best to utilize for those funds. As a project responsibility, yes, we will have an underrun of appropriations this year. And no, we can't,— it's part of the line item process

and Congress appropriated for this project. We have to have that conversation. That conversation actually happens at the Washington level with Congress. So, our job is to return as much as possible.

## [JAY COGHLAN, NUCLEAR WATCH NEW MEXICO]

Jay Coghlan with Nuke Watch New Mexico. Three questions, if I can get away with it, Steve?

[STEVE FONG]

Well, I can always— I've got three fingers.

## [JAY COGHLAN]

Heather Wilson has been running around saying that a thousand jobs will be lost because of the deferral of the, uh, Nuclear Facility. Can you comment on how many jobs will be lost and what is their nature? Are they permanent or temporary jobs? So, that's question number one.

## [JAY COGHLAN]

Question number two: Does Los Alamos plan to go ahead with a standalone vault for special nuclear materials, uh, in the interval? And that of course is one of the major rationales for the Nuclear Facility.

## [JAY COGHLAN]

And then, a final question, having played this game of Whack-a-Mole for a couple of decades, you beat one proposal down— I fully trust that the Laboratory will come back with another proposal in five years. I predict it'll be to replace PF-4, and to combine, essentially, the two facilities. Uh, so, to the extent that you can, if you could comment on that, down the road.

## [STEVE FONG]

Okay. So the first question was the thousand jobs? Right now, the project is— well, in the February time frame, the, uh, about 500 plus folks were employed as part of the project. And that's the design teams in Chicago. There was some design work in, in Denver. There are support contractors here supporting LANS project team here at the site. So there's a variety of, of contractors and their support contractors, that— Yeah, this was a large part of their, their career, I would say, a large part of the work was part of the CMRR project. That's what I can account for right now as part of the project team. The,— I won't add in the craft and what's being supported for the Rad Lab, but that's also a component that would add to that number. But that work was going away anyhow. That work was going to transition, though, to the Nuclear Facility. So I guess you could add that in. Uh, but I can't get to a thousand jobs myself right now, if that's what she had said. On the first question.

## [STEVE FONG]

The second question, about the vault. I actually have no information on that. I do believe, as part of the appropriation, the 35 million, was requested by the Administration to look at assisting, uh, storage capabilities here at the site. But I have no insight on what that may mean. There is no project that I know of, Jay, that is looking for a replacement vault, uh, for Los Alamos in the interim. Obviously, when CMRR gets resurrected in five years, the vault will be a significant portion to that, to that design, as I know of right now.

[STEVE FONG] The third question was— What was that? See I, I

[JAY COGHLAN] PF-4.

## [STEVE FONG]

PF-4. I've not heard of that. I've heard of that speculation, but, uh, I have,— five years, boy I don't know what's gonna happen in five years, Jay. So. I can't answer that.

[ED MORENO, FACILITATOR] Over here.

## [LANL Slide 8]

[JONI ARENDS, CONCERNED CITIZENS FOR NUCLEAR SAFETY] Hi. Joni Arends. Concerned Citizens for Nuclear Safety. So, I just wanted to go back to the slide about the air permit, Steve, and offer one, one correction to that because the RLUOB is currently, um, being incorporated into, or proposed to be incorporated into the Title V Clean Air Act permit, and so comments are due by Monday or Tuesday, April 30th or May 1st, if people are interested in looking at that incorporation. So, I just wanted to offer that correction.

## [STEVE FONG]

I appreciate that, but my presentation was on the Nuclear Facility, so I wanted to make sure that,— The Rad Lab will be completed, we'll be doing the permit, but for the construction of the Nuclear Facility, we're not going to submit anything for construction.

[ED MORENO, FACILITATOR] Thank you for clarification. Others?

## [SUSAN GORDAN, ALLIANCE FOR NUCLEAR ACCOUNTABILITY]

Susan Gordan, Alliance for Nuclear Accountability. Uh, so Steve, I just wanted a little more clarification about the job loss. The paper has been reporting 557 jobs lost. But the implication is "at Los Alamos." But what I just heard you say that is, that some of those jobs are actually in Chicago or other places. So, what's that distinction? And if there is a distinction, how many actual jobs have been lost at Los Alamos?

## [STEVE FONG]

I'm gonna ask Rick Holmes to also help me out with that, but, uh, because we are getting to specific numbers, uh, and in fact, I think Rick is gonna say that there are no jobs that we are trying to lose within the LANS corporation for Los Alamos. We are trying to transition those, all of those individuals to employment here, either be it here at the site or back to the parent companies or whatnot. We are going to do our best to keep everybody transitioned. But, Rick, if you want to go through some of the details?

[RICHARD A. HOLMES, CMRR DIVISION LEADER, LOS ALAMOS NATIONAL LABORATORY] I'm Rick Holmes, the Lab's project director. We are combining two different sets of numbers. The 557 is the number of Laboratory employees who took the VSP [Voluntary Separation Plan]. There were five, I think, of those 557 people who worked on CMRR in some fashion or another.

## [RICHARD A. HOLMES]

But the jobs loss that Steve has in the five hundred plus range, the engineers in Chicago who've been designing the nuke facility for the last several years. They are gonna go back to their company. If their company has more work for them to do, then they'll continue to work in those jobs. Same with Merrick, who's in town here, and in, uh, and in Denver.

## [RICHARD A. HOLMES]

For the population of Laboratory staff, which is made up of some permanent people, some limited term people, if you know those terms, and some support contractors, most of the people thus far have been absorbed by the Laboratory in other jobs. 'Cause the VSP did create some openings where things still have to get done, and other people found jobs pretty quickly because it's a tight community. And we are working on plans for the rest of the Laboratory employees to try to find a place to provide value for the Laboratory in some other function as the project finishes up.

## [RICHARD A. HOLMES]

The few— there's about 50 support contractors. Those support contractors who come in, either through Compa, or other contracts that we have, those employees will return back to their companies. And then if those companies have other work, then those people will stay employed with those companies. If you are reading, the Laboratory has things going on in that area as well. So, the numbers, you are combin— We are talking about two different populations of numbers: 557 was the VSP number; more than 500 around the country were affected by CMRR. Most of those will go back to their companies where they were working from.

[UNIDENTIFIED PERSONS] Voices off the microphone.

[UNIDENTIFIED PERSON] I hope I got it right. [UNIDENTIFIED PERSON] Ok. I'll defer to Roger.

[ED MORENO, FACILITATOR] Other questions of Steve. With that, Rick, you gotta have a microphone.

## [ED MORENO, FACILITATOR]

But I wanted to make one other announcement. We have Michele Jacquez-Ortiz as a Representative, uh, Mr., uh, in Senator Udall's office. So. Michele, there she is, back there. Just wanted to say that, ya' know, recognize her participation. Thank you.

[UNIDENTIFIED PERSONS] [Voices off microphone.]

[UNIDENTIFIED PERSON] Probably have questions later on. So should I just keep this?

[LANL SLIDE 10] [RICHARD A. HOLMES]

So, the Rad Lab as we've been talking about the last, since '07 when I got here— The remaining work on that building will be complete this spring, which is a year ahead of plan. The baseline, when we established the finishing of the equipment installation phase, which is going on now, was set to be done in June of 2013; that was the committed date to be finished. Uh, we will be, I'll call it "done, done," before June of this year. Most of the construction completion will be finished with, this month, or the first couple weeks of May. Uh, it will be under budget, from what was established.

## [RICHARD A. HOLMES]

And then, transition operations, which is not part of the project scope. We deliver all the equipment—I've got some pictures to show you. That'll occur by the Laboratory program folks, meaning, analytical chemists will move their procedures and processes in starting over the next several months.

Let's go to the next chart please.

## [LANL SLIDE 11]

[RICHARD A. HOLMES]

Safety—pretty important. More than 3.2 million job hours with no lost time injuries. And that's over a time period that spans some of the construction that was done in the facility itself, a transition into the equipment installation contractors. Some of that work was performed by the maintenance craft that's part of the Laboratory pool. And so, under the, under the safety department, very, very good solid record, even as you transition through not only different people working on the job, but different companies as well.

## [RICHARD A. HOLMES]

Uh, one of things that's pretty important is that some of the craft is the behavior-based safety program where you have craft to craft observing themselves to make sure that they are doing work safely and appropriately. They came up with the nickname, which was "DOGS"—DOE operations getting safer. And they've probably done over, probably 80,000 observations during the lifespan of the project. And that's the key to how you get to this kind of safety performance.

Go on to the chart.

## [LANL SLIDE 12]

## [RICHARD A. HOLMES]

Also, some pretty significant quality in environmental achievements. We had talked about this before, but we did finish the building under the NQA-1 [nuclear quality assurance ANSI/ASME] requirements. And you can do that by grading things. A number of best practices in the environmental performance area. This will be the first building at the Laboratory that will be certified under the Leadership in Energy and Environmental Design, or LEED, criteria by the U.S. Green Building Council. We have submitted the design portion of the points, and based up the design portion, we have enough [points] to be basic LEED certified at that level. So it will be now, we're submitting the construction points to determine whether or not we will get to the silver, or possibly the gold, level for that award. And we will know that answer sometime in the next couple of months.

## [RICHARD A. HOLMES]

A number of pollution prevention awards. The most highest one, the highest one was the 2010, the DOE EStar award for sustainable design, which is the Department of Energy's highest environmental award that you can get. And a number of other things that we have done in terms of environmental protection and awards, recognition of the project's work during the, during the construction and design.

## Next chart.

[LANL SLIDE 13] [RICHARD A. HOLMES] So, now some photos. You've seen the outside one before. I guess we have the same floors. We have—people are in the building. Let's go on to the next chart.

[LANL SLIDE 14] [RICHARD A. HOLMES]

This is the atrium. And we've seen this before. On the—this is the interior portion of the building, and on the back side which you see here, are a number of windows. Use of natural light inside the building. Very, very important feature under the LEED certification. And the building is divided into two sections. This is the northern portion for uncleared workers, and the southern portion of the building is for cleared workers, which enables the Laboratory to bring in new talent while they are processing their

clearance, et cetera. They can go do beneficial work, and that can allow the Laboratory to recruit post-docs and other types of people coming in to start work. Next chart.

#### [LANL SLIDE 15]

#### [RICHARD A. HOLMES]

The operations center on the left hand side of the screen is fully up and active and functioning. There's a number of training classrooms that are up on the fourth floor, and the Lab has already started using those for training sessions. People moved into the building over the last October through December of last year. So it's been fairly recent that we've populated the building with people. Next chart.

## [LANL SLIDE 16]

[RICHARD A. HOLMES]

Just some other activities in the building. A lot of supplier interest, providing PPE and other protective equipment to the workers inside the building for the laboratory spaces. So we have the, we hosted, the Laboratory hosted a forum for that. Go on to the next chart.

## [LANL SLIDE 17]

[RICHARD A. HOLMES]

So Laboratory space, as you can see here. A couple of things. One is there are some basic chemistry benches and normal industrial-type open-front hoods for sample preparation and preparation of chemicals. In the upper left-hand corner, you can see an array of, of uh, gloveboxes, and all the piping that goes inside, and some of the construction team finishing up some of the work inside of those boxes. Next chart.

## [LANL SLIDE 18]

## [RICHARD A. HOLMES]

Another laboratory. You can see— we talked about this, but the piping stubs up from the floor to provide air and water into the gloveboxes, and then a standalone instrument, and, Amy Wong's folks did tell me what it was, but I'd probably pronounce it wrong.

## [RICHARD A. HOLMES]

And you can see the ventilation system coming out of the top, the top of the boxes to go into the ventilation system. But laboratory spaces in a completed fashion. Go on to the next chart.

