

## Northern New Mexico Citizens' Advisory Board Meeting Minutes

**Office of Los Alamos Site Operations, Room 100**  
**Los Alamos, NM**

**Board Meeting Minutes**

March 27, 2002

<p><b>Board Members Present:</b></p> <p>Jim Brannon, <i>Chairman</i>  Fran Berting  Valerie Espinoza (3 hrs)  Richard Gale  Carl Friedrichs  Dorothy Hoard  Kathleen Garland  Jim Johnston  Debra Welsh-Fowler  Angelina Valdez</p>	<p><b>Board Members Absent:</b></p> <p>Armando Benavidez  David Chavez  Maxine Ewankow  June Fabryka-Martin  Agustin Garcia  P. K. Ghosh  Myron Gonzales  Don Jordan, <i>Vice-chairman</i></p>
<p><b>Ex-Officio Members Present:</b></p> <p>Ted Taylor, <i>DDFO</i>  Rich Mayer, <i>US EPA</i>  Beverly Ramsey, LANL  Vickie Maranville, NMED</p>	<p><b>Staff:</b></p> <p>Menice Manzanares, <i>Exec. Director</i>  Ben Latham, <i>Technical Advisor</i>  Grace Roybal, <i>Administrative Secretary</i>  Ray Lopez, <i>Staff Assistant</i>  Edward Roybal, <i>Sound Technician</i></p>

**Ted Taylor, the DDFO opened the board meeting at 1 p.m, and turned the meeting over to Chairman Jim Brannon**, who asked the guests in the audience to introduce themselves. Judith Bradbury and Kristi Branch introduced themselves as the two representatives from the DOE's Pacific Northwest National Laboratory who have been asked to do a study of public participation activities across several of the sites in the DOE complex. According to the representatives, a similar report had been published in 1998. One of the DOE representatives explained they were observing citizens' advisory board meetings at different sites, which included interviews with board members, members of the public and staff of the Los Alamos National Laboratory. A draft of the report will be prepared by the end of the summer, the representative said.

Carmen Rodriguez introduced herself as the Communications and Outreach Team Leader for the Environmental Restoration Project.

Another guest, Joseph Romero, introduced himself as a Councilman from the Town of Cochiti Lake and a LANL employee.

**Ms. Hoard moved adoption of the March 27, 2002 Northern New Mexico Citizens' Advisory Board agenda. Motion was adopted unanimously.**

**The Chairman opened the meeting to public comment. At this point, there was none.**

The Chairman then asked for comments, deletions or corrections to the January 23, 2002 NNM CAB meeting minutes. Ms. Berting asked for clarification as to whether she had been appointed to her third term and not a second term as noted in the proposed minutes. The executive director said she would research when she was first appointed. Ms. Hoard suggested the following statements in the minutes be clarified: At the top of Page 4, first paragraph; *"The Chairperson said DOE had lost the opportunity on how to prioritize expenditures which sets a bad precedent. The second reason: seismic surveys have been done at LANL in the 1970s but not very successfully.* And, in the fifth paragraph; *"The ER Chairperson also reported the Committee had reviewed and made suggestions on the Covenants Bill (also known as the Environmental Covenant Act) being drafted by the New Mexico Environment Department. The CAB Chairman summarized the issue by saying the proposed bill would give the State of New Mexico the power to impose permanent covenants on land which has been environmentally damaged."*

**The motion to approve the minutes, as amended, was made by Ms. Hoard and adopted.**

The Chairman opened the meeting to administrative matters and corrections were made to the Board member mailing list and it was clarified member's addresses were not public information.

**The Chairman then asked Ms. Ramsey to explain the reorganization at LANL.** Ms. Ramsey said a major reorganization began last Autumn, created four new groups within the Environment Health and Safety Division. They deal with meteorology and air quality, hydrology and water quality, solid waste and its regulatory compliance and the ecology group. From the "E" Division, what was focused on environmental cleanup and waste management technology comes to the new Division. The purpose is to try to get programs aligned with line management. She said the DOE, the National Nuclear Security Administration and LANL have been discussing for several months the delivery of projects with environmental restoration and the opportunity to accelerate cleanup and accelerate shipments to the Waste Isolation Pilot Project. She said the Laboratory and the DOE agreed it would be worthwhile to have one organization that was responsible to the entire administrative record including all of the risk reduction activities, programs that are regulatory compliance oriented and actual stewardship including from water conservation. Ms. Ramsey said the work breakdown structure is available for review to NNM CAB members.

