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Lt. Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

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BUTCH TONGATE  
Cabinet Secretary - Designate

J. C. BORREGO  
Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

February 3, 2017

Kimberly Davis Lebak, Manager  
National Nuclear Security Administration  
Los Alamos Field Office  
U.S. Department of Energy  
3747 West Jemez Road, A316  
Los Alamos, NM 87544

Michael T. Brandt, Associate Director  
Environmental Safety, and Health  
Los Alamos National Security, LLC.  
Los Alamos National Laboratory  
P.O. Box 1663, MS K491  
Los Alamos, NM 87545

**RE: TRIENNIAL REVIEW SCOPE OF WORK AND GUIDELINES  
SETTLEMENT AGREEMENT AND STIPULATED FINAL ORDER NO. HWB-14-20  
SUPPLEMENTAL ENVIRONMENTAL PROJECTS PARAGRAPH 38(A)  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID# NM0890010515**

Dear Ms. Davis Lebak and Mr. Brandt:

The New Mexico Environment Department (“NMED”) has received the United States Department of Energy (“DOE”) and Los Alamos National Security, L.L.C.’s (“LANS”) (collectively the “Respondents”) *Supplemental Environmental Project, LANL Triennial Review Scope of Work and Guidelines Regarding Settlement Agreement and Stipulated Final Order HWB-14-20*, dated January 19, 2017. The Scope of Work and Guidelines was developed pursuant to Paragraph 38(a) of the Agreement signed by NMED and the Respondents on January 22, 2016 to resolve NMED Compliance Order HWB-14-20 issued to the Respondents on December 6, 2014.

Paragraph 38 of the Agreement states: *“DOE will fund independent, external triennial reviews of environmental regulatory compliance and operations at LANL to ensure that any regulatory deficiencies are identified. Each member of the triennial review team shall meet all applicable LANL facility security, access, environmental, safety, and health protocols and training requirements associated with access to LANL and LANL records. The results of the triennial reviews shall be made available to the Respondents, NMED and the public. The Respondents, their constituent agencies, contractors and affiliates agree to address any potential regulatory*

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*violations, or operational deficiencies, that could lead to potential environmental regulatory violations, identified in the triennial reviews. NMED agrees to refrain from taking any enforcement action against the Respondents, their constituent agencies, contractors and affiliates for any potential regulatory violations, or operational deficiencies, that could lead to potential environmental regulatory violations, identified in the triennial reviews so long as the Respondents and their facility operators correct any deficiencies identified in the course of such reviews within sixty (60) calendar days of the finalization of each triennial review report, or for good cause shown, within another period of time beyond sixty (60) calendar days, if approved by NMED. DOE and NMED shall agree on a mechanism to procure and select a third party to perform the independent triennial reviews."*

Paragraph 38(a) of the Agreement states: "*DOE shall submit to NMED a proposed LANL Triennial Review Scope of Work and Guidelines, within one (1) calendar year of the effective date of this Settlement Agreement for comment and final approval by NMED. Should DOE amend any provision contained in an approved LANL Triennial Review Scope of Work and Guidelines prior to any subsequent triennial review, DOE shall resubmit the amended LANL Triennial Review Scope of Work and Guidelines to NMED for approval.*"

The Scope of Work and Guidelines was developed through a project core team that included designees from NMED, DOE, and LANS and describes the purpose, scope development, schedule, selection and activities of the review.

NMED has reviewed and hereby Approves the LANL Triennial Scope of Work and Guidelines. NMED may attend all future triennial reviews, including but not limited to status meetings, close-out meeting, or other activities during a triennial review. Prior notification (to support logistics, planning, etc.) will be provided to the Respondents by NMED to support this activity. Should you have any questions or comments please contact Neelam Dhawan at 476-6042.

Sincerely,



John E. Kieling

Chief

Hazardous Waste Bureau

cc: J. Hower, NMED General Counsel  
N. Dhawan, NMED-HWB  
S. LucasKamat, NMED-DOE-OB  
P. Maggiore, NA-LA  
J. Navarro, NA-LA  
J. Bretzke, EPC-DO  
L. King, EPA 6PD-N  
S. Martinez, ADEM, MS992  
File: 2017 Reading- LANL SA-SFO, SEP

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**From:** [Martinez, Cynthia, NMENV](#)  
**To:** [Lebak, Kimberly Davis](#); [Brandt, Michael Thomas](#)  
**Cc:** [Kieling, John, NMENV](#); [Hower, Jennifer, NMENV](#); [Dhawan, Neelam, NMENV](#); [LucasKamat, Susan, NMENV](#); ["pmaggiore@doeal.gov"](#); [Navarro, Jaime E](#); [Bretzke, John Clifford](#); ["king.laurie@epa.gov"](#); [Martinez, Sandra](#); [locatesteam](#)  
**Subject:** Letter to Ms. Davis Lebak and Mr. Brandt  
**Date:** Friday, February 03, 2017 1:18:20 PM  
**Attachments:** [LANL 2017- LANL SA-SFO, SEP.pdf](#)

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*Good Afternoon All,  
The attached letter will be mailed today.*

*Cynthia Martinez  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Bldg.1  
Santa Fe, New Mexico 87505  
Phone 505-476-6000*

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