## [LANL SLIDE 19]

[RICHARD A. HOLMES]

And, oh, by the way, all those gloveboxes, all the gloveboxes that we've installed have passed all of the helium-leak tests and the pressure-decay tests. So they are, they're finished.

[RICHARD A. HOLMES]

This is downstairs in the basement. These are the supply air handlers for the laboratory spaces. And then the filter fans in the lower left-hand corner that take the air out to go in through the HEPA filters. So, all the air from the laboratory spaces and the gloveboxes in a cascade fashion all goes out through HEPA filters. And you can see the tie-in for the large ventilation duct that ultimately then leads the stack which is on the southern end of the building. That's down near Pajarito Road.

#### [LANL SLIDE 20]

[RICHARD A. HOLMES]

Boilers. Uh, inside of the building to provide hot water for services throughout the building, both for laboratory spaces as well as restrooms and providing some tepid water, uh, mixed with, hot water mixed with cold water, for the eye wash-type stations.

## [RICHARD A. HOLMES]

Fire pumps. Inside the building for the fire water system. And, then, that's an air compressor for the air supplies [points to lower right-hand corner of photo].

[LANL SLIDE 21] [RICHARD A. HOLMES] So, in a sense, ya' know, after this meeting, the Rad Lab will be finished, complete by the project end. But nothing turned over to the Laboratory.

[RICHARD A. HOLMES] Any questions on the Rad Lab part?

## [SCOTT KOVAC, NUCLEAR WATCH NEW MEXICO]

Hi. I'm Scott Kovac with Nuclear Watch New Mexico. Thank you. What's the seismic rating of your new gloveboxes?

## [RICHARD A. HOLMES]

So, the gloveboxes are PC-2 for the seismic demand that they were in—they are nonsafety related because of the radiological facility, doesn't have to be any rating. The lab, the Rad Lab itself was built to the standards that existed when we started design, which was '07, which is before all the most recent sets of discussions over the last couple of years on the seismic curve and probabilistic seismic hazard analysis for the TA-55 area.

#### [GREG MELLO, LOS ALAMOS STUDY GROUP]

Greg Mello, Los Alamos Study Group. A Radiological Laboratory is similar to, has the same standard more or less as a hospital laboratory? Question mark?

## [RICHARD A. HOLMES]

The, uh, the regulation that governs this is DOE Standard 1027— [Greg repeats the number in unison with Holmes] I got the number right— and then that, it defines in that regulation, it defines the quantity of material, if that is allowed to be put inside to meet radiological— and I don't know possible standards.

[GREG MELLO] All right, we'll—

[RICHARD A. HOLMES]

So it's a 1027 standard that defines the safety envelope for this building.

## [GREG MELLO]

Well, I guess I have an observation and a question, which is that, um, and I hadn't really noticed this before, but that's all pretty heavy construction for the fire pumps, and I am, it just doesn't— Are, was there a back up plan for this building? Was it always going to be 8.4 grams of plutonium?

[RICHARD A. HOLMES] The building was always going to be radiological under the 1027 standard.

[GREG MELLO] Yes, well. Um, which is now 39 grams.

## [RICHARD A. HOLMES]

And I bring that up not to, not to, shirk the number, right? But the standard is defined. And that standard defines how the building was built. And that's, that sticks today. So our delivery, the project's delivery to the Laboratory stays under that 1027 standard.

## [GREG MELLO]

Um, documented safety analyses at the Laboratory have used 39 grams, um, for under, um, for, uh, for radiological, let's see here, for documented,

they've used— Excuse me, documented safety analysis at the Laboratory have used the ICRP [International Commission on Radiological Protection] 72 dose conversion factors for a long time. And, I'm wondering, from your perspective, why did it take so long to apply the ICRP 72 standards to the RLUOB? And, ya' know, could— this was the major factor in preventing, or rather allowing the Department of Energy to do without the Nuclear Facility. And now we have a, basically a paper change, a memo to file, and we are able to do new missions in the, in the RLUOB. And, yet the underlying standard you've had that that memo to file is based on, has, dates from 1996. So, I'm wondering how you understand that?

## [RICHARD A. HOLMES]

I'm gonna, this is Rick again, I'm gonna punt this to Steve, 'cause I don't— you've have to ask the Safety Basis people. I'd get out of my lane very very quickly.

## [STEVE FONG]

I'll probably get out of my lane real quick here too. But, you're right, it was a '97 time frame when that ICRP standard was issued. And then, there was some other, here was a process, there's a deliberate process for review, for incorporation into the 1027 standard.

1027, the 1027 standard, the basis for that, is, are those ICRP standards. And, there was some other updates to breathing rates, and some other things. I'm quickly getting out of my lane. But that process had to go through its peer review process. It takes a long time to make sure that, ya' know, those things, those policies are done right, because they apply not only just—they are not applying just for Rad Lab. They are applying that complex-wide. So that effect, the new 1010 and 1027 standard applies to the complex.

#### [Voices off microphones.]

#### [SUSAN GORDAN, ALLIANCE FOR NUCLEAR ACCOUNTABILITY]

Susan Gordan, Alliance for Nuclear Accountability. So, what kinds of changes are going to have to happen at the Lab with this new, the ability to bring in the 34, 39 grams of plutonium?

#### [RICHARD A. HOLMES]

From a project perspective, we don't know, 'cause it's not our, it's not piece of our, it's not a piece of our work. We'd have to talk to the program people at the Laboratory to get that answer. So, we'll have to put that on the board and bring it back. Because the project's delivery is already set to a set code of record

It's existing. We're gonna deliver to that code of record. And then the program has to, if they are gonna invoke that new new standard or not, has to decide. And then how it's gonna do that, follow the rules that they have.

#### [SUSAN GORDAN]

Do you anticipate that there will have to be some changes, or something that's gonna have to happen to allow that amount of plutonium in the building, to keep it secure?

[RICHARD A. HOLMES] I don't know.

[Voices off microphones.]

#### [WILLEM MALTEN, LOS ALAMOS STUDY GROUP]

Willem Malten, Los Alamos Study Group. My question is that, now that the CMRR Nuclear Facility will not be built, or, for the foreseeable future, are there changes in the function or design of the RLUOB facility?

## [RICHARD A. HOLMES]

So, this is Rick again. From the project's perspective, uh, no. We are going to deliver the building to the code of record that we had, like I said before. And then there are future studies that have been asked for, to go look at, that the Laboratory and the NNSA are working out in terms of what may happen down the road. And so, from the project perspective, those are outside of the project's realm of responsibility, and not yet decided.

[Voice off microphone, asking about "alternative to Plan B]

#### [ROGER SNODGRASS, SANTA FE NEW MEXICAN]

... Yes, I'm sorry. Roger Snodgrass, the Santa Fe New Mexican. Uh, the Plan B for what to do without a CMRR NF is underway. But there was to be a sixty-day period in which that plan was presented to, uh, that the Lab was going to present that plan to NNSA. Has that plan been presented yet?

#### [RICHARD A. HOLMES]

This is Rick again. So, yes, the plan was presented to NA-10, and they are taking it under advisement. It is my understanding, they are taking it under advisement and then gonna issue directions based upon their review.

[ROGER SNODGRASS, SANTA FE NEW MEXICAN] I think we heard in that breakfast yesterday that you don't report to NA-10 any more?

[UNIDENTIFIED PERSON] Heh, heh, heh.

[Laughter from attendees]

[ED MORENO, FACILITATOR] Who knows about—

## [RICHARD A. HOLMES]

We'll let Herman [LeDoux, Federal Project Director, NNSA Los Alamos Site Office] take a cut at his reporting relationship. But— this is Rick—just to clarify from the program perspective, Dr. Cook is the right person to get that kind of briefing, from the program perspective.

## [ROGER SNODGRASS, SANTA FE NEW MEXICAN]

It's all right. I, I can understand that there would be some ambiguity. But, I mean, can you tell us about, I mean, can we get into what this plan is? Or can we hear something about what the, what the plan is? That's pretty important.

#### [RICHARD A. HOLMES]

Yeah. This is Rick again. I think that's out of the scope of the meeting from here. 'Cause it's, it's not yet— (a) our scope is just deliver what we've got, finish the design. That's what we're doing, and then we're gonna stop.

## [ROGER SNODGRASS, SANTA FE NEW MEXICAN]

I see. Okay. Sorry. One— at least one more. We're gonna have—maybe you can come back to me? My understanding was that the RLUOB, the way you presented it to us, had a lot of the lab space that did not have really a plan yet, at that time. Can you go back over how much of the RLUOB space was committed with stuff to do before as compared to what— oh, well, you can't tell me about the new plan, but presumably—

#### [RICHARD A. HOLMES]

This is Rick. I can answer the "what is." Of the laboratory space, divide up the laboratory space into 26 modules. Each module is by itself, or with other modules, makes up a laboratory. The space that we have equipped in the RLUOB is about half of the modules. That's what it equals. One of the original plans, going back even before = '05, was that if the projects, the nuke facility had been sequenced right along side with the Rad Lab, that that other space would have been used as preparatory space to move gloveboxes into the Nuclear Facility and equipment.

#### [RICHARD A. HOLMES]

There is a plan, at some point, where the rest of those modules would be equipped with benches. No additional fume hoods or gloveboxes were planned in that iteration, and it would be benches for preparation and troubleshooting of equipment for both facilities somewhere down the road. Who is, when that work was gonna be done, so really no additional capacity, just extra space for benches and work. That was the plan.

[Voices off microphone]

[RICHARD A. HOLMES] The plan, and I, this is outside the discussion.

[ED MORENO, FACILITATOR] Thanks Over here.

[JAY COGHLAN, NUCLEAR WATCH OF NEW MEXICO] Jay Coghlan, Nuke Watch of New Mexico. Steve, and I guess this is a comment, or a question, or whatever, for you to take to higher pay grades than you. But, —

[STEVE FONG] That's long way up.

## [JAY COGHLAN]

—yeah, take it back to Washington. But, I've had Congressional staff tell me the reason that the Nuclear Facility is being deferred is that there is because there was no clear need for it. And the need essentially revolves around the claim, the reputed need, to expand plutonium pit production to 50 to 80 pits per year. And, ya' know, take this as advice from a so-called friend, if you like. But if you really wanna sell the Nuclear Facility in the future, why don't you, that being NNSA, and whatever the current administration is, um, but why don't you come out and make explicit what the need is for. And, again, I think this revolves primarily around expanded plutonium pit production. And then, it's pretty clear that there is memorandum of understanding between the Defense Department [Department of Defense] and NNSA that claims that there is a required future production capacity of 50 pits per year. Um, but that MOU and other supporting documents are being withheld from the public. But again, I close this comment with, "If you are going to advertise this project in the future and if you are going to seek appropriations from Congress, why don't you make clear the need for it? And make clear the need for pit production. Expanded pit production."

## [STEVE FONG]

Jay, I accept that as a comment. So, we'll put that as part of the record and, if I'm around in five years, you can hold me to it. We'll be at that point, and we can have this conversation again. But thank you for your comment.

## [STEVE FONG]

Just wanted to also acknowledge Matthew Ruybal back here with Congressman Ben Ray Lujan's office. So, we had pretty good show up tonight.

[ED MORENO, FACILITATOR] Okay. Over here.

## [JONI ARENDS, CONCERNED CITIZENS FOR NUCLEAR SAFETY]

Joni Arends, Concerned Citizens for Nuclear Safety. So, with respect to this fourfold or fivefold increase in plutonium, is there a need for coverage for it? We don't believe that there ha— there is. And so, we want to know what the next steps in terms of the need for process will be.

## [STEVE FONG]

Just about every decision that happens up on the Hill has to have some sorta NEPA [National Environmental Protection Act review]. I mean, just from changing a light bulb to whatnot to building and constructing a nuclear facility. So that's just like any other action. When that is assessed, well the— our NEPA folks will have to work with everybody else to see whether or not that's covered or not. And Joni, and that's a legitimate question. That will be assessed and determined at that time. But, we're not, the project is not faced with that, so I can't answer that question.