**The Chairman then offered an amendment to the Board's bylaws regarding the Executive Committee.** "The ExCom is not clearly identified," the Chairman explained, "with regard to its makeup and structure." The change to the bylaws is intended to clearly delineate who sits on the Executive Committee, he said, and reads: "The Board has an Executive Committee consisting of the Board Chair, Vice Chair, and Chairs, Co-Chairs, or Vice-Chairs of the various Standing Committees established during the fiscal year." This was the first reading and the amendment will be placed on the agenda for the next meeting and it's final consideration and adoption.

The Chairman then addressed his response to a letter to the editor written by Elaine Cimino, and published in the Albuquerque Journal North on February 10, 2002. The Chairman's response was published on March 3, 2002.

**The Chairman then asked for a report from Mr. Taylor, the DDFO.** Mr. Taylor provided highlights of his report, which is always contained in the Board members' meeting packets. He noted the DOE's Albuquerque Operations Office has provided complete funding for the NNM CAB for FY 2002, which

totals \$441,000. He reminded Board members of the SSAB semiannual meeting April 10-13 in Cincinnati, Ohio. Prior to the SSAB meeting, Mr. Taylor said, the Board was required to submit a "homework" assignment, which was provided to the Board members. The assignment includes a response to Environmental Management's "Top to Bottom Review" which is included in a draft of NNM CAB's Recommendation to DOE No. 2002-9, "Funding for the Environmental Restoration Project" which is on the Board's agenda at this meeting. The final exercise was to itemize the three major issues facing the NNM CAB and they are: groundwater protection; transuranic waste management and environmental management efficiencies and funding. Mr. Taylor then asked the Board to submit for confirmation non-board committee members as had been done by the Environmental Monitoring and Surveillance Committee. The DDFO then reported on the status of responses to past Board recommendations, all of which have received responses from DOE and was included in the member's meeting packets. Finally, he presented and reviewed the proposed itinerary for the WIPP tour on April 23 and 24.

Rich Mayer from the Dallas office of the Environmental Protection Agency briefly addressed the board.

**The Chairman then asked for a report from the Executive Director, Menice S. Manzanares.** She reported the official appointment of the current Board's nominees had been placed on the fast track at DOE. Ted Taylor said he had been informed the two nominee's packets have gone to the DOE Secretary's office. Ms. Manzanares also presented the Board with a packet on community/public relations efforts within the past month. She briefed the board on ongoing efforts to involve the Four Accord Pueblos including coordination with LANL to increase participation by Native Americans. She also updated the Board on the upcoming May board meeting and retreat in Taos and a preliminary schedule was briefly discussed. It was also noted DOE representatives had been invited to the May 31 afternoon session to make presentations pertinent to the areas addressed by the Board's three standing committees. In addition, the New Mexico Environment Department had also been invited to give a presentation. The Executive Director concluded by advising Board members that responses from the DOE to NNM CAB Recommendation 2002-2, Recommendation 2001-4 and Recommendation 2001-5 had been included in the meeting packet. The Chairman added the retreat would set the stage for the Board's annual work plan for 2003 based on input from LANL, DOE and NMED.

**The Chairman then asked for a report from the Technical Advisor, Ben Latham.** Fran Berting asked about historical data regarding email. Emails can be archived. Mr. Latham described the process since January in formulating Board recommendations, including the seven to be discussed at this meeting. The Environmental Restoration Committee is proposing three recommendations: Eco-risk, covenants bill and budget. The Monitoring and Surveillance Committee has submitted recommendations on perchlorate and groundwater statements formulated at the SSAB Groundwater Conference at the Augusta, Georgia meeting this past January. The Waste Management Committee recommendations include the "Quick to WIPP" recommendation. He also briefed the Board on work he is doing in maintaining the NNM CAB website and the organization of the Board's historical data. Mr. Latham encouraged the members to contact him if they have anything to contribute to the Board's archives.

