



Northern New Mexico Citizens' Advisory Board Meeting

January 25, 2012

1:00 p.m. to 7:00 p.m.

Meeting Location: Cities of Gold Conference Center

Pojoaque, New Mexico

MINUTES

Meeting Attendees:

Department of Energy:

Lee Bishop, Co-Deputy Designated Federal Officer (DDFO)

Ed Worth, Co-Deputy Designated Federal Officer (DDFO)

George Rael, Assistant Manager for Environmental Operations

NNMCAB Members:

1. Ralph Phelps, NNM CAB Chair

2. Carlos Valdez, NNM CAB Vice Chair

3. Manuel Pacheco, Waste Management (WM) Committee Chair

4. Doug Sayre

5. Bonnie Lucas

6. Lawrence Longacre

7. Lawrence Garcia

8. Caroline Mason

9. Nicole Castellano

10. Joseph Tiano

11. Nona Girardi

Excused Absences:

Deb Shaw

Mike Loya

Nick Maestas

Robert Villarreal

Marked Absent:

Jacqueline Gutierrez

NNMCAB Support Staff:

Menice Santistevan, Executive Director

Karen Erickson, Technical Writer

Edward Roybal, Sound Technician

Guests:

Joseph Telachy, Lieutenant Governor, Pueblo of Pojoaque
Dean Hammonds, U.S. Army Corps of Engineers (USACE)
Allison Majure, Public
Stephen Schmelling, Public
Robert Zulick, Project Time & Cost, Inc.
Keith Flodstrom, Project Time & Cost, Inc.
Karen Armijo, JGMS
Colleen Curran, Los Alamos National Security (LANS)
Michael Graham, LANS
Danny Katzman, LANS
Jennifer Payne, LANS
Dave Cobrain, New Mexico Environment Department (NMED)

MINUTES

I. Call to Order

The regular bi-monthly meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) meeting was held on January 25, 2012 at the Cities of Gold Conference Center in Pojoaque, New Mexico. Mr. Lee Bishop, Co-Deputy Designated Federal Officer (DDFO), stated that on behalf of the Department of Energy (DOE), the regular bi-monthly meeting of the NNMCAB was called to order at 1:00 p.m.

Mr. Bishop recognized Mr. Ralph Phelps as NNMCAB Chair. The Chair presided at the meeting.

The regular meeting of the NNMCAB was open to the public and posted in **The Federal Register** in accordance with **The Federal Advisory Committee Act (FACA)**.

II. Establishment of a Quorum (9 needed)

A. Roll Call

Ms. Erickson conducted roll call as the members arrived. Nine members were present at the meeting at the time of roll call, which comprised a quorum for conducting business.

B. Excused Absences

Ms. Erickson announced that Deb Shaw, Mike Loya, Robert Villarreal, and Nick Maestas had approved excused absences.

III. Welcome and Introductions

Mr. Phelps welcomed everyone to the meeting. He stated his appreciation for everyone's attendance.

Joseph Telachy, Lieutenant Governor of the Pueblo of Pojoaque, welcomed those present on behalf of the Pueblo and invited the NNMCAB to call upon the Pueblo for help and support.

Mr. Phelps asked for introductions from the members and guests in attendance.

IV. Approval of Agenda

The board reviewed the January 25, 2012 NNMCAB meeting agenda. The board would hear two presentations on the National Environmental Policy Act (NEPA) and actions taken in response to the Las Conchas Fire.

Mr. Sayre moved to approve the agenda and Mr. Pacheco seconded the motion. The meeting agenda was unanimously approved.

V. Approval of Minutes of November 30, 2011 and January 5, 2012

The board reviewed the minutes from the November 30, 2011 NNMCAB meeting and the special January 5, 2012 NNMCAB meeting. By ongoing instructions from DOE Headquarters, the minutes were previously reviewed and certified by the NNMCAB Chair, Mr. Ralph Phelps. Mr. Phelps stated that the November 30 and January 5 minutes were included in

the board packets and presented at this meeting for board approval.

Mr. Pacheco moved to approve the minutes as presented. Ms. Castellano seconded the motion. The minutes were unanimously approved.