## [ED MORENO, FACILITATOR]

Thanks. Any other questions from this section? Okay. Any [words off microphone]?

[Voices off microphone]

[ED MORENO, FACILITATOR] Okay. One final [inaudible words off microphone].

## [GREG MELLO]

Greg Mello, Los Alamos Study Group. I'm happy to provide briefings for any of the Congressional people here. I've done it a few times and, um, if you want, I'm happy to help. We haven't had too much interest from the Congressional delegation in this project. And I'm always happy to help. So, the door's open. Please do give us a call. [ED MORENO, FACILITATOR]

We're about five minutes ahead of schedule, which is good. Um, at 7:30 [p.m.] we have the Interested Parties presentation. And I am not sure who's gonna take the lead on that. So, Scott? And how many people will you have speaking at it?

[SCOTT KOVAC] Three.

[ED MORENO, FACILITATOR] Okay. Okay. All right. Uh, um. It belongs to you.

[SCOTT KOVAC] All right. I got here a little late. I do have handouts, if everybody needed one.

[Unidentified voices off microphones as handouts are passed around.]

[ [SCOTT KOVAC] And there's I think there's some more back on the table over there. Anybody else?

[More unidentified voices off microphones as handouts are passed around.]

[SCOTT KOVAC] All right we'd like to start with— Yeah.

[More unidentified voices off microphones]

[BEATA TSOSIE-PEÑA, TEWA WOMEN UNITED]

Okay. Un bi a:gin di. With your respect, my name is Beata Tsosie-Peña. I'm from Santa Clara Pueblo and I'm here with Tewa Women United and Honor Our Pueblo Existence. And, I wrote a poem. Tonight, I appreciate this opportunity to have my voice heard. And I wish that was more opportunities for this to happen with a lot of women and elders in my community who can't always come to these meetings.

[BEATA TSOSIE-PEÑA]

And I'm sure we can think of other ways to include people. Maybe having on-going comment periods. Um, increased public meetings. Some kind of process where we have like true dialogue with each other because I think our communities have a lot to offer. And I think that this deferment is a really big opportunity, a big message, that it's not to late to change what this is about, to change what— to re-look at this facility as something that isn't necessary, that it can change to something that we do need, like clean-up and basically clean-up technology and clean-up for where we live.

#### [BEATA TSOSIE-PEÑA]

Um, I'm tired of living in fear for my family around something I can't see, touch, or taste. So, this poem's called "The CMRR." And just as a little disclaimer, I know it's "Chemical Metallurgy Research and Replacement," but I used my poetic license to flip the— is it?— to flip the "replacement" with the "research;" so, just so you know it's a little bit— But it still makes sense.

[Reads poem aloud]

#### CMRR

Chemical. Chem- ic- cals by the hundreds, chemical dirt, chemicals in our air, chemicals in plants we pick, chemical warfare, chemical incendiaries, chemical endangerment of health and well being for all life that exists here, chem-i-kill waste dumps, chemical explosives, chemicals in our environment that cancels out true chemistry of love and compassion for life here, chemicals created by man that end up somewhere they are not wanted, chemicals accumulating in our cells, chemicals not wanted up here on our mountains, chemicals not wanted where they can enter, delicate bodies and ecologies.

Metallurgy, metal lurgy, metal clergy, metallic luster of shiny encased plutonium triggers, metallurgy wrapped in chemical warfare, embrace of perverse creation whose mission is destruction, metal orgy of science and technology, with no caresses saved for morals or values, only metallurgic power, metallurgical world coercion, metallurgical brilliant minds, numbed to the existence of natural law, numb to the Peoples who have yet to be looked in the eye, recognized as trying to continue existing here, as always, we were here before and after metallurgy, Native respect for volcanic molten metallurgy, that we know, needs to remain sleeping beneath these fault zones.

Replacement, Re- place- ment, replace earth and ancient stone with 325,000 cubic yards of cement, Replace our clean water with contaminated existence, Replace cool pools and springs with disrespect, replace the blood in our bodies with fire and cancer, replace old obsolete ideologies, with the same old obsolete ideologies, the same intention and disregard for Peoples living here, replace common sense for profit, replace dialogue for imperial impunity, replacement of peaceful coexistence with arrogant separation, disconnection to land ensuring exploitation, continued colonization, replacement of honorable warrior societies with pollution of our shared world, brute force that comes with false perceptions, that man is at the top of it all, replacement of land based purity with economic dependency, exploiting the quiet resolve of workers who are not, a LANL community, replace sustainability with limits of choices for decently paid employment.

Research. Re- search, searching again for militarized perfection, researching smaller, more useable bombs and bullets, no research on releases of depleted uranium devastation, that does not discriminate between soldiers or children walking through dusty war torn streets, research that needs to transform, research coming from head people, with forgotten connections to heart and spirit, research that has the potential to benefit instead of harm, research instead, the knowledge of people who can help heal this place they are part of, research reciprocity with the land, research indigenous ancestry from across oceans, research health impacts, and state truth in ways that creates true partnerships, research how to remediate the invisibility of Native Peoples throughout this labs history, Nations in forced proximity to military, Research the priceless value of our communities, research how to enact clean up technologies, research how to heal this place for the benefit of all, keep re-searching for that place of enlightened transformation, in changing an old mission, into life affirming work.

Beata Tsosie-Peña c. 2012

## [Applause]

[Interested Parties Slide 1]

[SCOTT KOVAC, NUCLEAR WATCH NEW MEXICO]

Thank you. And thanks to the Congressional members of the Congressional delegation who are here tonight. We appreciate the on-going dialogue we've been having with you. Ahm, next.

#### [SCOTT KOVAC]

[Interested Parties Slide 2]

This is our Interested Parties presentation. And this is our welcome to our thirteen minute— ah, thirteenth meeting. Come and be inspired. This is the "thank you for your— " Your slide has a very similar one— The opening slide doesn't mention the date. This has been going on since 2005, with Concerned Citizens for Nuclear Safety, Embudo Valley, Environmental Monitoring Group, Loretto Community, New Mexico Environmental Law Center, Nuclear Watch New Mexico, Peace Action New Mexico, and Tewa Women United, many of whom are here tonight.

[Interested Parties Slide 3] [SCOTT KOVAC] This is just our proposed agenda that we are going to try to work through tonight.

## [Interested Parties Slide 3]

[SCOTT KOVAC]

First we have a graph based on the Fiscal Year '13 Congressional budget request. Ahm, each color is a different year. '11, '12, '13. Green on the top. Approximately 1.3, 1.4 billion dollars for nuclear weapons activities. This is about 59% of the Lab's budget. Big decrease on this year is mainly due to the CMRR funding. Thank you. Which is zero. Next.

## [Interested Parties Slide 5] [SCOTT KOVAC]

This slide is based on the previous slide. Prior spent, 425 million; '11, 214 million; FY12, 200 million; gives a total of 840 million dollars plus, ahm, we subtract out the RLOUB building, and the RLOUB equipment, which we might be under budget. Leads us to a total of 476 million dollars spent on design. Possibly a small part of that is design of the RLOUB, but 476 million dollars. Next please.

[Interested Parties Slide 7]

[SCOTT KOVAC]

Ahm, in the, um, White House OMB budget, cuts, consolidations, and something with an "s," they mentioned 35 million for operation of the RLOUB for 2013. And that's down, down 165 million. It's actually going out of construction and into the operational— this is a big step—into the operation account. Next.

## [Interested Parties Slide 8]

[SCOTT KOVAC]

Ahm, also noticed in the House Energy and Water Development Appropriations Bill this week was looking for a rescission of the 65 million in prior year balances for the CMRR project. This money will be going to projects in the PF-4, the existing plutonium facility, namely cleaning out the vault, and, um, can't remember right now—

## [Interested Parties Slide 9]

[SCOTT KOVAC]

We already went over many of these things, and I appreciate you guys' energetic and enlightened conversations. The DNFSB [Defense Nuclear Facility Safety Board] requested LANL to provide a final plan that includes a plan to substantially complete the CMRR NF (Nuclear Facility) design by 2012. We've learned that that's going on. Are we ever going to get a, the public get the final number? is the question I'm gonna have. And I've submitted it earlier. So I would like— we would like to know if the public is ever gonna get a number based on 80%, or 85% of the design.

[Interested Parties Slide 10] [SCOTT KOVAC] Couple of other things that DNFSB was asking for was the phase out of the existing CMR facility by 2019.

[Interested Parties Slide 11] [SCOTT KOVAC] They were also asking to look for other places to do analytical chemistry beside— ya' know, and including in that is the maximum use of the RLOUB building.

[SCOTT KOVAC]

The DNFSB also requested that LANL provide a final plan that includes the connecting, moving material safely from the RLOUB to the existing plutonium facility. Originally there was going to be tunnels from the RLOUB, from the nuclear facility to the plutonium facility. So, a question I have is, "What is planned for that?"

[SCOTT KOVAC]

The plan also requests a plan. The DNFSB also requests a plan to address analytical needs in other buildings.

[Interested Parties Slide 12]

[SCOTT KOVAC]

Two things that the plan, that the DNFSB also requested, and this, these requests from DNFSB follow very closely the revised plutonium strategy that we were handed, uh, last March by Dr. Don Cook [Donald Cook, Deputy Administrator for NNSA Defense Programs], in NNSA headquarters.

[Words lost as recording tape was being turned over.]

... wondering if these things are still on the table. Thanks.

[Interested Parties Slide 13]

[SCOTT KOVAC]

Let's get to our question of increasing the plutonium four times, up from 4.8 grams. We still are looking for an exact explanation of how that happened. And we would like to know how that, how it happened. Thank you.

[Interested Parties Slide 14] [SCOTT KOVAC] Um, last March the Government Accoutability Office released a report entitled "New Plutonium Research Facility at Los Alamos May Not Meet All Mission Needs." Next.

[Interested Parties Slide 15] [SCOTT KOVAC]

It recommends that NNSA conduct a comprehensive assessment of needed plutonium research. And, we've been asking that, for that, for a long time— All of our environmental impact statements, the comments for the last ten years. And so, we've still, everybody's been asking, all the groups have been asking us, everybody has been wanting to examine what the actual need of plutonium research is and do they have space. And my question is, what is the timeline for the assessment? Um, and the report noted, noted that NNSA's decision to defer the construction of the CMRR will give it sufficient time to conduct this assessment.

[Interested Parties Slide 16] [SCOTT KOVAC] Also in a GAO report it mentioned a "necessary electrical system upgrade that might [not] be completed." We were wondering what that was. In the— thank you.

## [Interested Parties Slide 17]

[SCOTT KOVAC]

This is a— also in the GAO report. They listed several items that could happen, possibly maybe to increase plutonium pit production at the existing facilities at PF-4. Um, we want to know how that—, that would assumably part of the assessment. And these, um, we want to know what,— ya' know, how many are possible now, how many would be maximally possible with the existing facilities. Thank you.

[Interested Parties Slide 18]

[SCOTT KOVAC]

Thank you. We also recently have received the FY performance, FY11 performance evaluation report. This is a report that chronicles the award fee given to Los Alamos National Laboratory. And it's, mainly it's a management and operating contractor, LANS. And this performance evaluation report is overseen by NNSA. And they— in 2009 they were removed from public view. And many people, including Nuke Watch, waited for the Los Alamos one, and we actually have received all of the eight Department of Energy sites. And they are on our website. Thank you.