**Under the agenda item of New Business, Chairman Brannon informed the members he had written letters to the governors of the Santa Clara Pueblo, the Jemez Pueblo, the San Ildefonso Pueblo and the Cochiti Pueblo (which are the Accord Pueblos with the Department of Energy) asking them to fill the four positions available to them on the NNM CAB.** Chairman Brannon said a follow-up letter was sent on February 27, 2002. Following up on a question from a member of the audience, Chairman Brannon explained the history behind this outreach effort. Last year the Board re-evaluated its bylaws to include the four pueblos adjacent to LANL. He said the Board wanted to ensure the participation of all of Northern New Mexico "who have a vested, personal, cultural and historical

interest in the Laboratory and can have a full and free voice at the table. Out of respect to the pueblos and as neighbors to the Laboratory, the Board chose to change the bylaws and set aside four of the 21 positions as constituency chairs specifically for the pueblos, to honor their contribution and so they can bring to this CAB their specific point of view which we don't often hear as clearly as we should. We need representation from those four Accord Pueblos."

**Also, under new business, Kathleen Garland suggested establishment of an ad hoc Committee on fact sheets.** She also volunteered to lead the effort to and have the committee address the issue of format, prospective audience and distribution. Mr. Taylor suggested drafting a motion to create the ad hoc committee during the upcoming break and have it brought up later in the Board meeting.

Chairman Brannon then brought up for discussion, CAB meeting locations for the remainder of the year and asked members to suggest future sites. Jim Johnston suggested contacting the disbanded Sandia CAB as part of the Board's outreach.

**Chairman Brannon then asked for reports from the committees.** Ms. Berting, chair of the Environmental Restoration Committee reported on the two meetings held February 13, 2002 and March 18, 2002. Matt Johansen presented the 2003 ER budget at the February meeting and although the request was for \$63 million the program will be receiving \$30 million. An expedited cleanup fund of \$800 million will be set aside by DOE and be available to DOE facilities on a competitive basis. Programs at risk because of budget cuts include land transfer, MDA work and groundwater assessment. The ER Committee was also provided with Voluntary Corrective Action Reports for 2002.

At the March 18, 2002 ER Committee meeting Matt Johansen presented a plan to receive additional funding from the \$800 million DOE has set aside for facility project proposals. The Eco-Risk Recommendation and the Covenants Bill Recommendation were discussed, accepted and were forwarded to Board members for final consideration at the March 27, 2002 meeting. Ms. Hoard raised the issue of responses to "No Further Action Recommendations" for clean-up sites by DOE or the NMED. Mr. Taylor said the Board could issue responses to "No Recommendations" from these two agencies at any time. Mr. Mayer suggested the Board and its committees prioritize responses to "No Recommendations." Mr. Taylor also reminded Standing Committee chairs there is money budgeted to hire technical experts to advise on all areas of expertise by the committees. Ms. Berting said the next ER Committee meeting would be held April 15, 2002.

**Kathleen Garland, committee co-chair reported the Environmental Monitoring and Surveillance Committee met twice since the January 23, 2002 Board meeting.** At its February 12, 2002 meeting the committee reviewed its proposed fact sheet on Perchlorate as it continues to track the issue at LANL. The Committee was briefed on the SSAB Ground Water Conference held in Atlanta earlier this year. Eight statements to DOE were developed at the conference and the committee would evaluate them as to applicability to LANL issues. Ms. Garland also reminded the Board the next meeting of the Groundwater Integration Team will be held April 8 and 10 at Bishops Lodge in Santa Fe. Ms. Garland noted the next EMS Committee meeting will be held April 23, 2002.

**Richard Gale, Chairman of the Waste Management Committee presented his report.** Mr. Gale said moving TRU waste to WIPP is their current focus and as a result the committee has drafted a "Quick to WIPP" recommendation, which is scheduled for discussion at this meeting. The next meeting of the committee has been scheduled for May 8, 2002. Mr. Johnston asked for a correction and mentioned he had been at the March 20 meeting, which wasn't reflected in the EMS committee minutes.

