

Final

**Northern New Mexico Citizens' Advisory Board
March 19, 2003
Las Alamos Site Operations, Room 100
528 35th Street
Los Alamos, New Mexico**

Members in Attendance:

Jim Brannon
Don Jordan
Jim Johnston
Jay Fries
Dorothy Hoard
Fran Berting
Richard Gale
Debra Welsh
Angelina Valdez
Joseph Romero
Gov. John Gonzales

Members Excused:

Maxine Ewankow
June Fabryka-Martin
Carl Friedrichs
Prasanta K. Ghosh
Erlinda Gonzales

Members Absent:

Ex-Officio Members:

Beverly Ramsey, Division Leader, RRES
James Bearzi, N.M. Environment Department
Ted Taylor, DDFO, LASO
Dennis Martinez, Deputy Director LASO

Guests:

Dave Church, N.M. Department of Education
Cynthia Blackwell
Wayne Wentworth, Jacobs Engineering
Nicole Seguin, Eberline Services
Timothy A. Delong
Vickie Maranville, N.M. Environment Department

Staff

Menice S. Manzanares, Executive Director
Grace Roybal, Administrative Assistant
Ray Lopez, Staff Assistant
Edward Roybal, Sound Technician

The meeting was called to order by Ted Taylor, Deputy Designated Federal Officer, who turned the proceedings over to Northern New Mexico Citizens' Advisory Board Chairman Jim Brannon.

The Chairman called for adoption of the November 20, 2002 minutes after any suggested corrections, additions or changes. After some minor changes the minutes were adopted with a motion from Richard Gale and a second from Jim Johnston.

The Chairman then called for public comment. There was none.

The Chairman then called on Menice S. Manzanares, NNM CAB Executive Director to present the Recruitment & Membership Report. A NNM CAB demographics sheet was passed out to members showing characteristic changes from November 2002, March 2003 and April 2003. The Executive Director pointed the Board's attention to copies of three newspaper ads placed in the Albuquerque Journal North, the Los Alamos Monitor and the Santa Fe New Mexican. She said her office has received 10 resumes from people interested in joining the CAB. Four potential Board members have been interviewed with three more interviews set up for the near future. Interviews will be held at the Santa Fe CAB office and in Los Alamos. She reiterated continued efforts to recruit from the Four Accord Pueblos. Mr. Taylor itemized some of the diversity requirements used for selection to the Board: gender, ethnicity, residence and education. Currently, 10 members are men and 5 members are women.

She also reported on the NNM CAB Open House held on January 22, 2003. More than 200 invitations were sent out and 70 guests attended, not including CAB members and staff. Three legislators attended as well as the Secretary of the New Mexico Energy, Minerals and Natural Resources Department. One guest submitted her application for appointment to the Board as a result of her attending the Open House. The Executive Director gave special thanks to Jacobs Engineering, ATA Services and Chairman Brannon for each donating \$400 for the Open House.

Other activities reported by the Executive Director:

- 1 Preparations are underway for the NNM CAB Retreat on May 16-17, 2003 in Taos.
- 2 The Executive Director, Chairman Brannon, Vice-Chairman Don Jordan and Mr. Taylor are compiling information on the Board's proposed Administrative Procedures.
- 3 She has been working with Donivan Porterfield who is voluntarily maintaining the Board's website.
- 4 Worked with Jessica Hogue and Greg Sahd in preparing for the Site Specific Advisory Board TRU Waste Workshop held in Carlsbad, NM in January. There were more than 100 participants.
- 5 Organized publication of "The Top Three Issues" used during the Carlsbad TRU Waste Management Workshop. The book itemized top TRU waste issues in Hanford, INEEL, the Nevada Test Site, the NNM CAB, Oak Ridge, Paducah, Rocky Flats and Savannah River.
- 6 Staffed the Board's meetings of its Executive Committee.
- 7 Along with the Chairman, CAB officers and the DDFO, met with New Mexico Environment Department Secretary Ron Curry.
- 8 With the Chairman and the DDFO, met with Governor John Gonzales of San Ildefonso Pueblo.
- 9 Will attend SSAB Chairs meeting in Denver, CO.
- 10 Finalized the Member Tool Kit.
- 11 Prepared for the NNM CAB March meeting in Los Alamos.

The Chairman then presented his report. Among his activities:

- 1 Continues as Acting Chairman of the Environmental Monitoring and Surveillance Committee, which included meetings on January 14, February 11 and March 18.

