

Final

**Northern New Mexico Citizens' Advisory Board
May 28, 2003
Cities of Gold Hotel
10 Cities of Gold Road
Pojoaque, New Mexico**

Members in Attendance

Jim Brannon, Chairman
Don Jordan, Vice-Chairman
Fran Berting
Dorothy Hoard
Wayne Wentworth
Jay Fries
Katherine Guidry
Armando Benavidez
Timothy DeLong
Erlinda Gonzales
Angelina Valdez
Michael Shepherd
Abad Sandoval
Elmer Torres

Members Excused

Gil Sanchez
David Church

Members Absent

Shannon Aragon
Governor John Gonzales
Jim Johnston
Debra Welsh

Ex-Officio Members

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

Staff

Menice S. Manzanares, Executive Director
Grace Roybal, Administrative Assistant
William Hiller, Staff Assistant
Eddie Roybal, Sound Technician

Guests

Ron Curry, NMED Secretary
John Till, Risk Assessment Corporation
Jon Goldstein, NMED
Gian Bacigalupa, LANL
Peggy Reneau
Jack Ellvinger, LANL RRES/SWRC
Ken Mullen, LANL RRES-WQH
Ken Adkins, LANL CER-I/ADO
Paula Bertino, LANL RRES-R
Peter S. Carlson, Sagebrush Productions
Donivan Porterfield
Janet Clayton
Joni Arends, CCNS

Steve Yanicak, NMED
Bob Weeks, NMED DOE Oversight Bureau
Doug Stavert, LANL RRES-EP
Alison Dories, LANL RRES-ECR
David McCumber, LANL CER-DO
James Fallin, LANL CER-20
Saundra Martinez, LANL RRES-Remed. Prog.
Elizabeth (Betty) Romero, DOE/NNSA
Tom Starke, LANL RRES-EPI
Jim Holt, LANL Assoc. Dir. for Operations
Barbara Hoditschek, NMED – DOE/OB
Tori George, LANL RRES-EMS
Judy Goldberg

- I. The meeting was called to order at 1:10 PM** by Ted Taylor, Deputy Designated Federal Officer, who turned the proceedings over to Northern New Mexico Citizens' Advisory Board (NNMCAB) Chairman Jim Brannon.

Roll call established a quorum of 13 members present when the meeting started.

The Chairman called for approval of the meeting agenda. Don Jordan made a motion to approve the agenda, with a second from Erlinda Gonzales. The agenda was approved unanimously.

- II. The Chairman called for approval of the March 19, 2003, meeting minutes. After some minor corrections, Dorothy Hoard made a motion to approve the minutes, as amended, with a second from Fran Berting. The minutes were approved unanimously.**

- III. The Chairman called for public comment.** There was none. In lieu of public comment, the Chairman suggested that each member in attendance introduce themselves for the benefit of the new members.

IV. Board Business

a. Executive Director Menice Manzanares reported on the current nomination status of new Board members and provided a recruitment update. New appointees – including Timothy DeLong, Michael Shepherd, Abad Sandoval, Gilbert Sanchez, David Church, and Governor John Gonzales – were officially approved as of May 23, 2003. Other members appointed to fill unexpired terms include Wayne Wentworth, Katherine Guidry, and Elmer Torres. Don Jordan and Jay Fries were approved for re-appointment to the Board. Additionally, Ms. Manzanares reported that NNMCAB is working toward filling the four Pueblo Accord seats, and she, Ted Taylor, and Chairman Brannon will be meeting with Governor Raymond Loretto of Jemez Pueblo on May 29, 2003 to discuss this issue. Similar meetings will soon be scheduled with representatives from Santa Clara Pueblo and Cochiti Pueblo.