**Mr. Taylor presented the Budget Committee report on behalf of Don Jordan who was out of town.** The DDFO explained expenditures and noted the board was staying within its budget. Ms. Berting asked that annual totals be attached to the report.

**Ms. Berting made a motion to establish an ad hoc committee to formulate fact sheets.** The motion read: **"It is moved that the NNM CAB establish an ad hoc committee to evaluate the form of and prospective audiences for fact sheets to be prepared by the NNM CAB and its committees. The ad hoc committee shall be chaired by Kathleen Garland, shall have a term of one year, and shall report to the NNM CAB at each regularly scheduled meeting."** The motion was seconded and passed unanimously. Ms. Garland then announced membership of the committee: Dorothy Hoard, Carl Friedrichs and Valerie Espinoza.

**Chairman Brannon then introduced Richard Mirenda of the LANL Environmental Restoration Project who presented an "Overlook of Ecological Risk Assessment."** The talk was divided into four parts: Introduction; ecological risk assessment; ecological risk assessment implementation and risk management. Mr. Mirenda described the level of ecological structure and function: subcellular, cellular, individual, population and community. He explained ecological risk assessment as the "evaluation of the likelihood that adverse ecological effects may occur or are occurring as a result of exposure to one or more stressors" and it is part of the mandate to protect human health and the environment. The implementation phase of the process includes collection and assessment of relevant data; what levels of corrective action protect human health and the environment; how to achieve those values and determine the cost/benefit of those corrective actions and well as establish a need for long-term stewardship and surveillance.

**Chairman Brannon then introduced Dr. Chuck Keilers who briefed the NNM CAB on the Defense Nuclear Facilities Safety Board.** Dr. Keilers said the DNFSB was an independent Executive Branch agency established in 1988 and empowered to make recommendations to the Secretary of Energy regarding public health and safety at DOE nuclear facilities. The board is comprised of five positions appointed by the President. The board reviews, evaluates standards and implementation for the design, construction, operation and decommissioning of defense nuclear facilities. It investigates events or practices, which may adversely affect public health and safety. It can hold hearings and issue subpoenas. The Secretary of Energy must formally either accept or reject (in whole or part) board recommendations and, if accepted, prepare and implementation plan.

**Chairman Brannon then asked for Recommendations from the Board.**

**Ms. Berting introduced Recommendation No. 2002-3 Environmental Covenants Bill Participation.** The recommendation recommends DOE support efforts by the NMED to introduce a bill in the 2003 New Mexico Legislature, which would provide the department with regulatory authority for placing land use restrictions on environmentally contaminated real property. **Mr. Gale made the motion to accept the Recommendation and it passed unanimously.**

**Ms. Berting then introduced Recommendation No. 2002-4 Evaluation of Ecological Risks at Potential Release Sites for consideration.** The recommendation asks the DOE to continue to develop and refine action levels for hazardous material found at contaminated sites at LANL as they affect local animals and plants; prioritize and accelerate evaluation of ecological risks at contaminated sites at LANL; Make the prioritization and results of evaluations easily available to the public; developing and distributing a general information sheet on ecological risk assessment specific to LANL, specifically stating the environmental values LANL expects to protect, and providing the information sheet available at public meetings and general distribution points; actively including ecological risk assessment as a subtopic in relevant public meetings and briefings on specific cleanups, even though

ecological risk may not be the principal concern at the site. **Ms. Hoard made the motion to accept the Recommendation and it passed unanimously.**

**Ms. Garland then introduced Recommendation 2002-5, Groundwater Issues from Site Specific Advisory Board Chairs Workshop.** The recommendation had been forwarded from the National Site Specific Advisory Board Chairs' Workshop on Groundwater Issues and states in part: "Public awareness of DOE groundwater issues shall be a priority. DOE will work with SSABs and other stakeholders, including tribes, to create and implement communication and community participation activities that ensure public understanding of and participation in site-specific groundwater issues." Initially Ms. Garland objected to the Recommendation saying she thought it should be customized to LANL. After some discussion Mr. Gale made a motion to accept the Recommendation. Ms. Garland withdrew her objections when Mr. Taylor, Mr. Latham and Chairman Brannon explained the statements were intended to be general so they could be adopted by all the SSABs and reflect a consensus. **Mr. Johnston called the question, Mr. Gale seconded and the Recommendation was adopted unanimously.**