- 2 Met with Paul Shumann, RRES-DO, regarding environmental restoration programmatic issues.
- 3 Featured speaker in January at the monthly meeting of the Los Alamos Kiwanis Club.
- 4 Attended the quarterly review of the LANL Hydrogeologic Characterization Program.
- 5 Attended/co-hosted the NNMCA B Open House.
- 6 Attended/co-chaired the Site Specific Advisory Board TRU Waste Workshop in Carlsbad.
- 7 Presided at three NNMCA B Executive Committee meetings in December, January and February.
- 8 Met with the newly appointed Secretary of the New Mexico Environment Department, Ron Curry.
- 9 Toured TA-54, Area G with the NNMCA B Waste Management Committee.
- 10 Attended Air Quality Bureau Open House on the LANL Air Quality Permit.
- 11 Met with Governor John Gonzales of San Ildefonso Pueblo.
- 12 Made a presentation on NNMCA B to the Republican Women of Los Alamos County.
- 13 Will attend the Semi-Annual SSAB Chair's Conference in Denver, CO.
- 14 Will participate in the bi-monthly SSAB Chair's conference call in April.

The Chairman then asked for a report from Ted Taylor, DDFO, representing the Department of Energy. Mr. Taylor called the Board's attention to the recently distributed Member's Took Kit that includes a section on "Ethics and Conflict-of-Interest Guidance for DOE Site Specific Advisory Boards." Also, as per a request made by the NNMCA B in November, a copy had been provided on the DOE's appraisal of LANL for Fiscal Year 2002.

Mr. Taylor added Pacific Northwest National Laboratory has completed a review of the public participation programs of the DOE's Environmental Management Office. He recommended the Boards' subcommittees review the report, especially the section on LANL.

He also made available to all Board members a copy of the Environmental Surveillance at Los Alamos Report for 2001. The Los Alamos National Laboratory Environment, Safety and Health Division prepares the Reports annually. It is required by DOE order. These annual reports summarize environmental data that are used to determine compliance with applicable federal, state and local environmental laws and regulations, executive orders and departmental policies.

The DDFO then gave a report on the NNMCA B budget for Fiscal Year 2003. The DDFO submitted an NNMCA B budget request of \$506,000. Due to the Congressional impasse on the federal budget government has been operating under a Continuing Resolution. The DOE's National Nuclear Security Administration Service Center in Albuquerque has allocated \$180,000 to NNMCA B to support activities through March 31, 2003. Mr. Taylor said with the austerity measures the Board has adopted and the allocation from NNSA, funds would be exhausted by mid-April 2003. The DDFO has requested the release of appropriated funds as soon as possible. Mr. Taylor provided a copy of the Boards' approved budget.

The DDFO also listed three recommendations to Board members:

- 1 Within the next two months each NNMCA B member successfully recruit a candidate for a Board or Committee position.
- 2 The Executive Director should resume publication of recruitment advertisements in area newspapers.

3 Finally, the NNM CAB should activate its Speaker Bureau, as envisioned during the October 23, 2002 public speaking workshop.

In a general discussion of budget matters Mr. Richard Gale suggested the vacant position of NNM CAB Technical Advisor be filled as soon the budget allows since expertise is needed at the Committee level. Mr. Taylor added the position pays 50 percent less than in the private sector, therefore it has been difficult to attract qualified individuals. Mr. Taylor went on to add the Committees have been using experts from LANL and the New Mexico Environment Department and that may have to continue.

The Chairman then asked for the remainder of the report from the Executive Director. She noted a Board retreat has been scheduled for May 16, 2003 beginning at 5 p.m. There will be working dinner until 8 p.m. The following day, May 17th, the Board will meet from 8 a.m. to 4 p.m.

Ms. Manzanares expressed her thanks to Donivan Porterfield who has been maintaining the Board's website voluntarily.

The Executive Director then briefed the Board on the new NNM CAB Member Tool Kit. Ms. Manzanares thanked the Administrative Assistant, Grace Roybal, for organizing and completing the manual. The manual includes:

- 1 U.S. Department of Energy information
- 2 Organizational charts of the Department of Energy, the DOE Office of Environmental Management; the Los Alamos Site Office and the NNM CAB.
- 3 A complete 2003 Board meeting schedule; NNM CAB bylaws; minutes from the July 31, 2002, the September 25, 2002 and the November 20, 2002 NNM CAB meetings.
- 4 A document from the Office of Environmental Management to provide guidance to site-specific advisory boards.
- 5 A history of the Office of Environmental Management and site-specific advisory boards and their charter.
- 6 A contact list of all NNMA B members; ex-officio members; NNM CAB staff and federal support.
- 7 Ethics and conflict of interest guidance.
- 8 Glossary.