b. Mr. Brannon updated the Board on the issue of appointment terms for new Board members – namely that the Department of Energy (DOE) has designated such appointments for only 6-month terms, rather than 2 years. Mr. Brannon was recently notified by DOE's Intergovernmental and Public Accountability office that an initiative is underway which could result in the transferring of NNMCAB authority from Environmental Management (EM) to the National Nuclear Security Administration (NNSA). The terms for new Board members were apparently reduced in light of the uncertainty surrounding the transition process. Mr. Brannon indicated that Ralph Erickson from the Los Alamos Site Office (LASO) would brief the Board later during the meeting regarding this transition process. He also noted that: 1) LANL belongs to NNSA already, although many other CAB sites are with EM; 2) funding for NNMCAB would remain through the current EM structure through 2004 regardless of the transition; 3) such a transition could possibly expand the NNMCAB's scope beyond environmental management. Mr. Brannon asked Board members to provide him or Ms. Manzanares with any thoughts or concerns about this possible transition so that NNMCAB could assemble a "thinking package" of ideas and important issues to be provided to DOE.

Chairman Brannon stated that a written report of his specific activities since the March meeting would be mailed in the near future to all Board members, and would also be made available at the NNMCAB office as part of the packet for this meeting.

c. **Ted Taylor presented the DOE report**, a copy of which is attached to these minutes. During this presentation, he expounded on the current status of DOE responses to NNM CAB recommendations, indicating that the DOE had responded to the Board Chairman by letter on April 22, 2003, regarding Recommendation 2003-01, "Transuranic (TRU) Waste Management," and Recommendation 2003-02, "Long Term Environmental Stewardship." Mr. Taylor also indicated that the University of California's presentation to the Board at its Annual Retreat on May 17, 2003, was intended as a partial supplemental response to Recommendation 2002-7, "Environmental Management Education and Outreach Program." The presentation was on the Risk Reduction and Environmental Stewardship (RRES) Division's new public participation program. Mr. Taylor stated that DOE still owes the Board a formal plan for public involvement regarding Recommendation 2002-7.

Additionally, Mr. Taylor indicated that he would be working with each Board committee over the next couple of months to develop their draft work plans for Fiscal 2004, to be presented to the full Board on July 30, 2003. Mr. Taylor also recommends that the Board give considerable attention to the topic of "risk communication" at the July 2003 meeting.

d. **Menice Manzanares presented the Executive Director's report.** Ms. Manzanares noted that William Hiller had been hired into the vacant staff assistant position, and that the CAB website updates had been completed by Donivan Porterfield. Additionally, she noted that an updated committee roster will be distributed to Board members in the near future.

e. **Chairman Brannon opened the floor for discussion of any new Board business.**

Chairman Brannon reported that there is a comment period open from May 9 - June 9, 2003, regarding Federal Facilities Compliance Order TA16-88, and stated that he would forward the Public Notice to the appropriate Board committees.

Dorothy Hoard reported that the New Mexico Environment Department (NMED) has issued new, possibly stringent, Water Quality standards that might have some bearing on LANL and might require feedback from NNM CAB. Chairman Brannon suggested that Wayne Wentworth research the impact of these standards. Ted Taylor noted that Gene Turner of DOE briefed the Board regarding these pending changes at the Annual Retreat on May 17, 2003, and suggested that the Environmental Monitoring & Surveillance Committee invite DOE to provide another briefing on this matter.

Chairman Brannon notified the Board that NNM CAB's Draft Administrative Procedures will be on the agenda at the next Executive Committee meeting on June 3, 2003, and requested that any feedback or recommendations should be sent to him or Menice prior to that meeting.

Chairman Brannon indicated that he has not yet received any draft recommendations from the Environmental Restoration Committee or the Community Outreach Committee on DOE's position regarding citizen involvement.

The meeting was recessed for a break at 2:00 PM, and reconvened at 2:15 PM.

V. Reports from Committees

a. **Erlinda Gonzales presented the Community Outreach Committee report.** Ms. Gonzales identified several ideas for improving community outreach that the Committee had discussed at the Annual Retreat on May 17, 2003:

1. Maintaining NNM CAB website with current information
2. Coordinating updated fact sheets from all NNM CAB committees
3. Conducting public surveys to gauge interest and receive input on various issues
4. Training for Board members regarding public speaking and interviews
5. Exploring public forums for disseminating information (radio, television, talk shows, community group presentations, etc.)