[Interested Parties Slide 19]

[SCOTT KOVAC]

The performance evaluation report goes through and lists, ya' know, performance. Different performance categories. The, um, one of them, PBI [performance-based incentive] 5, lists the CMRR delivery. And, as you can see here, the maximum available fee was 2.5 million. And the fee earned was 1.4 million. The, uh, the RLUOB, RLUOB REI performance, which is the equipment installation performance, got approximately half. And because this number was so low, this number was not allowed to, they weren't allowed to get any of that. So that explains that zero. Also, here the special facility equipment for the CMRR NF got its slice, 90 or 80 thousand dollars decrease. Next.

[Interested Parties Slide 20] [SCOTT KOVAC] We were wondering— I'm sorry, can we go back one?

[Interested Parties Slide 19]

[SCOTT KOVAC]

The um,— We were wondering, the performance evaluation for Los Alamos Laboratory gives, doesn't give very much detail about why these were not awarded. And so, we were hoping to get more, more information or more detailed information about why the Lab got, ya' know, approximately half of its award fee. Thank you.

[Interested Parties Slide 20] [SCOTT KOVAC] The performance evaluation report did mention that concerns remain with overall RLOUB settlement costs in addition to recent deficiency in glovebox procurement and installation. We had many questions about that statement. And, um, what is meant by the RLOUB settlement costs? What are the concerns with the RLOUB settlement costs? What are the deficiencies in the glovebox procurement and installation? Thank you.

## [Interested Parties Slide 21]

## [SCOTT KOVAC]

We also had some other general questions not necessarily related to the performance evaluation report. We are still looking for that final cost range, the final CMRR NF cost range. And, we, um, I assume that it'll cost more in five years. And, when will we have the answer?

## [Interested Parties Slide 22]

[SCOTT KOVAC]

And while, if we can't make a decision about the deep and shallow options, maybe we could at least get the estimates for each of them separately. As, because, assuming that at some point they are different and at some point, if you are digging a hole, it's gonna cost more. But we need to know. When will we get those numbers? We are still looking for them. Thank you.

## [Interested Parties Slide 23]

[SCOTT KOVAC]

As you remember, the deep and shallow options are the choices between a very weak, and extremely weak, options. And we just heard earlier there has not been a decision yet. Thank you.

[Interested Parties Slide 24]

[SCOTT KOVAC]

And, just another reminder of the lack of permanent new jobs due to the CMRR Nuclear Facility. This one says here that, uh, the, uh, workers will come out of the old CMR and, um, [it] would not increase employment or change socioeconomic conditions in the region, with the new building. Thank you.

## [SCOTT KOVAC]

[Interested Parties Slide 25]

Um, many feel that the completion of the Consent Order is at risk. The Consent Order is the clean-up agreement between the Lab and NME— New Mexico Environment Department. Ahm, we believe that DOE, LANS, and LANL should put start of construction of new projects, including CMRR, on hold until all requirements of the Consent Order are funded first.

[Interested Parties Slide 26] [SCOTT KOVAC] Um, Los Alamos is where the Jemez lineament crosses the Rio Grande Rift. This is not the place for a permanent nuclear waste dump. Next.

## [Interested Parties Slide 27]

[SCOTT KOVAC]

This is a snapshot, or a photo out of the Area G, um, CME. Um, which is the recommendations— the corrective measures evaluation report, Revision 3 from last fall. Um, one of the interesting ones is that, this is all, this is TA-54 [pointing at slide] this is Area G here. Sixty-five acres. Eighteen million cubic feet of buried waste. Um, the Lab's preferred alternative is to leave the waste in place. We've all— Many of us believe that we should excavate the place.

## [SCOTT KOVAC]

One of the things this one shows— And there's something happening here with the water table. Um, due to pump tests, and ya' know, this is labeled as a fault. And so, we just need more information. This is not the place to put it. Next.

[Interested Parties Slide 14] [SCOTT KOVAC] Ahm, oh yes, we have a statement from the Loretto Community.

## [Interested Parties Slide 28]

[JONI ARENDS, CONCERNED CITIZENS FOR NUCLEAR SAFETY] This is a statement from— Oh, Joni Arends, Concerned Citizens for Nuclear Safety. And, this statement is from Penny McMullen of Sisters of Loretto. And she asked me to read it. She says:

I am unable to attend tonight's public meeting because today is the 200year anniversary of the founding of the Sisters of Loretto, the first community of sisters founded in the United States with no affiliation with Europe. I have therefore asked Joni Arends to read and submit my statement.

I have heard that there is some talk of this being the last CMRR public meeting under the 2005 Settlement Agreement. As a party to the negotiations that set up the CMRR public meetings, the Loretto Community opposes any discontinuation of these public meetings as contrary to the terms of the Settlement Agreement.

According to the Settlement Agreement, the public meetings to discuss the CMRR Project are to continue at least every six months until either the physical construction of Phases A, B and C is completed, or a phase is cancelled (with stated conditions). Since construction is not completed and the Nuclear Facility phase is only delayed and not cancelled, the public

meetings cannot be discontinued without the signed amendment of all parties who signed the 2005 Settlement Agreement.

Loretto would not agree to an amendment to discontinue the public meetings, or even to temporarily suspend them. Given the delay and possible cancellation of the Nuclear Facility, the role of the RLUOB (Radiological Laboratory/Utility/Office Building) could be expanded, and public input would continue to be important.

Sincerely,

Penelope McMullen, Regional Justice and Peace Coordinator Loretto Community

And I'll put copies of this statement out on the table. Thank you.

## [SCOTT KOVAC]

Thank you. Could you go back a couple of, through the, oh, back, back, back. Oh, another one, another one. No. No. One more. One more. Yeah, this one. Thank you.

[Interested Parties Slide 19]

[SCOTT KOVAC]

Yeah, um, now I will entertain questions. So, uh, I'm basically done. I would like to say though, that we do turn in our questions to the— people— I'm sorry, to Lorrie [Bonds Lopez], Mr. Steve [Fong], and Rick [Holmes] and um, a couple of weeks before. And so we do that. And a lot of times these things have simple explanations. And so, from the public's point of view, ya' know, you look at something like this, and, ya' know, it looks like, I don't know. Doesn't look good. Ya' know. And so, we're hoping, ya' know, we're expecting there's a simple explanation. And I would like to say at this point that we do appreciate Steve [Fong] and Rick [Holmes]. And Lorrie's work on these meetings for the last six years or so. Thank you.

## [ED MORENO, FACILITATOR]

We'll open it up to questions from the floor first. And then we'll see what kind of responses, if possible, if uh—

## [ROGER SNODGRASS, SANTA FE NEW MEXICAN]

Let me just ask you a leading question. Isn't it just a little frustrating when we see a list of all the accomplishments: under budget, on time, award after award after award, and then when we finally get the withheld performance reports, we see something like this, which is a really, seems to be a major criticism. And deserves some explanation. But even that is covered up with settlement costs, or something like that. What on earth are settlement costs?

## [SCOTT KOVAC]

Exactly. Thank you. The— exactly. And these reports have not been withheld from the Lab. And the LANS people have known, have known these reports. And, um, we need to know this information. We just know that— Maybe there's— ya' know, this is a public sharing of the proc— of the, ya' know, an updating of the process. So, that's our question.

## [RICHARD HOLMES]

This is Rick Holmes again. Lemme take a cut at—and I'm not gonna talk to this directly. But lemme hit on a couple of topics that you had on settlement costs, and then gloveboxes.

## [RICHARD HOLMES]

That's the next— you can go to the next slide Lorrie [Bonds Lopez].

## [Interested Parties Slide 20]

## [RICHARD HOLMES]

So, when the RLUOB facility itself was a design-build contract awarded to Austin Commercial out of Dallas. And if you go back several years ago, we talked about that they had performance challenges and we had to take action with them and do certain things. As a company, they didn't like that. And they felt like their, they had been harmed from a cost perspective. So they filed what's called a "claim." It's a court action, it can go to court action. And they and some of their original subcontractors, uh, felt like there in the construction of the Rad Lab facility itself, that they had been harmed, and are now taking advantage of that particular process.

## [RICHARD HOLMES]

We have settled with Austin. And I'm not gonna say— I'm not at liberty to say the numbers. Not that I'm not going to, I'm not at liberty to say the numbers because they are still part of on-going litigation action with some of the subcontractors. And so, we are now working the proc— We settled with Austin itself. We are now working the process with their former subcontractors, the electrical and the mechanical-type subcontractors. And all of those costs ultimately get rolled into every dollar that's spent on CMRR. So that's the settlement. That process, I expect, will contin— We're actually going a lot faster than other places because we're getting it done and cleaning up those particular actions. I think that by a year from now they'll be all complete and done and wrapped up and finished. But that's what the settlement costs mean.

[RICHARD HOLMES] Herman [LeDoux] wants to add.

[HERMAN LEDOUX, FEDERAL PROJECT DIRECTOR, NNSA LOS ALAMOS SITE OFFICE] I'm gonna pull a Rick [Holmes] and try to answer some of your questions and the question[UNIDENTIFIED PERSON] Tell us who you are.

[HERMAN LEDOUX]

Herman LeDeux. I'm the federal project director for NNSA. I'm— Let's go back to your slide [inaudible words]

[Interested Parties Slide 19]

[HERMAN LEDOUX]

So, lemme talk to this one generally. Okay. One of the things that NNSA does is I hold Rick [Holmes] and his team to very high standards of performance. You would expect it of the government. I expect it of our contractor. And so, part of what we do in this area, is we put some—kind of— some essential goals, things that they need to be— And then we also come up with some stretch goals, those things that we put some amount of money on for them to reach.

## [HERMAN LEDOUX]

So, in general, one of the things that I do, Roger [Snodgrass] is I hold Rick [Holmes] and his team to very high standards, and we come up with milestones that are associated with a certain amount of fee. 'Cause it's important for me— for Rick and his team to do it right the first time, to be efficient. We are all taxpayers. We would expect that. And so, when the Laboratory, when Rick's team doesn't perform to my expectations, they get docked. Now, specifically on the numbers, I don't recall exactly what we did. But, in general, what we do, is we put very high expectations— That doesn't mean that, for example, that we are not delivering the REI [RLUOB equipment installation] ahead of schedule, under budget. That's the good thing. But we continue to hold the Laboratory to high standards, even when we're ahead of schedule and under budget.

## [LISA PUTKEY]

I don't understand what— Hi! My name's Lisa. Uh, what does "fee" mean? "Awarded fee." Like where does that go? Who does that go to?

## [HERMAN LEDOUX]

The contract with, with LANL was changed in 2006. It was re-competed by the government. And there was a consortium of companies that came in and, we head for the company—

[UNIDENTIFIED PERSON] Right.

## [HERMAN LEDOUX]

—and that company is UC, Bechtel, right, the two major ones. The way that we incentivize the contractor also changed in 2006 in that contract. And so they way we incentivize 'em now, is there's some fee at risk. Okay? And that fee at risk is spread out amongst a fair number of activities that NNSA is interested in, and making sure that

LANS performs as well as can be expected, or as well as they can. And so, we come up with milestones, deliverables that we expect. And there's an associated fee with that. If they miss those, we dock 'em.

## [LISA PUTKEY]

Is it like— So that's not for the cost of the project. That's like a, "Oh, you did a good job. Here's extra money"? or is that what you are saying?

## [HERMAN LEDOUX]

The fee at risk is fee that they can earn for their performance across the Laboratory and the lot in all the different functional areas. So essentially, it's a, it's an incentive to get LANS to perform really, really well in all areas.

## [ASTERID WEBSTER]

My name is Asterid Webster. I have been a past board member of Los Alamos Study Group and have received a lot of education through them and also learned a lot when I was helping Dennis Kucinich's campaign in Albuquerque and other parts of the state. And, in that function, I've talked to a lot of people, including people who are donors, citizens who want to see the groups that are participants and parties to this agreement oppose nuclear weapons.