Member Jay Fries suggested an organizational chart of the University of California could be included.

The Chairman then asked for discussion of new business. Governor John Gonzales asked what his status was on the Board and the Chairman assured him he was a member in good standing. Mr. Taylor substantiated the Chairman's comment and said Governor Gonzales' letter of appointment was being processed by DOE and he was a bona fide member of the Board.

After a short break, **the Chairman called for reports from committees.** The Chairman presented the Environmental and Surveillance Committee report. Points of interest included:

- 1 A retooling of the EMS Committee has been taking place including solicitation of new members;

- 2 Refocus the interest of the EMS Committee on ground water.
- 3 As acting chairman of the EMS Committee, the Chairman attended the Hydrogeologic Workplan Annual Public Presentation.

The next report was from Dr. Fran Berting, Chairperson of the Environmental Restoration Committee who deferred to her Vice-Chair, Dorothy Hoard. Her report included: Seven fact sheets have been assigned and two have been finished. One described the purpose of the ER Committee. The second addresses ecological risk assessment. Other subjects to be covered are on radiation health risks; long-term environmental stewardship and proposed legislation on restrictive covenants and basic radiation.

In other Committee business, Ms. Hoard said, the Committee received a briefing from LANL on long-term stewardship. Committee members also reviewed and discussed the third draft strategy from DOE on long-term stewardship. Ms. Hoard said they found the report “quite disturbing” and the Committee is proposing a Recommendation on the issue.

Ms. Hoard addressed the status of the clean up of legacy waste at Los Alamos. “Sometimes you are almost afraid to ask,” she said. “The project has been reorganized, we have the NMED order that put a stop to an awful lot of things, we have the continuing resolution which put a stop to the funding, the DOE has ordered the Lab to contract out the cleanup to minority businesses.” Ms. Hoard also made reference to other problems at LANL including allegations of misappropriation of government funds. She said Dave McNroy, the acting project leader, had told the Committee some work was being done, including plans to turn over portions of the project to a contractor.

The ER Committee Co-Chair also said the Committee had reviewed the Voluntary Corrective Action Plan for final cleanup of the DP Site in an industrial section of the City of Los Alamos. The site is to be transferred from DOE to the County of Los Alamos. The New Mexico Environment Department has asked for more sampling before the transfer is approved by all involved. She noted if the state had a covenants statute where a restriction could be placed on use of such a property, it would allow it to be used for industrial purposes (and not residential) and eliminate additional cleanup.

The Chairman then called for a report from the Waste Management Committee. According to the Committee Chairman, Richard Gale, the Committee set up a tour of Material Disposal Area G with assistance from LANL staff. The Committee Chairman said a letter had been sent to Ralph Erickson thanking him for supporting the Committee’s work and facilitating the tour.

Mr. Gale said a video had been produced showing remote handling of waste at the Waste Isolation Pilot Plant. The CD/video is available at the NNM CAB office.

The Committee Chairman also noted they had been provided with a “Notice of Deficiency” letter from James Bearzi, Chief of the Hazardous Waste Bureau at the New Mexico Environment Department to Dr. Ines Triay and Dr. Steven Warren. The letter addresses the modification request for remote handled waste at WIPP. Mr. Gale said a public comment period had been scheduled from July 3 until October 31.

Mr. Gale went on to report his Waste Management Committee would start a training program. He said a portion of each future meeting would be devoted to a homework assignment, followed by an open discussion. The first assignment is to read A Guide to The U.S. Department of Energy’s Low-Level Radioactive Waste before the next Committee meeting. An expert, Mr.

Gale said, would be present to answer questions. The idea, he added, had come from the Committee members. Posters will also be provided to the NNM CAB office by James Nunz as part of this educational program. This exercise was important, Mr. Gale said, because the Committee may soon deal with issues related to remote-handled TRU waste and there is much to learn.

At the same meeting a discussion was held regarding status of the Arrow Pack program. Mr. Gale reported, James Nunz had said the Arrow Packs were still being reviewed but at a lower priority. Ted Taylor, at the meeting, said he would ask Mr. Nunz to prepare a more specific report.