The Community Outreach Committee will meet again on June 5, 2003, 8-10 AM in Santa Fe at the NNM CAB office. Ms. Gonzales indicated that a schedule of additional meetings for the rest of the year will be distributed in the near future.

Chairman Brannon invited questions or comments from the Board. There were none.

b. **Wayne Wentworth presented the Environmental Monitoring & Surveillance (EMS) Committee report.** Mr. Wentworth identified several areas of Committee activity:

1. Continued status review of outstanding issues in the Committee's original Fiscal 2003 work plan. Mr. Wentworth acknowledged Donovan Porterfield's assistance in this matter.
2. Verification that there are no follow-up issues regarding Radiological Controlled Area (RCA) postings in DP Canyon.
3. Preparation to collect soil samples in the Rio Grande Canyon on July 5, 2003, in relation to existing perchlorate issue.

Mr. Wentworth reported that the Committee will continue to meet on the second Tuesday of every month. The EMS Committee will meet again on June 10, 2003, in Santa Fe at the NNM CAB office, and will be making assignments from the Fiscal 2003 work plan, and may also plan to set optional weekly meetings to "keep the momentum going" between official monthly meetings.

Mr. Wentworth then invited comment from Ted Taylor on the perchlorate issue. Mr. Taylor suggested, due to unsatisfactory progress by the Board on this issue, that Gene Turner and Doug Stavert address the EMS Committee and have the committee members revisit the issue. Mr. Taylor recommended that the Committee examine the issue from the standpoint of public concerns rather than scientific concerns, and this was followed by some discussion among various Board members regarding the nature of public concerns and how best to tailor Board responses.

Chairman Brannon stated that he will expect a draft recommendation from the EMS Committee about how to proceed, at the July 30, 2003, Board meeting.

Chairman Brannon invited questions or comments from the Board. There were none.

c. **Fran Berting presented the Environmental Restoration (ER) Committee report,** a copy of which is attached to these minutes. Dr. Berting expounded on several items contained in the report:

1. The status of Material Disposal Area H (MDA-H). Dr. Berting indicated that surveillance by NNM CAB and a focus group of Committee members and other public participants was halted prior to making a recommendation, and an outside reviewer was brought into the process. The MDA-H focus group will now be

meeting in June and July, 2003, to make a final recommendation.

2. Impact of cleanup activities at the Los Alamos Airport. Dr. Berting reported that NMED is requiring cleanup of a community dumping site, where the debris is in a canyon. Various plans are under review.
3. Impact of Fiscal 2003 budget on environmental activities at LANL. The Environmental Restoration Committee has been charged with providing a recommendation on certain budget issues regarding discrepancies between NMED's Corrective Action Order (CAO) and LANL's performance management plan (PMP) for accelerated environmental cleanup.

The ER Committee will meet again on June 11, 2003, 2-4 PM, in Santa Fe at the NNM CAB office, and will address the budget recommendation as well as the Committee work plan. Dr. Berting indicated that a schedule of additional meetings for the rest of the year will be distributed in the near future.

Chairman Brannon invited questions or comments from the Board.

Katherine Guidry commented regarding a rejected helicopter plan for cleanup at the Los Alamos Airport, indicating that the plan was rejected due to the possibility of landscape damage. The current plan will involve using cables to retrieve the debris. Mr. Brannon provided additional details of the cable plan.

Dorothy Hoard commented on the concept of "ready for re-use," describing the difference between residential use standards and industrial use standards, and noting that NMED can currently only approve "no further action" for residential-use sites. Ms. Hoard indicated that pursuing regulatory capability to approve industrial-use sites would save taxpayer money and put land back into use faster.

Chairman Brannon provided additional details from EPA regarding the "ready for re-use" concept as a viable "regulatory relief" alternative to residential-use standards. Mr. Brannon reported that EPA is willing to grant-fund adoption of a "ready for re-use" program in New Mexico, but the NMED has apparently not availed itself of the grant funds. New Mexico is the only state in EPA Region 6 that does not have such a program in place. Additionally, Mr. Brannon stated that the ER committee should research the status of the "ready for re-use" mechanism in New Mexico, and provide a recommendation to NMED.