## [ASTERID WEBSTER]

And a whole lot of what I'm hearing here is information that sounds like it came directly out of the Lab. I understand there are some questions. What I don't understand is for people who are sending you money and supporting you, why am I not hearing real clear opposition to this. "This is a bad idea." There's been some real effective opposition which ended in a lawsuit. And I think people would like to hear that you guys are doing that kind of work before they send you money. And I want to know— Shakespeare talks about damning with faint praise. I think what I'm seeing is supporting with extremely faint damnation.

[ED MORENO, FACILITATOR] Do you want to answer?

## [SCOTT KOVAC]

I can answer that one. I would just like to say that, uh, every time we answer a question like that, or ask a question like that, which is kinda out of the purview of this meeting, that's one less question we get to ask—ahm, the experts here. So, it's, um, rest assured we are against nuclear weapons. Um, but that's, ya' know, it's, it's not the place of this, of this, of this meeting. I don't want to waste people's time going over an obvious thing. Thanks.

## [JOHN BLOCK]

Ah, yes, my question, went to the chart—uh, John Block. My question went to the chart. Um, if I'm understanding, Herman [Le??] your explanation, there were milestones. But

this is a very large amount. It's a 44% reduction. And yet, there were these various awards that are touted in the other presentation. Are we to understand that there are no lapses in quality in this building, given the 44% reduction in possible fees? I find that, frankly, very difficult to believe.

#### [HERMAN LEDOUX]

Let me make sure I understand your question again. Could you kinda restate it?

#### [JOHN BLOCK]

Yeah, the chart shows there was only 56% of possible awarded fees. That's a 44% reduction in their possible performance fees. And, I'm saying, I find it hard to believe that there are no quality lapses in that. That this is just strictly that they missed deadlines of various kinds, which is what you seem to be saying.

#### [HERMAN LEDOUX]

I don't know, in a nuclear facility, in any building, I don't know that you can separate quality from milestones. They're— In my mind, quality and deliverables are all kind of one and the same. You expect the deliverables to be met in a quality manner. And so, in some cases, the docking may have been specific to a deliverable that did not meet our expectations.

#### [JOHN BLOCK]

Okay, so then, if I understand you now, that would mean that in fact there **are** quality lapses in this building. They are deliverables that did not meet expectations. And I'm somewhat concerned by the idea that this building would b e used for anything other than, um, non-radiological activities if in fact it didn't meet your expectations.

#### [HERMAN LEDOUX]

When we, when we or the contractor— 'cause in many cases, the contractor, Rick's team, self-identifies an issue. For example, a glovebox that is out of tolerance. Many of those identified by Rick's team. Okay? We don't just install those and forget about the quality. Rick and his team have gone back and made sure that the issues are corrected, and that final installation does meet the specifications that we're looking for. So, quality and final installation and acceptance all go to, ya' know, having a facility that operates the way you want it, the way you wanted it designed, and it's a quality product. And I personally feel like we have received a very high quality product in the RLOUB and REI construction.

#### [PETER NIELS]

This is for Herman [LeDoux]. Peter Niels, Los Alamos Study Group. Um, maybe you can clairfy this for me, 'cause what it sounds like to me is that— it sounds like you anticipate that for its base management fees, LANS will fail to meet nominal, uh, levels of performance. And so you have to create this incentive which bolsters their fees in order to come up with acceptable standards in their construction performance. And uh— Ya'

know, I'm not sure, as the taxpayers would view this, um, if that's actually appropriate. I'm like, "Don't they get paid enough already? To do this without these bonuses?"

#### [HERMAN LEDOUX]

My optics are a little bit different than the way you stated your question. From my standpoint, ya' know, we've got a certain scope we're gonna go do in this project. There's a certain amount of money. And from my standpoint, as the person responsible, I'd like to deliver that project, in, with the highest quality, on schedule and under budget. And so if there's something I can do to incentivize the Laboratory, LANS, to, to meet my expectations, to do it under budget, ahead of schedule, that is always a good thing. I believe that is an appropriate use of a fee from the standpoint of incentive, incentivizing. Because, ah, in some cases, we may build a building cheaper; we may be able to build it ahead of schedule. And it's my way of thinking that would be a good thing, right? As a taxpayer. For all of us. If we can incentivize our contractors to think about it different, to, ah, to excel in their performance above and beyond, that would be good.

#### [ED MORENO, FACILITATOR]

Obviously this is a[n] important issue.

#### [GREG MELLO, LOS ALAMOS STUDY GROUP]

I want— Yes, Greg Mello, Los Alamos Study Group. My question is for the representatives from the Congressional delegation. And, I know you can't speak for your offices right now, so I'm sending you back with a question. This process— we've had these meetings every six months for thirteen times. And this project has been going on since it was announced by Senator Bingaman in 1999. At this point we have no idea what this project really is. There's no plan. There's no environmental statement that covers it. There is no clear budget. No one knows how much money is going to go back to the taxpayer, and how much is gonna be spent on this project. No one knows how the contractor is being graded on this. No one knows *anything*.

#### [GREG MELLO, LOS ALAMOS STUDY GROUP]

The GAO has taken this agency to task for 20 years for being on its watch list for fraud, waste and abuse. And it continues, year after year after year. Roger Snodgrass cannot get information from the NNSA headquarters. No one can get information from the Lab. People are, at headquarters in this project, are, they are not allowed to talk or meet with us. There is a total blackout of actual, useful information with the exception of the good-hearted people who keep on, who are allowed to say a few little things here and there.

#### [GREG MELLO, LOS ALAMOS STUDY GROUP]

But it's not enough to have prevented hundreds of millions of dollars, to have been spent on design of a building that will probably never be built. Senator Feinstein just ripped into the guy at the top of the food chain, Tom D'Agostino [Thomas Paul D'Agostino, Under Secretary for Nuclear Security and Administrator of the NNSA], saying, "You spent 800 million dollars on this. And evidently that was not enough to make you rethink it. But now you have changed the standards for conversion, and now you can change it. But the 800 million wasn't enough." The, Representative Turner, on the other side, far on the other side of the aisle, said the same thing. He said, "Tom D'Agostino has been here seven times in front of us. Six times he said this is essential. And now he says it's not necessary. Which Tom D'Agostino do we believe? This is a lot of money."

#### [GREG MELLO, LOS ALAMOS STUDY GROUP]

Meanwhile the national security issues that were supposedly, so important in this project, have delayed for a decade. Meanwhile, the safety of people in the CMR Building has been sacrificed just this entire time while we've been messing around with a project we don't need. There's a tremendous problem of oversight and organizational opacity here.

#### [GREG MELLO, LOS ALAMOS STUDY GROUP]

Now Rick [Holmes], ah, means well. He hasn't been here very long. He doesn't really understand this in great depth, he doesn't—'cause he hasn't been in the weapons program a long time. You guys need help. Somebody has to open this up. The Congressional delegation has not done that. We don't have and EIS [environmental impact statement]. The Los Alamos Study Group went to court to try to get one.

#### [GREG MELLO, LOS ALAMOS STUDY GROUP]

I would like the Congressional delegation to say, "This project needs an EIS." It would be very helpful. And I'd like for the NNSA, at— I'd like you to take a message back to Tom [D'Agostino] and Don Cook and, to say that, ya' know, we'd like to help.

#### [GREG MELLO, LOS ALAMOS STUDY GROUP]

Everybody here would like to help. The country is in crisis. But to do that— ya' know, we're all on the same side here. We're all interested in national security. We're all interested in household security and environmental security. We know that. We are not adversaries. Let's try to move forward. But to do that we have to have quality information. And then we'll work it out. It'll be a tough dialog, but we can do that. We've had meetings here in this building for 20 years. We know we can do it. And, I'm begging you all to do it. Because otherwise we just have fiascos ahead, one after another.

[ED MORENO, FACILITATOR] [Inaudible, off microphone]

[SCOTT KOVAC] I have one.

[Inaudible, off microphone]

#### [SCOTT KOVAC]

I appreciate that. Yes, and, uh, Greg is right. We, — oh, I'm Scot Kovac with Nuke Watch. Um, right, so, hard fought settlement agreements, ya' know, any way possible, ya' know. What did we settle on? We settled on a meeting to get more information. This is what we have to do. This is what we were reduced to doing. Is to, ya' know, have to

win some sort of settlement agreement in order to get this information out of here. Thanks.

#### [ROGER SNODGRASS, SANTA FE NEW MEXICAN]

That having been said, and I wanna say, too, that these meetings, as sparse as the information is at times, are really precious water on dry land in this environment. And I very much appreciate the interested parties and all the people who have made it possible to have these. And having gotten to this point, can we get an answer to the question of whether it will go on after this?

[ED MORENO, FACILITATOR] Good question.

#### [STEVE FONG]

I'm just— NNSA is just one party. And of course everybody—you saw the list of everybody, CCNS, Study Group, Nuclear Watch, and others. We all have to meet to decide.

[LANL Slide 3]

[STEVE FONG]

Um, figure out what we do during the deferral time frame. I mean, that's up to us to go back to the agreement and have a real discussion. And so I look forward to that. And that's gonna be a group decision. We'll go from there. We all— All parties will have to discuss that. So, um, NNSA in its deferral, basically the project will not be here in a year's time. So, there's not gonna be a lot to talk about during that time. But when it starts up, I do believe that, uh, the agreement should go on from there. So, uh, but that's gonna be the framework. We have to discuss and I— probably invite Joni [Arends] or others in this agreement to voice that. So, Scott— Did you wanna?

#### [SCOTT KOVAC]

As Nuke Watch, being a member of the Interested Parties, would agree with what you've said. We need to have a discussion on exactly what, ya' know, the meeting looks like six months from now.

[ED MORENO, FACILITATOR] One over here, then I'll get you.

#### [JAY COGHLAN]

Yeah. Jay Coghlan, Nuke Watch New Mexico. Um, for the record, I do not want a new environmental impact statement now. Ah, current development is a good development. Let sleeping dogs lie. Let's keep this thing deferred for the time being. Now, if and when it's resurrected, it is my presumption that a new environmental impact statement will be needed at that time. But, again, let sleeping dogs lie until then.

[JAY COGHLAN]

Now, a question for you Herman [LeDoux] is, uh, since you are the senior NNSA official here, this goes to the performance evaluation reports. And you're probably aware that we had to sue to get 'em. Ah, I, so I'm asking you, we probably won't have to take that step for the Fiscal Year 2012 performance evaluation reports, right? We can assume that they'll be released to the public from this point on?

#### [HERMAN LEDOUX]

What I'd like to do, and I think we could probably do, is, for my portion, the CMR[R] portion, we will certainly work those up, make sure that we've got agreement that we can release that information at the next public meeting. And we can share it. Uh, that's probably from the standpoint of the folks interested in this, ya' know, the interest in the folks in this room. That'd probably be the right folks to check with—

[UNIDENTIFIED PERSON] [Inaudible remarks about "full report" off microphone]

[HERMAN LEDOUX]

Yeah, that's above my paygrade. But we'll carry the message on it.

#### [ASTERID WEBSTER]

Yeah, this is Asterid Webster again. I feel like public meetings are needed. I don't think this is a substitute for public meetings. And I think it's completely unacceptable. And, uh, representative government—I don't think this is representation at all. And I think it should be public meetings. And then people will tell you, "Really, this is not needed, it's not wanted. And we don't want our taxpayers' money to go for this." Thank you.

#### [ED MORENO, FACILITATOR]

Let me ask if there's someone who I may have overlooked? Who hasn't had a chance to speak? And then I'll give you guys who've had a chance ...[inaudible words].