Mr. Gale complimented the Board Chairman and staff for work done at the TRU Waste Management Workshop in Carlsbad. The workshop resulted in 13 Recommendations to the Department of Energy and Mr. Gale said he had tasked his Committee to review those recommendations and see if they agreed. Committee members voted on each Recommendation and approved all of them. (The Waste Management Committee minutes note Ms. Joni Arends distributed comments from Concerned Citizens for Nuclear Safety; Southwest Research and Information Center; Nuclear Watch of New Mexico and Citizens for Alternatives for Nuclear Dumping pertaining to the TRU Waste Recommendations. Mr. Johnston asked that those comments be made part of the meeting record and the Chairman so directed.) The Committee also generated a draft of proposed Recommendations to DOE.

Also, at the meeting, Mr. Taylor strongly suggested the Committee review their Work Plan, and focus on those tasks. Vice-Chairman Don Jordan reminded the membership the Board has established a work plan and he suggested all Committees and members review it so goals set can be addressed.

The next Waste Management Committee will be April 2, 2003.

The Chairman said the Board would now hear from two Ad Hoc Committees and then the Board would hear presentations on proposed Recommendations.

The Ad Hoc Committee to Review the Recommendation Process gave its report. The Chairman reminded Board members he had appointed himself, Mr. Jordan and Dr. Berting to this Committee. The Chairman said the Committee report would be brief because members didn't have the opportunity to meet. However, the Chairman said, he had engaged Mr. Jordan and Mr. Taylor in various discussions on the issue. The Chairman recalled the process with which NNM CAB reviews and adopts its Recommendations to DOE was given considerable debate at the November 2002 meeting. Chairman Brannon said the charge of the Committee was to review the development, evaluation, presentation, and adoption of Recommendations. Frequently, the Chairman said, discussions on this subject involve refinement of the Boards' bylaws. In his informal discussions, he said, the question of not having to amend the bylaws was important and a viable option was to write and adopt *Administrative Procedures on Recommendations* for the Board. He warned the rules may be complex but all proposals are open for discussion. Another option, the Chairman said, was to take into consideration the Board's current method of presenting Committee-sponsored Recommendations to the Board, the full Board debating the issue at hand with a public comment period before a final vote. The Chairman called the current method "a workable solution" except under certain conditions where the Committee's doesn't get the required information in a timely fashion. Chairman Brannon reminded Board members Recommendations must be drafted 21 days prior to the next Board meeting. Based on informal discussions, the Chairman said, the current process seems to work.

The Chairman called for comments from the Board. Ms. Hoard said, “It seems to me we’ve abandoned the ‘two reading’ protocol.” The Chairman agreed and cited two changes: the Board now meets bi-monthly instead of monthly. Previously the Board had a 60-day time period to draft, solicit input, get public comment, have another Board hearing to wordsmith and then adopt or reject the Recommendation. That method was modified, the Chairman said, “by imposing more responsibility on CAB members by modifying the bylaws establishing the 21-day time period.” Since any Board member can draft a Recommendation, he said, and the current time period provides enough time to make the proposal to the appropriate Committee Chair, and solicit input from Committee members. By the time the Recommendation reaches the full Board it is as close as possible to a final draft, the Chairman said. The Chairman said, unless a member objects, the current Recommendation process will remain.

The Chairman then called for a report from the Ad Hoc Committee on NNM CAB’s Demographic Profile. The purpose of the Committee, the Chairman said, was “to reassess the geographic and demographic footprint of the Board to capture the salient and essential features of diversity” required by DOE. Debra Welsh requested that this matter be tabled until after the interviews and nominations of the new Board Members. There was no objection and the motion was tabled.

Chairman Brannon then asked the Environmental Restoration Committee to read into the record its proposed Recommendation on Long Term Stewardship. Ms. Hoard presented Recommendation No. 2003-2:

- The NNM CAB is committed to long term environmental stewardship;
- The NNM CAB speaks for its neighbors in Northern New Mexico in its concern for the health and safety of its citizens and applauds LANL for its policies and methodologies;
- The CAB recognizes there will always be a hazardous footprint from activities of the nuclear age and it must help determine locations, the nature and the strategies of those hazards;
- DOE proposes to abolish its Office of Environmental Management and establish an Office of Legacy Management to provide stewardship to DOE post-closure sites;
- However, no provisions are made for stewardship of long term facilities such as LANL;
- It is recommended DOE consider and develop policies for both post-closure and active sites;
- It is further recommended DOE include in the charters of future Long Term Environmental Stewardship office specific directives on responsibilities for both inactive and active sites.