Ted Taylor noted that NMED's approval of "no further action" only for residential-use sites is a matter of policy, not a matter of regulation. NMED could allow land to be cleaned up to industrial standards so long as DOE retains title to the land. Additionally, Mr. Taylor stated he could ask NMED representatives to attend the next meeting of the ER Committee to give further details about the status of "ready for re-use" in New Mexico.

Abad Sandoval commented that the Community Outreach Committee should meet with each Board Committee to coordinate a single public representation on various issues that is not overwhelming in its detail.

d. Don Jordan presented the Waste Management Committee report. Mr. Jordan reported that the Committee has lost two members since its last meeting in April 2003, and that he is now acting Chair. Mr. Jordan identified several items for the Committee's work plan that were discussed at the Annual Retreat on May 17, 2003:

1. Arranging radiation training for NNM CAB and possibly for public information
2. Preparing fact sheets regarding the purpose of the Waste Management Committee, and for additional topics as necessary
3. Coordinating a field trip to the new liquid waste facility in Los Alamos
4. Examining effective methods of public participation regarding LANL activities

The Waste Management Committee will meet again on June 11, 2003, 6 PM in Santa Fe at the NNM CAB office.

Chairman Brannon informed Mr. Jordan about a 30-day comment period, from May 9 – June 9, 2003, regarding a modification to Federal Facilities Compliance Order Revision #13 for Tech Area 16 Building 88 at LANL. Mr. Jordan stated that the Committee would research the status of this issue and provide a recommendation after the June 11 meeting.

Chairman Brannon invited questions or comments from the Board. There were none.

e. **Don Jordan presented the Budget Committee report.** Mr. Jordan reported that the Committee has not met since the continuing resolution. In the short term, the Budget Committee will be focusing attention on helping the Community Outreach Committee get some activities underway that had been delayed due to the continuing resolution.

Chairman Brannon invited additional questions or comments from the Board.

Wayne Wentworth asked Mr. Jordan whether the Waste Management Committee was following excavation progress at TA-54. Mr. Jordan responded that the Waste Management Committee would look into that issue.

As the meeting was ahead of schedule at this time, Ted Taylor suggested that the Board might discuss ways in which the Community Outreach Committee could work in a liaison capacity with the other Committees. Discussion of effective means of public communication followed, generating the following ideas:

- Providing public information at a consistent and appropriate level of complexity for the average citizen, focusing on what the public wants to know
- Involvement in appropriate community events and meetings; distribution of fact sheets, erecting kiosks, etc.; determining effective “points of service” for information distribution
- Maintaining the website; adding a link to NMED’s online WIPP transportation and disposal information; establishing a database to generate information to be available for distribution
- Arranging for spots in the news media; producing Public Service Announcements
- Creating a CAB “public overview” referencing historic CAB events and current “flashpoint” issues
- Conducting public surveys regarding environmental issues, structured as one-on-one interviews
- Coordinating public site tours
- Improving risk communication; making risk communication a major agenda item at the July 11, 2003, Board meeting
- Standardizing a method to provide backgrounds on CAB recommendations (Mr. Brannon noted that a generic format can already be found in Administrative Procedure #10 03-010, which includes sections for a Problem Statement and Comments & Observations.)

Additional items discussed during this time included:

- Possibility of professional training for Board members to improve public communication skills
- Interim meetings for the Community Outreach Committee, due to time constraints
- Establishing a committee on emergency preparedness and response
- Obtaining a display booth to be manned by CAB members (Michael Shepherd stated

that he has a three-sided display board available for loan)

- Producing CAB “trinkets” (e.g. pens, pins, etc.) and other booth materials

Timothy DeLong suggested that Los Alamos / LANL’s “Safety and Security Day,” on June 27, 2003, at Fuller Lodge, might be a good venue for a CAB booth. Katherine Guidry noted that there are also booth spots available at Los Alamos’ July 4th festivities.