VI. Old Business

A. Written Reports

1. NNMCAB Chair's Report

A printed copy of the Chair's Report was included in the meeting packet and a copy may be obtained by request from the CAB office at (505) 989-1662. Mr. Phelps briefly reviewed the main points in the Chair's report:

- a. Routine Chair Activities since last NNMCAB meeting on November 30, 2011 included the following:
 1. The Chair met with DDFO Ed Worth on December 29, 2011 to discuss the agenda for the special January 5, 2012 NNMCAB meeting.
 2. A special meeting of the NNMCAB was held on January 5, 2012 to provide a forum for updates on recent work under the Consent Order and milestone changes to best remove TRU waste from Technical Area (TA)-54. NMED and DOE/National Nuclear Security Administration (NNSA) introduced the new Framework Agreement for realignment of environmental cleanup priorities. The meeting was well attended and received good media coverage.
 3. Executive Committee met on January 11, 2012:
 - Spent time discussing follow-up actions that could be considered from the January 5, 2012 special NNMCAB meeting. Noted feedback from several sources indicating the NNMCAB's work is making a difference in cleanup progress at LANL. NMED has appointed John Kielsing liaison to the NNMCAB.
 - Approved agenda for the January 25, 2012 CAB meeting at Cities of Gold in Pojoaque.
 - Co-DDFO Lee Bishop introduced a new tracking tool for Transuranic (TRU) waste shipments from TA-54 and announced his new duties will necessitate him stepping down as co-DDFO.
 - The committee officer election process was discussed, and it was agreed that current officers would continue until the February committee meetings.
 - Possible future presentations to the NNMCAB were considered and some were scheduled.

- DOE Headquarters (HQ) requested the Site-Specific Advisory Boards (SSABs) to prepare summaries of the benefits to Environmental Management (EM) work from their public participation.
- Other items discussed included the annual self-evaluation, an open house for the new NNM CAB support office, travel for members to attend meetings, and possible recommendations.

4. There were no committee meetings since the last NNM CAB meeting.

b. SSAB-Related Chair Activities since last NNM CAB meeting on November 30, 2011 included the following:

1. DOE HQ sponsored a Chairs conference call on December 7, 2011 at which update briefings were presented on budget, priorities, and milestones across the complex.

c. Other Related Chair Activities included the following:

1. On January 5, 2012, the Chair briefed the Los Alamos County Council Chair on the objectives and goals for the January 5, 2012 special NNM CAB meeting.

2. NNM CAB Support Staff Executive Director's Report

A printed copy of Ms. Santistevan's report was included in the meeting packet and a copy may be obtained by request from the CAB office at (505) 989-1662. Ms. Santistevan's report included:

a. Board Membership Update:

The NNM CAB is currently comprised of 16 members. Deb Shaw and Mike Loya have been nominated for re-appointment, and four new members have been nominated. The goal is to seat a full Board with 27 members by the end of the year.

b. Executive Committee Meetings:

The committee met on January 11, 2012. The committee heard reports from the Chair, Vice Chair, Committee Chairs, Co-DDFOs, and Executive Director. The committee discussed possible recommendation and presentation topics, recruitment of new members, and committee officer elections. The Executive Committee was notified that Lee Bishop could no longer serve as Co-DDFO but asked if this decision could be reconsidered, which it may do in three months.

The committee also discussed major accomplishments in 2011 including TRU waste removal recommendations that factored in to the Framework Agreement; the June groundwater forum; the recommendation regarding the use of rail which became a complex-wide recommendation; the move to the new office; and excellent interagency relationships.

c. Board Meeting Preparations:

Ms. Santistevan prepared and submitted the agenda for both the January 5, 2012 special NNM CAB meeting and the regular January 25, 2012 NNM CAB

meeting and submitted notice of both to **The Federal Register**, in compliance with **The Federal Advisory Committee Act**.

