

Final

**Northern New Mexico Citizens' Advisory Board
Minutes of the Annual Retreat
May 16-17, 2003
Holiday Inn Don Fernando de Taos
1005 Paseo del Pueblo Sur
Taos, New Mexico
Ernie Blake Room**

Members in Attendance

Jim Brannon, Chairman
Don Jordan, Vice-Chairman
Fran Berting
David Church
Wayne Wentworth
Jay Fries
Katherine Guidry
Gil Sanchez
Timothy DeLong
Erlinda Gonzales
Angelina Valdez
Michael Shepherd
Abad Sandoval

Members Excused

Shannon Aragon
Jim Johnston
Dorothy Hoard

Members Absent

John Gonzales
Debra Welsh
Armando Benavidez

Ex-Officio Members

Beverly Ramsey, Division Leader, RRES
James Bearzi, N.M. Environment Department
Rich Mayer, US EPA
Ted Taylor, DDFO, LASO

Staff

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

Guests

Donivan Porterfield
Mike Tilley, KRZA Radio
Libby Chaplin, Environmental Health Assoc.
William Marshall, Taos News
Mark Polley, LANL

The Board met informally for dinner on May 16, 2003, for a “get-to-know-one-another” period. No action was taken by the Board.

The meeting was officially called to order at 8:00 AM, May 17, 2003, by Ted Taylor, Deputy

Designated Federal Officer, who turned the proceedings over to Northern New Mexico Citizens' Advisory Board (NNMCAB) Chairman Jim Brannon.

COMMITTEE SUMMARIES: FISCAL 2003 ACCOMPLISHMENTS

Chairman Brannon invited all Board members to submit comments and recommendations to any of the Committees regarding development of their work plans for the next fiscal year. Additionally, Mr. Brannon underscored the importance for all of the Committees to identify early on any resources required to address any projects that will be included in their work plans.

Environmental Monitoring and Surveillance (EMS) Committee.

Wayne Wentworth reported that the EMS Committee has somewhat modified its existing Fiscal 2003 work plan from the initial objectives. During the remainder of Fiscal 2003, the Committee will be focusing on:

- identifying the status of existing initiatives
- Investigating revision protocols for the Hydrogeologic Work Plan
- Revisiting the reactive barrier issue in Mortandad Canyon, examining upstream and downstream analyses, and providing a recommendation
- Examining well placement and the daylighting situation in the Rio Grande Basin

Mr. Wentworth stated that any projects not completed during Fiscal 2003 would be rolled over to the Fiscal 2004 work plan. In addition to these ongoing activities, Mr. Wentworth indicated that the Committee is planning additional projects, including:

- Coordinating with LANL to develop at least two fact sheets prior to end of Fiscal 2003
- Examining ways of increasing public involvement and improving "teaming" between the public, DOE, and LANL

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

Environmental Restoration (ER) Committee

Fran Berting outlined the mission of the ER Committee and its overall activities. Since August 2002, the Committee has accomplished the following:

- Scheduled a briefing on Voluntary Corrective Measure Actions for Potential Release Site 21-011K
- Scheduled a briefing on LANL's request to the New Mexico Environment Department (NMED) for No Further Action and removal from the permit of nine Potential Release Sites
- Heard presentations on:
 - Status of DOE's long-term environmental stewardship policy
 - Status of the ER project at LANL
 - History of plutonium runoff studies following the Cerro Grande fire
 - Status of NMED's Corrective Action Order
 - Status of Material Disposal Area MDA-H
 - Impact of environmental activities at LANL
 - Status of clean-up activities at the Los Alamos airport
 - Voluntary Corrective Action on the Solid Waste Management Units (SWMU's)
- Passed a resolution concerning the Performance Management Plan

- Passed a resolution on the Long-Term Environmental Stewardship Plan
- Passed a resolution on the Permit Modification Request
- Toured the Sombrillo site and the DP tank farm
- Reviewed the Resource Conservation and Recovery Act, as well as the Voluntary Corrective Action on the Solid Waste Management Unit
- Written and/or approved fact sheets on ecological risk assessment, radiation basics, and human health risk assessment

Dr. Berting indicated that the Committee has decided to verify and make available, when possible, fact sheets from other organizations (e.g. LANL, NMED), rather than duplicating such efforts. Additionally, she noted that the Committee would be developing its own “tool kit” for its members, which will contain fact sheets and other items related specifically to ER Committee activities.