Chairman Brannon assigned to the Community Outreach Committee the task of researching “trinket” costs and budget logistics, and also stated that he was prepared to accept volunteers for a booth that could be set up at Los Alamos on July 4, 2003. Mr. Brannon also charged the Community Outreach Committee with coordinating the various ideas presented in this discussion, and determining the most cost- and time-effective methods to inform the public about LANL issues and CAB.

Abad Sandoval asked which state entity deals with disaster mitigation, emergency medical response, etc. Fran Berting responded that Los Alamos County is building an emergency center with LANL, and the state homeland security department may also be involved.

Chairman Brannon invited additional questions or comments from the Board regarding public outreach. There were none.

VI. Chairman Brannon read the proposed amendment to Section II, Paragraph A of the NNM CAB Bylaws. The first sentence of the paragraph currently reads as follow:

“FUNCTIONS: The Board will provide independent advice and recommendations to the Department of Energy (DOE).”

The proposed Amendment No. 4 would amend the first sentence of Section II, Paragraph A to read:

“FUNCTIONS: The Board will provide independent advice and recommendations to the Department of Energy (DOE), the Environmental Protection Agency (EPA), the New Mexico Environment Department (NMED), and other relevant regulatory and oversight agencies.”

Chairman Brannon proposed that the amendment be adopted by the board, and opened the floor for discussion. The Board discussed the effects of the amendment, especially the increased functions and possible increase of scope. Mr. Brannon noted that the amended Bylaws would still fall within the scope of NNM CAB’s existing mission in regards to LANL issues, but simply allow the CAB to advise and submit recommendations directly to other agencies and organizations. He also added that the proposal had been deemed “appropriate and applicable” by EM-11. The Board then discussed the meaning of “agencies” in the amendment, and explored alternative language that would be more inclusive of the various stakeholder groups, with particular attention paid to Pueblo tribes. The proposed amendment was modified to read:

“FUNCTIONS: The Board will provide independent advice and recommendations to the Department of Energy (DOE), the Environmental Protection Agency (EPA), the New Mexico Environment Department (NMED), and other relevant regulatory, oversight, or interested entities.”

Michael Shepherd called for the question. Amendment No. 4, as modified, was approved by all 14 members present, which met the two-thirds Board majority required for adoption.

As the meeting was ahead of schedule at this time, Chairman Brannon opened the floor for general discussion and Board comments.

Chairman Brannon reminded the Board of several reports and due-outs from the May 17, 2003, Board Retreat, including:

- Committees need to finalize work plans
- Board members need to complete the evaluation of draft Administrative Procedures

Tom Starke updated the Board regarding the Compliance Order, reporting that a one-month stay had been agreed upon, which runs to June 26, 2003. Because there may be a Compliance Order agreement prior to the July 30, 2003, Board meeting, Mr. Starke suggested that the Board officially request a briefing at that meeting by NMED and/or DOE on the final content.

Ted Taylor noted that Dr. John Till's presentation (to be delivered later in the meeting) could run an hour, rather than the 45 minutes scheduled in the agenda, and recommended that the agenda be modified to provide sufficient time by pushing back or eliminating the second break period.

Chairman Brannon granted the floor to Elmer Torres to introduce himself to the Board.

The meeting was recessed for dinner at 4:30 PM, and reconvened at 6:00 PM.

Chairman Brannon introduced the ex-officio Board members in attendance, and turned the floor over to Ralph Erickson, LASO Director. Mr. Erickson updated the Board regarding his impressions of the ongoing negotiations between LASO, NNSA, and NMED, and invited the Board to ask questions. There were no questions at this time.

VII. Mr. Brannon turned the floor over to NMED Secretary Ron Curry.

Secretary Curry spoke to the Board regarding NMED operational and programmatic improvements, environmental justice, progress on the Corrective Action Order (CAO) negotiations, and positive developments in the working relationship between NMED and DOE/LANL. Mr. Curry's presentation was followed by a brief question-and-answer period, and he addressed questions regarding: the status of a possible public/private corporation for high-technology research & development; land transfer issues around LANL; the "ready-for-reuse" concept; investigative requirements in the CAO; and funding for DOE Oversight in Fiscal 2004.