#### [DAVID BACON, CONCERNED CITIZENS FOR NUCLEAR SAFETY]

I'm David Bacon with CCNS. Um, standing here listening to this, I'm aware that the general public in Santa Fe now couldn't make much sense of this. It, the, the story is not very coherent. For people who are really concerned about what goes on. And I'm wondering if there is discussion among you guys, Congressional staff. Because the public in Santa Fe is interested only in clean up of the mess up here. That's really the basic thrust of what they are interested in. And I'm wondering if there's discussion about the delay in the CMRR and taking money and putting it into areas like Area G and comprehensive cleanup. It seems to be getting cut back. Is there any ability, any desire, any interest in furthering public meetings around that specific topic?

[Several voices] No.

[HERMAN LEDOUX]

I think Steve really answered the question on how the funding flows. And that's that, ya' know, CMRR is a line item. And so, by law, if there, if there's money that is left when we get done with the substantial completion on design, this here, that funding goes back to Washington for decisions by the Congressionals on what it would be used for. And so, that's, that's the way the system works, is that. Since this is a line item project, that funding would have to go through a Congressional decision process.

#### [SCOTT KOVAC]

I had a, a— I was just— Yeah, speaking of the line items and stuff, and, uh, Steve [Fong], I'm still, nagging in my mind is, um, are we going to, we're the public, will the public know what the cost of the CMRR NF is going to, is estimated to be? At whatever design thing. Will that be released to the public? You have any idea?

#### [STEVE FONG]

Typically, if we're a project for [FY] '13, you would see, we would report in our next data sheet, uh, performance for the previous year. But since there is nothing for '13, I don't know about that. I don't know if there is a mechanism for a project that's been deferred. We are not going to have a data sheet next year. Ahm, right now, Scott, I can't think of a formal federal mechanism that will document that. And I might be wrong. I'm just right now thinking out loud. I just— I— but, uh,—

#### [HERMAN LEDOUX]

Scott, your question is what the nuclear facility would cost once it's restarted?

#### [SCOTT KOVAC]

Yes. We spent 400 million on design and estimate. And maybe we can— there's some conclusion, ya' know, to all this? Ya' know, today. Or this year.

#### [HERMAN LEDOUX]

So, again, lemme, lemme just go back to some of the comments Steve made, and that's that, ya' know, what the team has been tasked with by Washington leaders, is to bring the design to the next logical stopping point. And that's, that makes sense. So we're doing that. And set that up to where it can be retrieved for future use.

#### [HERMAN LEDOUX]

But what the project would cost, or could cost in the future, we— I don't know of anybody that would want to offer that type of information now. And the reason is that we have no idea how long this could be delayed. What, what the presidential budget says is that CMRR will be delayed for at least five years, at least five years. That's what it says. And so, that means it could be five years, six years, ten years. And, what that also means is that, depending on what year you re-start it, the cost would be different. Right? The longer you delay it, the higher the cost because inflation kicks in, right? The cost of doing business. And so, ahm, really can't answer that question right now.

#### [ED MORENO, FACILITATOR]

Maybe I can ask it a different way: When you get to that point of the, of the design where you stop, will there be an accounting of how much has been spent to date?

#### [HERMAN LEDOUX]

The answer is "yes." Ah, there will be an accounting, and we're tracking that carefully. Rick's [Holmes] tracking it. And part, part of my challenge to Rick is, "Let's deliver this substantial completion package that we have been tasked with as efficiently, as completely as possible, and at the lowest possible price."

#### [ED MORENO, FACILITATOR]

I think maybe the question is "How?" How that's gonna be done. If there's a meeting, if there's not a meeting. And those details to be worked out.

#### [ED MORENO, FACILITATOR]

Okay, so we're on the glide path. We have about five minutes or so left. And we'll have as many questions as we wanna ask. Okay.

#### [GREG MELLO]

We— Okay, Greg Mello, Los Alamos Study Group. We would prefer that the glide path be as steep as possible. We doubt the value of completing a road map to a future facility. And think that as soon as that money, and as much money as possible, can be returned to the federal treasury, the better. So we doubt— we don't think there should be a cost— We don't see a mechanism for a cost estimate.

#### [GREG MELLO]

I also wanted to say about the alternative, which is being, which is proposed to be implemented: The Senate has a budget of 160 million capital costs for this alternative to the CMRR. And the Laboratory is proposing to spend, just here, a hundred million dollars a year on it. So it very quickly becomes a billion-dollar alternative. It's definitely a major federal action. It's closely related to other plutonium activities, and it is an alternative to the CMRR project. And it requires, legally, environmental analysis.

[ED MORENO, FACILITATOR] [Inaudible words off microphone]

#### [PETER NIELS]

Peter Niels, Los Alamos Study Group. Ah, Herman [LeDoux], I wanted to follow up on my question regarding those performance bonuses. And my question is: um, they were set up as a reward, I presume, for meeting design specifications, ahm, and then certain metrics were formulated to dole out bonuses here and there along the way. What was the structure that was a disincentive? What were the penalty— what was the penalty structure if these metrics weren't met on schedule?

#### [HERMAN LEDOUX]

So, the penalty, penalty structure— I like to look at it differently. I'd like to look at it—

[PETER NIELS] Oh, I'm sure.

#### [HERMAN LEDOUX]

And the reason being is that it's set up as an incentive. Right? And the incentive is, I set up with my team, with Steve [Fong], and in collaboration with Rick [Holmes] and his team— we'll set up milestones. And we'll set up cost performance milestones as well. For example, bringing in a certain portion of the building under budget by X amount of dollars. That's in all our interests. Right? If they don't meet that, Rick and, LANS, not Rick and his team, but LANS would not earn that incentive fee. And so, we can look at our only— what we're talking about is saying, is the same. I'm calling it "incentive," incentive You're calling it a "disincentive." But it's the same thing essentially.

#### [PETER NIELS]

I don't agree with you. I'm sorry. See, I would say, if there's, if there's a penalty, not the bonus, but you are fined so much money. That's what happens in a lot of construction in the real world. And this speaks to this problem of oversight. There's, there's a big chocolate shake at the end of the rainbow on the one hand. But there's no slimy bog at the other. So, so, the taxpayers are getting a raw deal here.

[JONI ARENDS]

So, my quest— Joni Arends, CCNS. So Steve, what's your next project?

#### [STEVE FONG]

I don't know, Joni. I'm worried about that. I'm just like everybody else. So, I got a mortgage, I got a family. I'll have to find another job. So, that's where I'm at. Another project? We'll see. So, we'll see. The future is uncertain.

#### [JONI ARENDS]

Yeah, consider the non-profit sector, Steve. Um, I would like to express my sincere thanks, um, that we've come to this point and that we will have a discussion about next steps. Um, I wanna'— I think that this has been a really terrific process where we have been able to submit questions ahead of time. Um, and Lorrie has been a great facilitator of that conversation. And, for all the folks that have come through this process. And I am grateful for these conversations that we've had over these past years. And hopefully we will continue them.

[ED MORENO, FACILITATOR] That's a pretty way to end this meeting. So, thank you.

[UNIDENTIFIED PERSON] Good.

[UNIDENTIFIED PERSONS]

[Inaudible words off microphone]

[ED MORENO, FACILITATOR] ... mike to one more person.

[ROBERT CHAVEZ, THINK OUTSIDE THE BOMB AND HONOR OUR PUEBLO'S EXISTENCE] [Comment with great feeling, becoming increasingly passionate] All righty. I just wanna' be short. Uh, Robert Chavez, Think Outside the Bomb and Honor Our Pueblo's Existence. I just wanted to be short and sweet and to the point. I've been coming to these meetings for a while now. Coming and asking questions. But I think it's coming to a point where I need to make a statement instead of asking questions. I listen to the wind blow behind me and I listen to the birds chirp. As I take this breath of air, life. Life. I'm alive. I'm living. People should have that opportunity. Children should have that opportunity. I do not want my children working at a plutonium facility in the future. I do not want that happening. We need to work together to have life. To be able to take care of each other, not to build these facilities, not to cause pain or death to other people. Nobody wins with nuclear weapons. Nobody wins. It's up to us, the people. As a leader of the peace communities, to stand up and say that we want life and we want to live. And we want to be strong and healthy and take care of each other. Let's take care of each other. We don't need this. It's not what we need. I want to be able to expect life for future generations. When I think about 18 million cubic feet of waste, in my homeland, the scenery that I look at every single day, I think this didn't have to happen. Could've made a difference. It's not over yet. The power of the mind. The power of the human mind is great. Takes a greater human mind to overcome something that we have created here at Los Alamos. It'll take greater minds than those scientists to overcome these things. To have life. To be able to live again. That's all I want to say.

[Applause]

[ED MORENO, FACILITATOR] Okay. We— [becomes inaudible as goes off microphone]

[Unidentified person speaking off microphone.]

[ED MORENO, FACILITATOR] Okay. Thank you all for coming.

[Other voices] Thank you. Thank you.

[The meeting was adjourned at 8:30 p.m. People remained in the room having informal discussions.]

#### CERTIFICATION

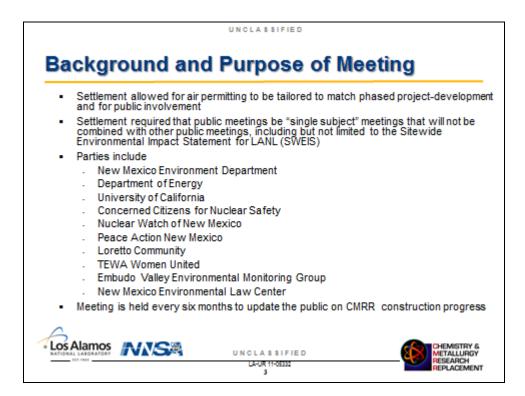
I hereby certify that the foregoing is a true and correct transcription of the audio recording of the public meeting on the Chemistry and Metallurgy Research Replacement project at the Fuller Lodge, Los Alamos, New Mexico, on April 25, 2012.

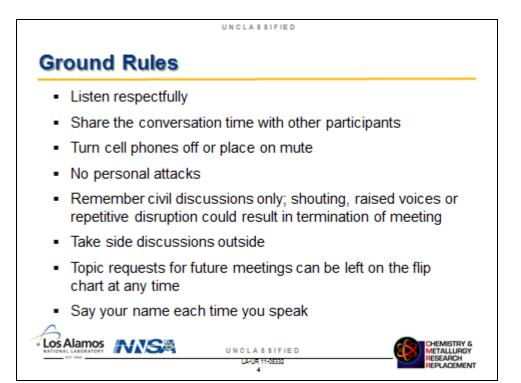
/s/ Morrison Bennett Transcription completed May 20, 2012.