The Chairman asked for discussion. Mr. Gale said he was “amazed DOE would simply disregard certain sites simply because they’re active” and added he agreed with the Recommendation although he wondered if it couldn’t be strengthened. Mr. Taylor said this was a complicated matter which relates to the reorganization and restructuring of DOE and anticipated a policy would be developed in the future by the National Nuclear Security Administration and the matter could be addressed at the SSAB Chairs meeting in Denver later this month.

The Chairman said the Board would hear the Recommendation from the Waste Management Committee, allow a public comment period on both Recommendations, then the Board would vote on each Recommendation.

At the request of the Chairman, Mr. Gale read the Recommendation proposed by the Waste Management Committee which was developed at the Site Specific Advisory Board workshop in Carlsbad earlier this year. In brief, the Recommendation reads:

1. The cost of TRU waste characterization and confirmation is too high. It is recommended DOE characterize TRU waste to reduce risk, minimize transportation and handling of waste while making confirmation cost effective.
2. The receiving capacity of the Waste Isolation Pilot Plant is not always sustained. It is recommended, to meet site-specific needs, DOE allocate and coordinate resources to optimize shipments to WIPP.
3. Some TRU waste management requirements (developed without the TRU Waste Management Program) are overly prescriptive, hazardous to workers, do not contribute to public safety and negatively impact schedules and costs. It is recommended DOE, in concert with stakeholders and regulators, initiate a program to identify, correct and revise management of TRU waste.
4. Some potential TRU wastes have not been identified: pre-1970 TRU waste; non-defense TRU waste; sodium bearing TRU waste; Hanford tank TRU waste and TRU waste without an identified disposal path. It is recommended DOE identify volumes and disposition pathways for all potential TRU waste.
5. It is recommended that DOE in consultation with stakeholders and regulators initiate action to assure WIPP has the capacity to dispose of all listed TRU waste.
6. TRU waste exists for which containers do not exist or are planned. It is recommended DOE accelerate TRU waste container design, licensing and deployment.
7. The current regulatory framework requires 100 percent confirmation of TRU waste process knowledge. It is recommended DOE streamline TRU waste management by accepting demonstrated process knowledge for TRU waste characterization.
8. It is recommended DOE, in consultation with stakeholders and regulators, reexamine characterization of TRU waste using a risk-based approach.
9. It is recommended DOE inventory orphan TRU waste and assign a corporate project team to develop a path forward.
10. Small TRU waste sites have limited capacity to characterize and obtain WIPP certification for disposal. It is recommended DOE evaluate the concept of one or more locations to characterize TRU waste for WIPP disposal.
11. It is recommended DOE finish its analysis and make a decision with public involvement where to characterize TRU waste for disposal.
12. It is recommended that the DOE expedite design, certification, and fabrication of appropriate containers (e.g., ARROW-PAK and TRUPACT III), and accelerate the adoption of rail transport, as appropriate.
13. It is recommended that the DOE revitalize its efforts in coordinating transportation issues with states and Indian Tribes and assist in updating and disseminating information to the public about transportation risks and safety and provide public participation opportunities on transportation issues.

The Chair called for Public Comment on the Recommendation. There was none.

After a lengthy Board discussion, there was a motion made by Dr. Fries and a second by Dr. Berting, to adopt Recommendation 2003-1. **The Recommendation was adopted unanimously.**

A motion was made by Richard Gale and seconded by Dorothy Hoard, to adopt Recommendation 2003-2. **The Recommendation was adopted unanimously.**

The Chairman asked the Executive Director to explain the proposed amendment (4) to the NNM CAB Bylaws. Ms. Manzanares said that this amendment would allow the NNM CAB to make recommendations to the NMED and the EPA and other regulatory agencies, in addition to the DOE. There were several questions and concerns about expanding the role of the NNM CAB. The proposed amendment will be considered at its second reading on May 28th.

Due to inclement weather, the Chair proposed to postpone Dr. Schumann's presentation until the Board Retreat in Taos. There was a motion by Dr. Fries to postpone the presentation. There was a second by Joseph Romero. The motion was adopted unanimously.

There was no public comment at this time.

The Chair entertained a motion to adjourn. A motion was made by Angelina Valdez and seconded by Richard Gale. The motion was adopted unanimously.

The meeting was adjourned at 5:50 p.m.

James R. Brannon, Chair

Date