Arrangements for both meetings were made by Ms. Santistevan with Cities of Gold Conference Center. Meeting materials were copied and collated by Ms. Roybal and meeting packets were mailed out one week prior to the meeting. Advertisements for the meetings were placed in local newspapers by Ms. Roybal and on the NNM CAB website by Ms. Erickson. Press releases were sent out before the January 25 meeting and were sent out after both meetings.

d. Outreach:

Recruitment efforts are ongoing, especially among pueblo members and young people from colleges and universities. NNM CAB members are encouraged to nominate interested individuals.

e. Office Move:

The NNM CAB Support Office staff worked hard organizing, packing, and moving items for the move from Santa Fe to Pojoaque in late December. The new office is open and will host all future committee meetings. An open house is tentatively planned for March 14.

f. Office Management

Ms. Santistevan and Ms. Roybal have been assisting with projected costs for new NNM CAB office expenses and 2012 NNM CAB travel, as well as ongoing support with notices, agendas, minutes, and other items.

Ms. Erickson is preparing meeting minutes, updating the NNM CAB website and Facebook page, and preparing the NNM CAB newsletters and Annual Report. She may be reached at karen.erickson@nnsa.doe.gov or at (505) 988-1749.

g. Next Committee Meetings

Combined WM/Environmental Monitoring, Surveillance, and Remediation (EMSR) committee meetings will take place February 8, 2012 and March 14, 2012 at the NNM CAB Office Conference Room in Pojoaque.

h. Next Board Meeting

The next NNM CAB meeting will take place March 28, 2012 at the Marriott Pyramid North in Albuquerque.

B. DOE Response to Recommendation

Ms. Santistevan called the NNM CAB's attention to a response from the DOE to Recommendation 2011-08, "Restore User Confidence in the Risk Analysis, Communication, Evaluation, and Reduction (RACER) Database."

C. NNM CAB Website

Mr. Phelps asked if the NNM CAB website is up to date regarding recommendations and responses. Ms. Erickson responded that she is in the process of updating information on the website and that the recommendations and responses information will be made current soon.

VII. New Business

A. Technical Committee Leadership for Fiscal Year 2012

The current committee chairs and vice chairs discussed leadership for FY '12 last fall. Mr. Pacheco reported he is willing to remain as WM committee chair, but vice chair Lawrence Garcia would like to step down, at least until April if not permanently, due to new work commitments. Dr. Shaw is currently the EMSR committee chair but is out of town until March, and would also like to step down as chair. Mr. Sayre agreed to be the acting chair for the EMSR committee.

Ms. Santistevan commented that new NNMCAB members have yet to determine which committee to join. NNMCAB members discussed recent issues with low attendance and efforts to strengthen representation at committee and Board meetings.

New Business was paused to allow for the first public comment period.

VIII. Public Comment Period

Mr. Phelps announced the first public comment period, for which no one signed up. Mr. Stephen Schmelling and Allison Majure, prospective members, introduced themselves.

IX. New Business, Continued

A. Possible Recommendations for FY '12

The NNMCAB discussed ideas for recommendations to submit to DOE for the upcoming year. Last year the NNMCAB submitted eight recommendations.

Mr. Bishop reviewed highlights from the January 5, 2012 special NNMCAB meeting, citing the importance of the NNMCAB's work in influencing renewed commitment to accelerated TRU waste removal, the addition of an NMED liaison member, and increased media coverage.

Discussion ensued regarding ongoing lack of funding, how it impacts waste removal, and how the NNMCAB can address it. Mr. Phelps stated that the Board can draft a recommendation asking for more money, and that we do at least one budget-related recommendation per year, but we are unable to stop other work or dictate how money is allocated, and the NNMCAB is not allowed to lobby Congress as a Board. Individual members of the NNMCAB can approach their elected representatives as private citizens.

Mr. George Rael explained that the consent order is a legal, binding document, and DOE has been fined in the past for not meeting milestones, so NMED does not want to let go of that agreement until forward progress is shown. NMED doesn't want to renegotiate the consent order until there is more evidence that DOE will accomplish cleanup goals and milestones. The Waste Isolation Pilot Plant (WIPP) is down for annual maintenance now, but before then, DOE was actually ahead of the goal for number of shipments.

Mr. Longacre expressed doubt that funding is an issue, citing a performance bonus recently awarded to LANL and frustration that we are only hearing from one side.

1 Ms. Mason suggested inviting one of the activist groups to present another viewpoint.
2 Mr. Phelps praised the NNMCAB's diverse representation and reminded the members
3 that any one of them may draft a recommendation on a specific issue.