### III. Presentation Slides – CMRR Project

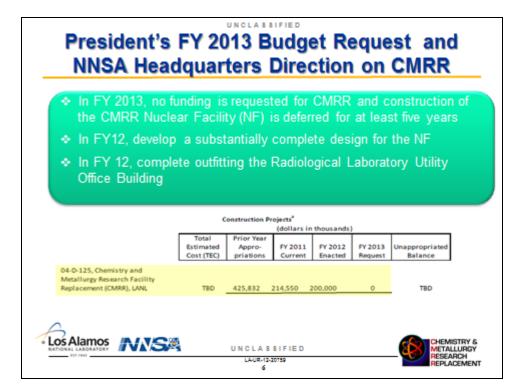


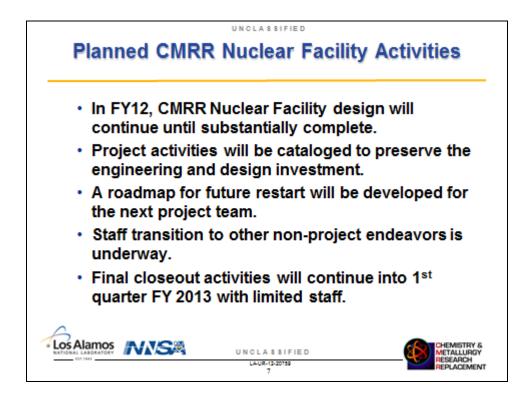
6:30 - 6:45	Welcome	Ed Moreno
6:45 - 7:00	CMRR Project Update	S. Fong R. Holmes
7:00 - 7:30	Questions	Ed Moreno
7:30 - 8:00	Interested Parties Presentation	Interested Parties
8:00 - 8:25	Questions	Ed Moreno
8:25 - 8:30	Closure & Adjourn	Ed Moreno

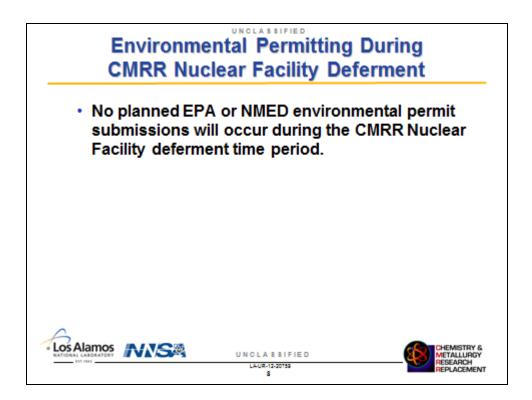


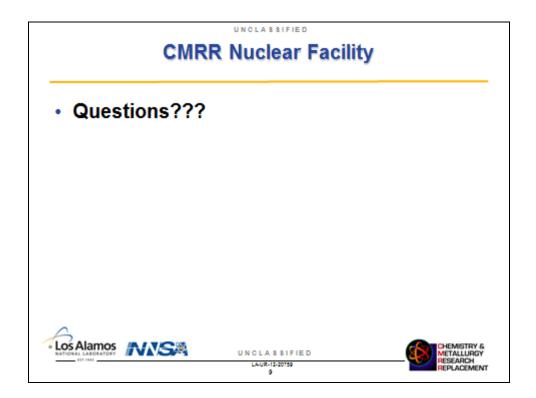


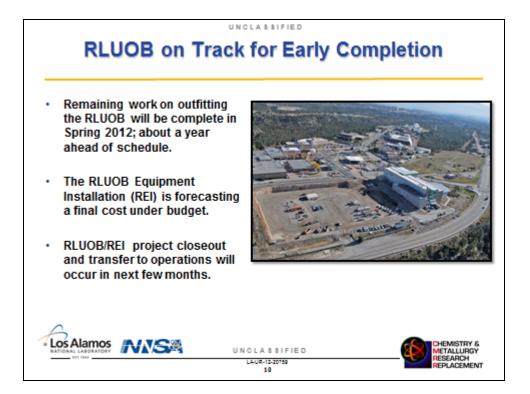


































### IV. Presentation Slides – Interested Parties

# Interested Parties CMRR Presentation April 25, 2012

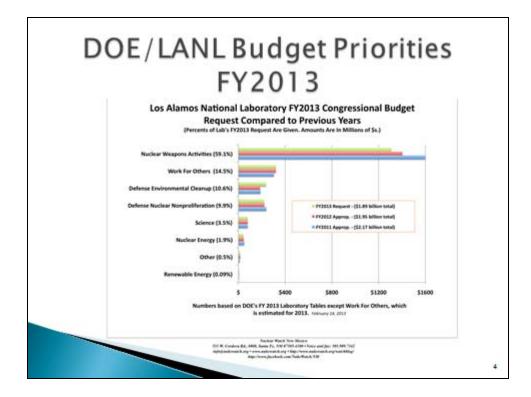


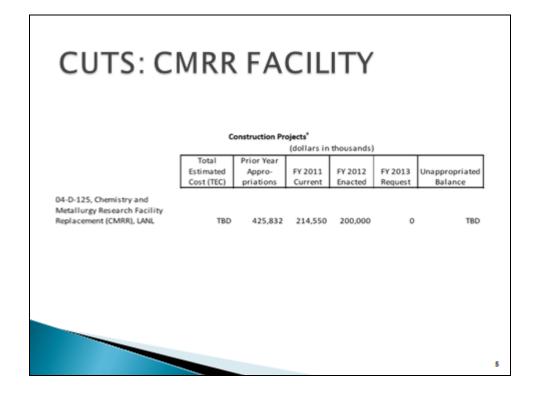
### Welcome to our 13<sup>th</sup> Meeting! Be Inspired!

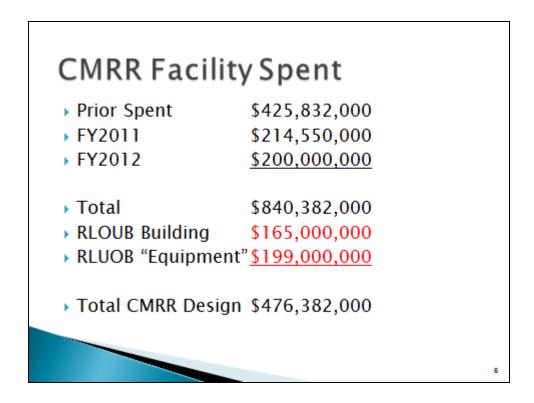
This is the 13th semi-annual public meeting required as part of a 2005 settlement between DOE/LANL and an network of community groups:

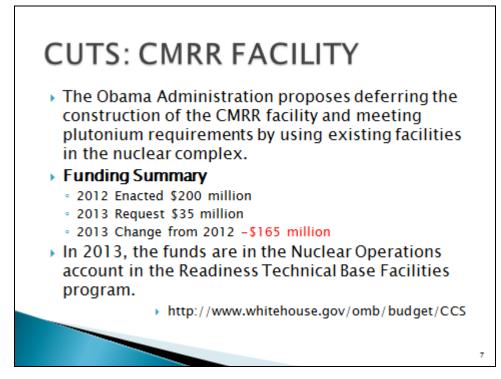
- Concerned Citizens for Nuclear Safety
- Embudo Valley Environmental Monitoring Group
- Loretto Community
- New Mexico Environmental Law Center
- Nuclear Watch New Mexico
- Peace Action New Mexico
  - Tewa Women United











## CMRR FACILITY FUNDING ADJUSTMENT

- Rescission.—The Committee rescinds \$65,000,000 in prior-year balances from the Chemistry and Metallurgy Facility Replacement Project-Nuclear Facility.
- Given the NNSA has announced a five-year delay in constructing the Nuclear Facility project and there is still no revised plutonium strategy which would make use of the considerable prior-year balances, a portion of these funds are available to offset funding needs for Los Alamos infrastructure in fiscal year 2013

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2013

# FY2013 Budget to Optimize Use of Existing Infrastructure

Because the CMRR-NF is deferred for at least 5 years, DNFSB requested that LANL provide a final plan that includes:

A plan to substantially complete CMRR-NF design by the end of FY 2012 including design close-out activities to ensure project documentation is available for potential future use.

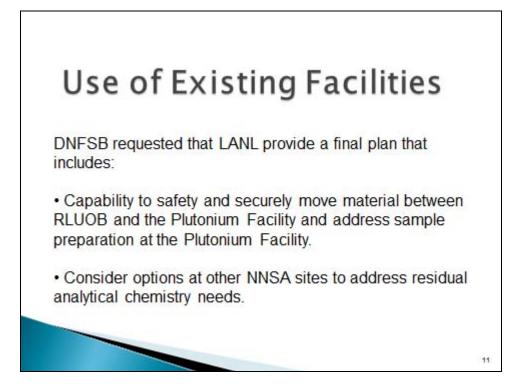
Use of Existing Facilities

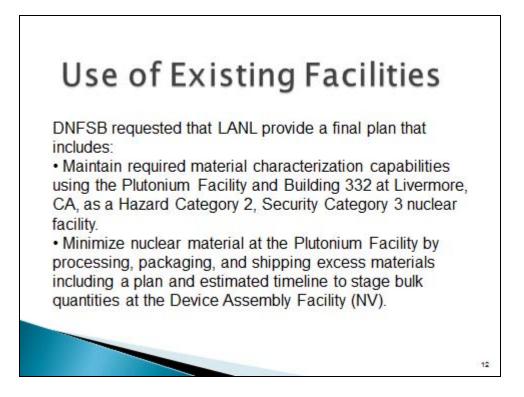
DNFSB requested that LANL provide a final plan that includes:

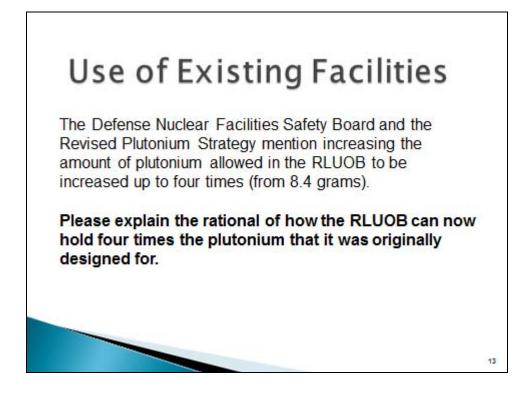
An orderly phase out of NNSA program activities at the existing Chemistry and Metallurgy Research Building concluding in approximately 2019 (following completion of the Confinement Vessel Disposition project in Wing 9).
Plans for continued analytical chemistry capabilities to support mission needs that include maximum use of the Radiological Laboratory, Utility and Office Building (RLUOB).



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To the Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate

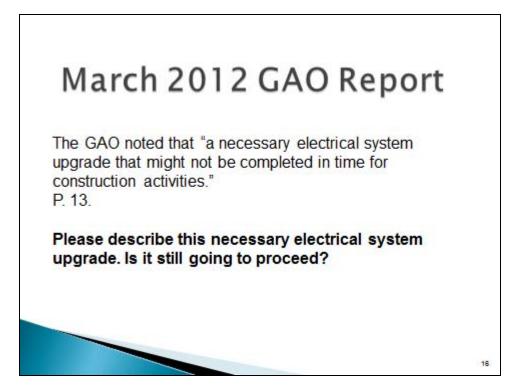
"New Plutonium Research Facility at Los Alamos May Not Meet All Mission Needs"

# March 2012 GAO Report

Recommends that NNSA "conduct a comprehensive assessment of needed plutonium-related research, storage, and environmental testing needs for nuclear weapons stockpile activities as well as other missions currently conducted at other NNSA and DOE facilities." P. 23

#### What is the timeline for the assessment?

As noted in the report, "NNSA's decision to defer construction of the CMRR will give it sufficient time to conduct this assessment." P. 24.

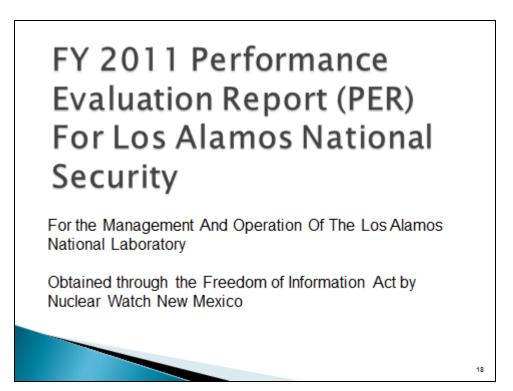


# **More Pits Still Possible**

#### From GAO:

In commenting on our report, NNSA officials agreed that they will not be able to increase LANL's pit manufacturing capacity to larger levels (e.g., 50 to 80 pits per year) without improvements to supporting facilities. However, they said that they had some flexibility to achieve a modest increase in LANL's pit manufacturing capacity to address a specific requirement for additional pits. In that regard, they said that they could apply more shifts, add equipment to PF-4, move some material out of the storage vault in PF-4, and make some adjustments to analytical chemistry requirements. However, NNSA officials did not provide any details on how many additional pits they would be able to produce if they performed these activities.