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

Waste Management Committee

Don Jordan outlined the mission of the Committee and its overall activities. Recent events have included:

- Hosting a Transuranic (TRU) Waste Workshop in Carlsbad
- Making a presentation and recommendation on TRU-PAC shipments
- Organizing a public bus tour of LANL facilities

Other activities of the Committee have included:

- Monitoring waste management regulations
- Evaluating the Quick-to-WIPP (QTW) initiative
- Monitoring and making recommendations on NMED/DOE permit modifications

Mr. Jordan indicated that the Committee will continue working on the Quick-to-WIPP initiative, and also plans to organize training in waste remediation for Committee members.

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

Community Outreach Committee

Erlinda Gonzales outlined the mission of the Committee and its overall activities, and described the Committee’s progress on and/or plans for:

- Updating the NNM CAB website on a consistent basis
- Redesigning the NNM CAB website
- Publishing a quarterly NNM CAB newsletter to be distributed in a timely manner and also made available on the website
- Encouraging the other CAB Committees to produce no less than three fact sheets per year
- Publishing the 2002 annual report
- Producing public service announcements (PSA’s) and other news items
- Acquiring access to public broadcasting for educational initiatives
- Producing cable television ads
- Providing media training for CAB members (i.e. Speakers Bureau program)
- Coordinating a CAB internship program for Fiscal 2003
- Scheduling one-on-one communication with state/local/tribal government and community leaders

- Coordinating communication with civic and non-profit organizations
- Participating in state/count/local community events
- Coordinating with the other CAB Committees for outreach efforts

Chairman Brannon added that in Fall 2002 the Committee had also arranged for a CAB representative to speak to the 2002 Legislative Oversight Committee.

Chairman Brannon invited questions or comments from the Board.

Ted Taylor noted that the Community Outreach Committee's initiatives had been hampered by the Congressional continuing resolution, which limited their scope to what they had been in the last fiscal year and prevented development of new projects until April 2003.

Mr. Sandoval commented on the importance of focusing some outreach efforts on addressing longstanding animosity issues with some Los Alamos area residents/families. In response, Chairman Brannon indicated that the Committee should develop a strategy to address such "legacy" issues, as well as develop a strategy to address the University of California's (UC) challenges in broadening community education.

Chairman Brannon requested that the Committee write generic PSA's for all CAB Committee and Board meetings to be aired on the radio in advance of such meetings.

DOE/LANL PRESENTATION: Environmental Monitoring and Surveillance - Groundwater and Surface Water presentation

Ted Taylor informed the Board that the Groundwater component of this presentation would be omitted, but that Mr. Gene Turner would still provide information on Surface Water. A copy of this presentation is attached to these minutes.

Mr. Turner reported on the status of the "enhanced" environmental surveillance program, and briefly discussed several successes of the monitoring program. He identified and elaborated on the following current issues:

- 1) Water Quality Control Commission Exceedances
- 2) Increased Plutonium transport in Pueblo and Acid Canyons
- 3) Triennial Review under Clean Water Act
- 4) NMED Corrective Action Order
- 5) Multi-Sector General Permit Compliance

Following Mr. Turner's presentation, there were some questions from the Board, including the topics of possible clean-up activities in Dead Man's Canyon, and the nature of NMED's designation of LANL canyons as Cold Water Fisheries in the Triennial Review.

DOE/LANL PRESENTATION: Environmental Restoration (ER) presentation

Ted Taylor informed the Board that he would give the ER presentation since David Gregory, Environmental Restoration Project Manager for DOE at LANL, could not attend the meeting.

Mr. Taylor reported that the ER Project has published a document called Environmental Restoration Project: A Citizen's Guide, and that he had brought copies with him to the meeting.

Mr. Taylor elaborated on the accelerated cleanup program under the Performance Management Plan (PMP), and detailed some obstacles:

- 1) Only \$42 million of the \$73 million budget has been distributed by DOE headquarters; the balance will be released pending NMED's endorsement of the PMP (which would stipulate that the PMP is consistent with the orders and regulations issued by NMED to DOE). This monetary suspension has caused many program activities to be delayed, and

has jeopardized some near-term PMP milestones.

- 2) There are unresolved issues in the contracting situation at LANL that preclude the award of new ER subcontracts.

Beverly Ramsey provided additional comments on the contracting issue, stating that three existing ER contracts have been extended through September 2003, and could be extended another year or two if necessary. However, LANL is unable to employ any new ER contracting incentives, and current contracting instruments continue to prevent any increase in contracting efficiencies through next year. She also noted that the May 12, 2003, Request For Proposals – which asked for large and small businesses to bid on support contracts for all environmental operations at LANL – has been withdrawn.