4 Mr. Bishop discussed efforts to accelerate TRU waste shipments and how money
5 is spent, citing more federal staff brought on in the past year, federalizing some projects
6 instead of tasking LANL with the work, and that LANL, not EM, pays for all infrastructure
7 at Area G. He also cited new innovative approaches and suggested that a future
8 presentation to the NNMCAB on how money is stewarded would be helpful.

9 Dr. Girardi asked why there is apparent flexibility in the federal budget to
10 provide a bonus, when there isn't flexibility to do more cleanup, which does get done
11 when there is money to do it? Mr. Worth explained that the EM budget incentivizes
12 contractors to do things better and faster, and that LANL does the same in its
13 contracting. Also, funding sources for incentives and cleanup work are different. Mr.
14 Rael expounded that Congress appropriates a little over 2 billion dollars to get the total
15 LANL work scope done, which is applied to different programs. Congress does not allow
16 appropriations for non-EM work NNSA. Almost any contract for work will have an 8 to
17 10 percent fee for the contractor.

18
19 **B. Possible Presentations for FY '12**

20 The NNMCAB discussed ideas for presentations to the NNMCAB and possible
21 tour ideas for the upcoming year. Suggestions included a tour of the Buckman
22 Diversion, including their requirements, testing protocols, etc.; a tour of Rocky Flats to
23 see a closed, capped site (similar to what Area G might look like in the future); the
24 Grand Junction office, which manages many Legacy Management sites; and a solar
25 project going into a landfill at Los Alamos.

27
28 **X. Items from DDFOs**

29 Mr. Bishop brought to the NNMCAB's attention the following calendar items:
30 Savannah River plutonium disposition meeting February 2 at the Cities of Gold
31 Conference Center. This is not necessarily in the charter of the NNMCAB, not EM, but as
32 private citizens people can participate in public meetings and are encouraged to do so.

33 A couple of NNMCAB members are going to a Waste Management Symposia meeting
34 February 27 to March 1, in Phoenix. They will bring back information and handouts to the
35 NNMCAB.

36 An Open House for the new NNMCAB offices is scheduled for March 14.
37 Representatives from DOE Headquarters, state government, other VIPs are scheduled to
38 attend. Refreshments will be served, and the Executive Committee and Combined Committees
39 are scheduled to meet afterward.

40 Sometime in May, DOE will ship the 1,000th shipment of TRU waste from Los Alamos.
41 They are working with the governor's office, headquarters, etc. to develop a ceremony and
42 media event. Details are forthcoming.

1 Mr. Worth said that the NNM CAB agendas used to allow for ex-officio members (e.g.,
2 Environmental Protection Agency [EPA], Michael Graham, NMED) to address the NNM CAB, and
3 he requests we have a slot on the agenda for that.

4 Mr. Worth presented information on trichloroethylene (TCE), as part of a request from
5 the NNM CAB to give explanations of individual contaminants. Mr. Worth called the NNM CAB's
6 attention to the handout on TCE in the meeting packet. He explained that there are some TCE
7 issues at Material Disposal Area (MDA) G in the form of vapor plumes under the buried waste,
8 but that they were well defined. A pilot test on soil vapor extraction has been successful.
9 MDAs L and C, also have vapor plumes. TCE is partially soluble in water; it tends to sink and
10 find a geologic confining zone, where it collects and slowly dissolves. Mr. Worth then went over
11 the history of TCE and health effects from exposure as explained by the ATSDR fact sheet
12 provided in the meeting packet.. He then went over his experience with dealing with TCE
13 contamination while working for the US Air Force in Florida.

14 Mr. Bishop restated that he is the federal project director for the TRU waste program,
15 and thus has more work to do, so he will no longer be the Co-DDFO. He will still come to
16 meetings as requested to present on TRU waste, the 3706 program, upgrading MDA G, etc., and
17 is still available for questions. Mr. Phelps presented Mr. Bishop with a certificate of
18 appreciation on behalf of the NNM CAB for his excellent performance, responsiveness, and
19 consistent high feedback. Mr. Rael stated that relationships between DOE and the NNM CAB
20 have improved as a result of Mr. Bishop's and Mr. Worth's service. Mr. Rael presented a NNSA
21 coin to Mr. Bishop on behalf of Kevin Smith in recognition of his service as Co-DDFO.