**Ms. Garland then presented Recommendation No. 2002-6 Perchlorate Management at Los Alamos National Laboratory.** The Recommendation asks that the "Department of Energy's Office of Los Alamos Site Operations pursue a goal of cradle-to-grave management of perchlorate used at LANL, by taking immediate corrective actions..." After some discussion **Mr. Gale made the motion to accept the Recommendation, Ms. Berting seconded and passed unanimously.**

**Recommendation 2002-7; Environmental Management Education and Outreach Program was moved by Mr. Gale.** The Recommendation asks that "the Department of Energy provide requirements, guidance, and adequate financial support to the LANL Waste Management and Environmental Restoration Programs, to explore and implement alternative methods of communication to the citizens of New Mexico, including outreach to schools and community organizations, and robust "hands on" demonstrations that are simple, readable, factual, easy to digest, and entertaining. **Mr. Gale made the motion to accept the Recommendation; it was seconded by Mr. Johnston and passed unanimously.**

**Mr. Gale then introduced Recommendation 2002-8, Transportation of Transuranic Waste to the Waste Isolation Pilot Project.** The Recommendation is referred to as "Quick to WIPP" and states in part: "The TRU waste program can achieve an estimated cost reduction of \$150 million by implementing a proposal which has been submitted to the Nuclear Regulatory Commission (NRC) to accelerate TRU waste shipments to WIPP, such proposal including changes in safety analysis by basing calculations on a substantially reduced transportation period." **Mr. Gale moved adoption of the Recommendation, seconded by Mr. Johnston and passed unanimously.**

**Ms. Berting introduced Recommendation 2002-9, Funding for the Environmental Restoration Project.** It recommends: "the DOE approve a proposal to utilize \$40 million from the Expedited Cleanup Account in FY 2003 to fund LANL Environmental Restoration actions, which would be conducted using performance-based contracting, and which would, for a total cost of \$211 million over the period FY 2003 through FY 2008." **Mr. Gale made the motion to accept the Recommendation; it was seconded by Ms. Hoard and adopted unanimously.**

Chairman Brannon, after some discussion, announced the July NNM CAB meeting would be held in Las Vegas, the September meeting would be held in Pojoaque, and the November meeting in Santa Fe.

On other issues, Mr. Gale recommended the Executive Committee of the NNM CAB take minutes and present a verbal report at each regular meeting of the CAB. No formal vote was taken but the Board

endorsed the recommendation.

**Chairman Brannon opened the meeting to public comment** and Julie Canepa briefed the board on the High Performance Team workshop; she said they had started field work at the Knights of Columbus; there had been a DP tank farm meeting; a readiness review was being prepared for the Northern Lagoon; the Material Disposal Area P is gone and had been accomplished robotically and the In-SITU Vitrification is cooling off.

**The meeting adjourned at 8:45 p.m.**

Certified by:

\_\_\_\_\_ Date: \_\_\_\_\_

James R. Brannon, Chairman

Handouts:

- January 23, 2002 minutes for review and approval
- Proposed amendment No1 to NNM CAB bylaws
- Report from the Executive Director
- Newspaper ad announcing March 27, 2002 NNM CAB board meeting
- Preliminary NNM CAB May board meeting and retreat agenda
- Proposed NNM CAB meeting agenda for remainder of 2002
- Report from the Technical Advisor
- Report from the ER Committee
- Report from the EMS Committee
- Report from the WM Committee
- Report from the DDFO
- Budget report for FY 2002, second quarter
- Letter from DOE regarding NNM CAB Recommendation 2002-2
- Letter from DOE regarding NNM CAB Recommendation 2001-4
- Letter from DOE regarding NNM CAB Recommendation 2001-5
- Response to "Top to Bottom Review" from DOE Site-Specific Advisory Board
- Itinerary of April 23-24 WIPP tour for NNM CAB
- "Overview of Ecological Risk Assessment" presentation by Richard Mirenda
- Presentation on Defense Nuclear Facilities Safety Board by Dr. Chuck Keilers


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