Dave McInroy identified the PMP's three main premises, and provided some comment on each:

- i. Business reforms – Environmental Management (EM) has reduced UC staff and “captive” contractors
 - ii. Contract reforms – EM issued the May 12, 2003, RFP that included larger performance incentives and scopes of work. This item was jeopardized by Congressional continuing resolution
 - iii. Stable funding – Jeopardized by Congressional continuing resolution
- 3) NMED's Corrective Action Order (CAO) could add significant scope to ER operations by placing increased emphasis on added/improved characterization rather than on risk reduction

James Bearzi noted that the characterization requirements of NMED's CAO represent an improvement over prior characterization processes, and also voiced an objection to any implication that NMED is not interested in cleanup and risk reduction.

Some Board discussion followed regarding the relationships between NNSA, DOE-EM, NMED, and contractors.

Beverly Ramsey offered to describe the re-organizational changes in the EM Risk Reduction and Environmental Stewardship (RRES) Division over the preceding year. Chairman Brannon added an agenda item for this topic to precede the Public Involvement Plan presentation.

Mr. Bearzi offered to explain NMED's role to new CAB members. Chairman Brannon added an agenda item for this topic to follow the Public Involvement Plan presentation.

The meeting was recessed for a break 10:00, and reconvened at 10:15 AM.

EM-RRES DIVISION RE-ORGANIZATION PRESENTATION

Beverly Ramsey gave a presentation on re-organizational changes in the EM-RRES Division. A copy of this presentation is attached to these minutes.

Ms. Ramsey identified various characteristics that have changed EM business practices at LANL, especially in comparison to similar initiatives at other NNSA/DOE facilities:

- The LANL facility is large, complex, and intimately connected to a large number of cultural resource sites
- LANL property comprises a diverse ecosystem that is also prone to wildfires
- LANL's mission has changed in the following areas:
 - a. Cultural resource protection, e.g. the deployment of risk cost-effective measures for TRU waste disposition and environmental remediation
 - b. Stewardship, including increased emphasis on risk communication, and initiation

- of a risk assessment project through Colorado State University
- c. Emphasis on sustainability of the economic, educational and environmental well-being of northern New Mexico, as well as social responsibility

Ms. Ramsey indicated that the NNM CAB is an important partner for providing feedback, long-term planning, and communicating with the public, and complimented the NNM CAB on its level of commitment and knowledge.

Ms. Ramsey identified the EM-RRES Division's priorities:

- Groundwater protection program, especially the perchlorate issue
- Transuranic (TRU) Waste Disposition program, including Quick-to-WIPP (QTW)
- Offsite Source Recovery Program
- Risk Communication program
- Watershed Management
- Integrated Natural and Cultural Resources program

Ms. Ramsey briefly described the four major business units within the RRES Division:

- Environmental Monitoring and Surveillance (EMS)
- Project 2010 (TRU Waste Management program)
- Environmental Remediation
- Environmental Solutions

Ms. Ramsey reiterated the contracting situation, explaining that consolidating tasks into larger-dollar contracts would encourage more experienced and capable contractors to bid.

DOE/LANL PRESENTATION: Public Involvement Program (PIP) presentation

Beverly Ramsey gave a presentation on LANL's Public Involvement Plan, which is currently being drafted.

Ms. Ramsey identified the principals involved in public/government relations and communication at LANL, and described the goals of the PIP, including: reducing outrage; increasing trust; and including the public in decision-making processes. She also noted that LANL Director Pete Nanos has stated publicly that it is a top-down commitment of the laboratory to be transparent.

Ms. Ramsey indicated that she would make a draft version of the PIP available to the Board, and stated that when a final version became available in several weeks she would formally ask the NNM CAB for a review of the document. Ms. Ramsey stated her desire for NNM CAB to facilitate communication of the PIP's contents to the public and to garner public feedback.

Ms. Ramsey also noted that an environmental ethic for LANL has also been drafted and approved by Pete Nanos, which comprises the first step of an overall environmental management system implementation at LANL.

A brief question and answer period followed Ms. Ramsey's presentation, and included discussion of internship programs with local colleges as a potential means of community involvement, and submitting videotapes of various informational presentations hosted by NNM CAB to public access television stations.

NMED BRIEFING

James Bearzi began by applauding UC/LANL's and RRES' commitment to international standards (ISO 14000) for environmental management.