#### How Many Would Be Possible?

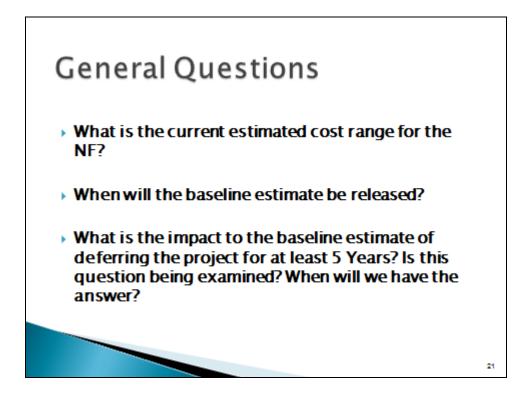


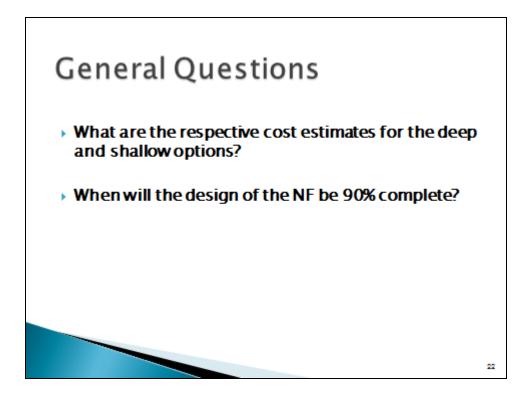
# FY 2011 Performance Evaluation Report

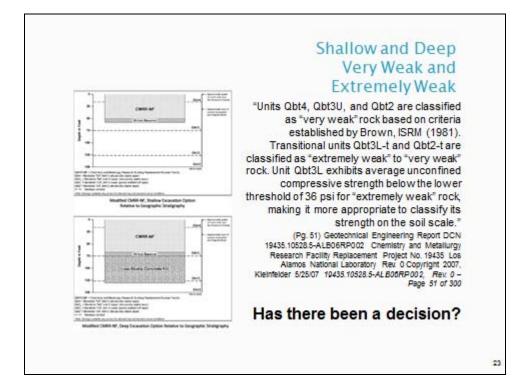
		AVAILABLE FEE \$2,578,447.00		AWARDED FEE \$1,443,931.00 56%	
	PBI 5: CMRR Delivery				
		ESSENTIAL	STRETCH	ESSENTIAL	STRETCH
5.1E	CMRR RLUOB/REI Performance	\$351,606.00		\$175,803.00	
5.15	CMRR RLUOB/REI Performance		\$351,606.00		\$0.00
5.2E	CMRR NF/SFE Performance	\$468,809.00		\$389,112.00	
5.2S	CMRR NF/SFE Performance		\$234,404.00		\$0.00
5.3	CMRR and UPF Integration		\$1,172,022.00		\$879,016.00
		\$820,415.00	\$1,758,032.00	\$564,915.00	\$879,016.0

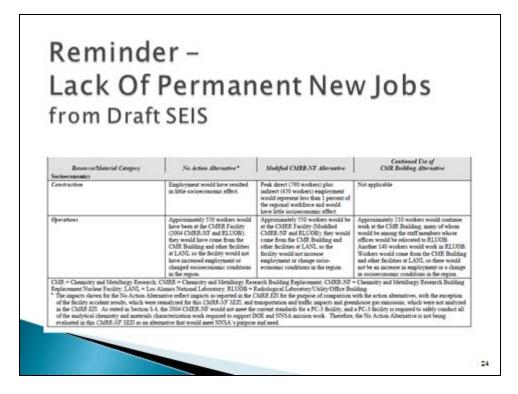
## FY 2011 Performance Evaluation Report

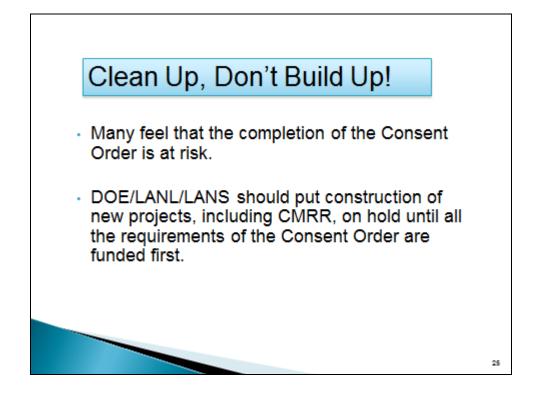
- Beneficial occupancy of the Radiological Laboratory/Utility/Office Building (RLUOB) facility
- "Concerns remain with overall RLUOB settlement costs in addition to recent deficiencies in Glovebox procurement and installation."
- What is meant by RLUOB settlement costs?
- What are the concerns with the RLUOB settlement costs?
- What are the deficiencies in glovebox procurement and installation?

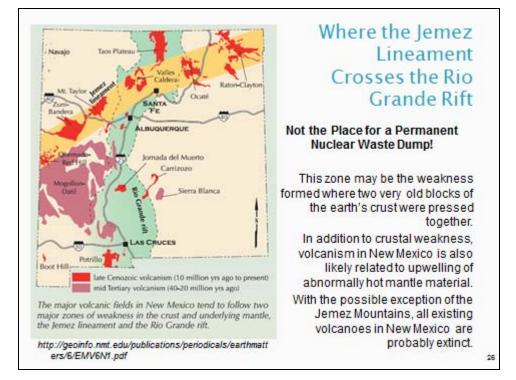


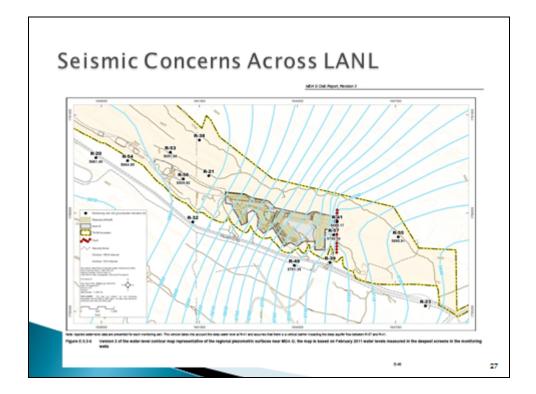












# LORETTO COMMUNITY STATEMENT

- 200-year anniversary of the founding of the Sisters of Loretto
- First community of sisters founded in the United States with no affiliation with Europe.

### V. Loretto Statement

#### LORETTO COMMUNITY STATEMENT FOR CMRR PUBLIC MEETING APRIL 25, 2012 Penelope McMullen, SL

I am unable to attend tonight's public meeting because today is the 200-year anniversary of the founding of the Sisters of Loretto, the first community of sisters founded in the United States with no affiliation with Europe. I have therefore asked Joni Arends to read and submit my statement.

I have heard that there is some talk of this being the last CMRR public meeting under the 2005 Settlement Agreement. As a party to the negotiations that set up the CMRR public meetings, the Loretto Community opposes any discontinuation of these public meetings as contrary to the terms of the Settlement Agreement.

According to the Settlement Agreement, the public meetings to discuss the CMRR Project are to continue at least every six months until either the physical construction of Phases A, B and C is completed, or a phase is cancelled (with stated conditions). Since construction is not completed and the Nuclear Facility phase is only delayed and not cancelled, the public meetings cannot be discontinued without the signed amendment of all parties who signed the 2005 Settlement Agreement.

Loretto would not agree to an amendment to discontinue the public meetings, or even to temporarily suspend them. Given the delay and possible cancellation of the Nuclear Facility, the role of the RLUOB (Radiological Laboratory/Utility/Office Building) could be expanded, and public input would continue to be important.

Sincerely,

Penelope McMullen, SL Regional Justice and Peace Coordinator Loretto Community

### Sign-in Sheet



Wednesday, April 25, 2012 CMRR Public Meeting @ Fuller Lodge – SIGN IN SHEET

NAME (please print)	ADDRESS	TELEPHONE NUMBER	E-MAIL
John Sevenne	CA Moniter		John & Igmonthis Com
Amy Wong			V
MARTY VMIPANOS			
Liz Englisi2	while Rock		
Horn LeDow	Los Alumas		
Denise Thronas			
ToBallisos	SANTARE		tgallogos2006@ MSN. Con
Morrison Boni	ett P.O. Box 160, 4 A	667-3916	mbennett a land gov
MARIA A ALANG	RIS BOLYTY 87537	747-4657	Merian 2 Que Spot straum net
millhoka		305-747-4652	
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Page \_\_\_\_ of \_\_\_\_\_



NAME (please print)	ADDRESS	TELEPHONE NUMBER	E-MAIL
Scott Koua	Num		
Motor Ruybor	Coynessma Berkan Lujois office	505-670-9468	Matt. Muybal & Mail Mis za
Dorothy Winkle	r Sonta Fe, NM		
Ro Fue Srodynum		1	roger. sno egmail icom
Story Gordon	Allience for Nucleo	r Accountabi	Ity
Benta Tsosie	Santa Clan Pueblo	-	beata-tsosiecychin.
JONI ARENTS			Jarends Enuclearactive.
Basin Miller			basin. miller 5@gmail.com
David Bacon	CONS	474 -0484	fociNo CONSP. Net
Michile Traveroreste	Sen Tan Wall	Santa FE	

Wednesday, April 25, 2012 CMRR Public Meeting @ Fuller Lodge – SIGN IN SHEET

Page  $\underline{Z}$  of  $\underline{3}$ 



#### Wednesday, April 25, 2012 CMRR Public Meeting @ Fuller Lodge – SIGN IN SHEET

NAME (please print)	ADDRESS	TELEPHONE NUMBER	E-MAIL	
Lisa Putkey	Española	Ŵ	*	
				-
	-			
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Page 3 of 3

### VI. Meeting Flip Chart Notes

What will it take to incorporate the new 1027 SIL & CANE? NEXT MEETING? IF? WHEN?

### VII. Acronym List

### Some Acronyms for the CMRR Project

CCNS Concerned Citizens for Nuclear Safety (organization) CD critical decision, as in CD-1 for Critical Decision 1. CMR Chemical and Metallurgy Research (Building) CMRR Chemical and Metallurgy Research Replacement (Project) CUB Central Utility Building **DNFSB** Defense Nuclear Facility Safety Board DOE Department of Energy (of the US government) EIS environmental impact statement EPA Environmental Protection Agency (of the US government) ESH&Q Environment, Safety, Health, &Quality (Division of LANL) FY fiscal year GAO Government Accounting Office (of the US government) GMF Guaje Mountain fault LANL Los Alamos National Laboratory LANS Los Alamos National Security, LLC (the entity that operates LANL for the DOE) LASO Los Alamos Site Office (of the NNSA) LEED Leadership in Energy and Environmental Design MDAC Materials Disposal Area C MGA Area G NEPA National Environmental Policy Act NF Nuclear Facility NMED New Mexico Environment Department NMSSUP Nuclear Materials Safeguards and Security Upgrades Project NNSA National Nuclear Security Administration (of the DOE) NQA nuclear quality assurance (level), as in NQA-1 NRC Nuclear Regulatory Commission NSR new source review PIDAS perimeter intrusion detection area security system PSHA probabilistic seismic hazard analysis RCF Rendija Canyon fault RCRA Resource Conservation and Recovery Act REI RLUOB equipment installation; or Rad Lab equipment installation RFP request for proposal RLUOB Rad Lab Utility Office Building RLW radiation liquid waste ROD Record of Decision (by a federal government agency) **RRW** Reliable Replacement Warhead SEIS supplemental environmental impact statement SWEIS site wide environmental impact statement TA technical area, as in TA-55 for Technical Area 55 TOTB Think Outside the Bomb (organization) TPC total project cost UPF uranium processing facility Y-12 Y-12 National Security Complex (DOE facility in Oak Ridge, Tennessee)