22
23 Mr. Phelps announced an opportunity for open comment before the break.

24 Mr. Rael announced some personnel changes at LANL and that Dave Huizenga is in
25 Nevada with all site managers, including Kevin Smith, to roll out his new organization and set
26 the framework of how we are going to operate with a streamlined management approach.
27 Frank Marcinowski has taken on a role to become an on-call person that we can call to
28 advocate and solve problems.

29 Ms. Santistevan announced that the next NNM CAB meeting is March 28 in Albuquerque
30 at the Marriott Pyramid North, easy to access on the north end of town. NNM CAB members
31 were asked to consider whether they will need a room reservation for the night, and that the
32 room will be paid for those traveling more than 50 miles one way. NNM CAB members
33 discussed ideas for presentations that would be of interest to people in Albuquerque.

34 Ms. Santistevan announced that Grace Roybal was not present today, her first missed
35 meeting in 11 years, due to a death in the family. Condolences were expressed, as well as
36 thanks to PT&C staff members filling in to help.

37
38
39 **XI. Presentation: "NEPA for Las Conchas Fire," Lee Bishop, TRU Waste Federal Projects**
40 **Director**

41 A printed copy of Mr. Bishop's presentation notes was included in the meeting packet
42 and a copy may be obtained by request from the CAB office at (505) 989-1662.

43 Mr. Bishop presented on the National Environmental Policy Act (NEPA) and its required
44 evaluations to be taken after the Las Conchas Fire. Most actions taken in response to the fire

1 had to do with erosion control, fuel mitigation, and fire suppression. A supplemental
2 Environmental Impact Statement (EIS) is being formulated to evaluate alternatives for pit
3 disassembly and conversion at Savannah River, and LANL is one of the location alternatives
4 identified. Mr. Bishop again called the NNMCAB's attention to a public meeting at the Cities of
5 Gold Conference Center on February 2 from 5:30 to 8:00 p.m.

6 Questions from the CAB revolved around the supplemental EIS and any action the
7 NNMCAB could or should take. Mr. Bishop encouraged those concerned to attend the meeting,
8 and while the NNMCAB's mission does not directly involve pit disassembly, the NNMCAB could
9 draft a generic "no more waste on the Hill" recommendation, for example, if it so chose.

10
11 **XII. Presentation: "Actions Taken in Response to the Las Conchas Fire," Dr. Jennifer Payne,**
12 **Archaeologist, LANS**

13 A printed copy of Dr. Payne's presentation with photographs was included in the
14 meeting packet and a copy may be obtained by request from the CAB office at (505) 989-1662.

15 Dr. Payne described impacts to the LANL site resulting from the Las Conchas Fire and
16 actions taken to mitigate damage to the environment and Lab property. Most of the 133 acres
17 of Lab property burned were preventative back-burns. Sampling locations were added, and
18 Danny Katzman's storm water monitoring program information can be found on the RACER
19 database. Dr. Payne described improvements to defensible space around lab properties,
20 lessons learned and actions taken from the Cerro Grande Fire which are still in place. She also
21 mentioned that additional culverts are being constructed to prevent future flooding of roads,
22 and that the New Mexico Department of Transportation (DOT) is involved with that.

23 Mr. Bishop added that accelerating removal of above-ground TRU waste is a top priority
24 and in progress now.

25 Dr. Payne said that some of the actions taken post-fire caused an impact to the Mexican
26 Spotted Owl habitat, so some changes were made to the Environmental Assessment (EA);
27 however, no adverse effects to the owls are expected.

28 Questions from the NNMCAB included inquiries about the status of monitoring wells
29 and water chemistry during flooding. Mr. Katzman explained that some monitoring wells in
30 Water Canyon and Cañon del Valle were damaged and two shallow alluvial wells were ripped
31 out, as well as a pilot project for a permeable reactive barrier that had reactive media in
32 groundwater running through a sampling station. He also explained that during the flooding,
33 normally dry canyons showed definitely different water chemistry. Shallow wells did show
34 greater alkalinity and pH changes for about six months, but then dissipated and looked the way
35 it did before. Monitoring will continue as floods may still occur over the next two to three years
36 or more. LANL is committed to monitoring what comes onto and away from the Lab for many
37 years, and a multi-agency effort is already organized to pull data from the Santa Clara area to
38 Albuquerque and issuing risk assessments. Mr. Katzman clarified that the Lab did not sample
39 Cochiti Lake.