Following Secretary Curry's presentation, Chairman Brannon introduced Jim Holt, LANL Associate Director for Operations, and invited Mr. Holt to address the Board. Mr. Holt spoke briefly regarding the CAO negotiation issues and principal LANL participants.

VIII. Chairman Brannon turned the floor over to Dr. John Till from Risk Assessment Corporation.

Dr. Till spoke to the Board regarding the work plan, goals, and processes involved in the project entitled "An Independent and Comprehensive Risk Assessment for Public Health and the Environment and the Development of a Risk-Based Decision Analysis Framework for the Los Alamos National Laboratory and Vicinity." A copy of his presentation is attached to these minutes. Dr. Till then introduced Judy Goldberg, from whom he had requested assistance in

documenting the project procedures, scientific discussions, and public perceptions. Dr. Till's presentation was followed by a brief question-and-answer period, and he addressed questions regarding: data quality; risk assessment as a science; application of risk assessment tools beyond LANL's environmental issues; and background risk calculations.

The meeting was recessed for a break at 7:50 PM, and reconvened at 8:00 PM.

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

X. Chairman Brannon opened the floor for Board comments and a recap of issues discussed during the meeting.

Beverly Ramsey notified the Board of plans for a public meeting regarding the perchlorate issue.

Chairman Brannon notified the Board of an opportunity to attend a meeting with Dr. Till on June 25, 2003, and suggested that Board members coordinate their participation with Wayne Wentworth. The NNM CAB office will distribute specific meeting information to the Board members when it becomes available.

Chairman Brannon identified the expected "due-outs" generated during this meeting:

- Public participation recommendation from the Community Outreach Committee regarding DOE's current posture
- Recommendation from the ER Committee regarding DOE's intransigence in withholding funds
- Research on the "ready for re-use" issue by the ER Committee
- Research on the groundwater perchlorate issue by the EMS Committee
- Website links to NMED fact sheets
- Preparation of radio advertisements at least two weeks prior to the July 30, 2003 Board meeting
- Public Service Announcements throughout northern New Mexico to increase public awareness
- Briefing of agreement in principle regarding the Corrective Action Order when negotiations are finally complete
- Scheduling a significant portion of time for discussion on the issue of risk communication at the July 30, 2003, Board meeting

Erlinda Gonzales indicated that the Community Outreach Committee, at its June 5, 2003 meeting, will plan to meet with other Committee chairs to further develop ideas regarding risk communication issues, prior to the July 30, 2003, Board meeting. Chairman Brannon asked Ms. Gonzales to have the Community Outreach Committee also coordinate with each of the other Committees regarding the issue of fact sheets and other outreach issues.

Ted Taylor informed the Board that he has prepared a briefing paper on risk communication which he could provide to each of the Committees, and suggested that the topic of risk communication be addressed by the entire Board in a workshop format, possibly in July 2003. Mr. Taylor also reported that he had suggested that Paul Schumann, RRES, participate in any

such workshop. Beverly Ramsey indicated that she could send an entire communications team to any risk communication workshop.

Erlinda Gonzales reported to the Board that she might be stepping down as Co-Chair of the Community Outreach Committee, and also that Debra Welsh would be stepping down as Chair. Ms. Gonzales notified the Board that the Community Outreach Committee would need to elect new leadership before becoming involved in coordinating outreach issues with the other Committees.

Chairman Brannon suggested that each technical Committee provide the Community Outreach Committee with a description of the specific information to which they would like the public to have improved access, and then the Board as a whole could discuss the appropriate communications methods necessary to facilitate such access.

XI. The Chairman entertained a motion for adjournment. Dorothy Hoard made a motion to adjourn, with a second from Timothy DeLong. The motion passed unanimously.

The meeting was adjourned at 8:17 PM.

James R. Brannon, Chair

Date