41
42 **XIII. Public Comment Period**

43 No one signed up for the second public comment period.
44

XIII. Wrap-Up

Mr. Phelps opened the floor to general comments.

NNMCAB members expressed appreciation for the post-fire information and for Mr. Bishop's excellent service to the NNMCAB.

Mr. Sayre asked Ms. Santistevan to clarify regarding the public meeting scheduled for the next day (January 26). Ms. Curran explained that it is a requirement of the storm water permit to hold a public update meeting periodically.

Mr. Valdez expressed a desire to hear more about the plutonium pit disassembly project, perhaps at the next NNMCAB meeting. He also reminded the NNMCAB that on February 8 the WM/EMSR committee meeting will be held. He hopes that new members will pick a subcommittee by that time, and hopes to elect officers then.

Mr. Worth thanked those present for volunteering their time toward the common goal of cleaning up the environment, and thanked Mr. Bishop for his service, promising the NNMCAB that he will make sure Mr. Bishop gets back to meetings from time to time.

Mr. Bishop commented that serving as Co-DDFO has been a lot of fun and good work, and that the NNMCAB really does make a real difference. He commented that the January 5 meeting was a "Super Bowl" moment, with the NNMCAB making newspapers from coast to coast. "It's tough, and it's a thankless job, but you guys are really making a difference," Mr. Bishop said.

Ms. Santistevan thanked Mr. Bishop and announced that information on the February 8 committee meetings would be forthcoming, as well as information on the new offices open house March 14 and the next NNMCAB meeting March 28.

Ms. Lucas stated that the January 5 meeting had high stakes for many, and that she wants the best solution for all and more money coming to the state.

Mr. Longacre expressed his appreciation that we are free to disagree, criticize the government, and speak our minds.

Ms. Erickson expressed thanks to Mr. Bishop and all for attending, said that Ms. Roybal will be back on Monday.

XIV. Adjournment

With no further business to discuss, Mr. Bishop, Co-DDFO, adjourned the meeting at 6:16 p.m.

Respectfully submitted,




Ralph Phelps, Chair, NNMCAB


**Minutes prepared by Karen Erickson, NNMCAB Technical Writer*

Attachments:

- 1. Final 1-25-2012 NNMCAB Meeting Agenda**
- 2. Final 11-30-2011 NNMCAB Meeting Minutes**
- 3. Amended 1-5-2012 NNMCAB Meeting Minutes**
- 4. Report from Ralph Phelps, NNMCAB Chair**
- 5. Report from Menice Santistevan, NNMCAB Executive Director**
- 6. PowerPoint Presentation, "NEPA for Las Conchas Fire," Lee Bishop, TRU Waste Federal Projects Director, DOE**
- 7. Handout, "Trichloroethylene," CAS #79-01-6, Agency for Toxic Substances and Disease Registry**
- 8. PowerPoint Presentation, "Actions Taken in Response to the Las Conchas Fire," Jennifer Payne, Archaeologist, LANL**
- 9. Letter from George Rael, Assistant Manager, DOE Environmental Projects Office regarding NNMCAB Recommendation 2011-08, "Restore User Confidence in the Risk Analysis, Communication, Evaluation, and Reduction (RACER) Database"**
- 10. Federal Register Notice, "Second Amended Notice of Intent to Modify the Scope of the Surplus Plutonium Disposition Supplemental Environmental Impact Statement and Conduct Additional Public Scoping," Vol. 77, No. 8, January 12, 2012**
- 11. Updated NNMCAB Recommendation Tracking List for 2011**

Public Notice:

 ***All NNMCAB meetings are recorded. Audiotapes have been placed on file for review at the NNMCAB Office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506.**

 ***Reference documents listed in the Appendix section of these minutes may be requested for review at the NNMCAB office in Pojoaque. (505) 989-1662.**