Mr. Bearzi identified the five main areas in which the State interfaces with LANL –

education; science and technology transfer; economic development; security; and environment – and briefly described NMED’s role as a pollution regulation entity. He then discussed how the RCRA (Resource Conservation Recovery Act) hazardous waste program was delegated to the State by Environmental Protection Agency (EPA) Region VI, and noted that RCRA permits are issued only for treating, disposing, or storing hazardous waste – not for simply generating it. LANL’s RCRA permit is currently expired, but on an approved extension period.

Mr. Bearzi noted some upcoming issues which would interest the CAB:

- Issuance of the draft RCRA permit (between Sept-Dec 2003) covering Technical Areas 16, 50, 54, and 55, to be followed by a public comment period and then issuance of a second draft
- Expiration on May 19, 2003, of six different stays of litigation pertaining to lawsuits against the NMED’s Corrective Action Order (CAO)

DOE/LANL PRESENTATION: Waste Management presentation

Mark Polley informed the Board that he would give the TRU Waste Management Production Control presentation since James Nunz, Waste Management Program Manager at NNSA-LASO, could not attend the meeting.

Mr. Polley described the current status of TRU waste shipments and Quick-to-WIPP (QTW) shipments, summarized as follows:

- 16 TRU shipments have gone to WIPP so far in Fiscal 2003, which represents an increased rate over the previous four years; six of these included Quick-to-WIPP TRU-PACs
 - Goal is to get 65% of at-risk “high wattage” TRU waste (which comprises about 10% of the waste that is above ground) to WIPP by end of Fiscal 2004
- 13 large boxes of debris waste have been processed in Fiscal 2003 through the Decontamination Volume Reduction System (DVRS)
- The number of waste streams going to WIPP has been reduced from 120 to 18, significantly accelerating certification and transport times since each waste stream has to be certified and approved by WIPP
 - Project is on-schedule to meet deadline of 2010 to get debris waste off-site

Mr. Polley discussed the impact of the Congressional continuing resolution on project operations, and noted that the Central Characterization Program (CCP) from Carlsbad will be deploying personnel and equipment to LANL to help augment characterization processes and increase shipments; two-shift operations will likely begin in July 2003. Mr. Polley stated that the TRU waste shipping equipment at TA-54 is being upgraded, and that a system to improve the waste characterization process will be deployed around September 2003, which will increase efficiency by allowing more low wattage drums to be shipped with higher-wattage drums. DOE/LANL is still on target for 48 shipments in Fiscal 2003. Although QTW is currently behind schedule, Mr. Polley indicated that QTW shipments are now being accelerated due to the previously described workarounds (process improvements, CCP assistance, and waste stream consolidation).

Mr. Polley highlighted several issues affecting waste management operations:

- LANL was supposed to have received \$5.5 million in “accelerated” funding in Fiscal 2003; however, the funding is tied up due to the NMED Corrective Action Order, which has caused LANL to: 1) delay accelerated shipping and characterization rates; 2) stop mixed low-level waste shipments, and focus instead primarily on TRU waste

management; and 3) decrease DVRS processing.

- LANL is awaiting approval of a RCRA permit modification that would remove a requirement for formaldehyde analysis, since there is no demonstrable formaldehyde in LANL's waste. If/when approved, shipments of homogeneous waste to WIPP can begin.

A brief discussion period followed, in which Mr. Polley answered questions pertaining to TRU-PAC fleet ownership and deployment; NNSA priorities and EM priorities; WIPP shipments from non-LANL facilities; and potential deployment of mobile characterization units.

Chairman Brannon reminded the Board that NNM CAB will have a briefing from WIPP that covers overall shipments to the LANL facility.

Chairman Brannon then asked Mr. Bearzi for any final comments. Mr. Bearzi observed that NNM CAB has increased in effectiveness in the last year, noting that while the Board has many opportunities to weigh in on issues, DOE also appears to be taking CAB recommendations more seriously. Mr. Bearzi stated that CAB, NMED, and EM all need to establish greater credibility with the public, and recommended that each CAB committee pick only a few key issues on which to focus their work plans for Fiscal 2004.

Mr. Taylor also provided some final comments, noting that risk communication has three components that can make it effective: 1) competent, caring, trained people; 2) systems within each organization for risk communication at all levels; and 3) management commitment at the top. Mr. Taylor suggested that the Board consider devoting its entire July 30, 2003, meeting to the topic of risk communication and public involvement programs, and added that he has prepared some information on risk communication that he could distribute to the various committees.

The meeting was recessed for a break at 12:02 PM, and reconvened at 1:00 PM.

Committee Breakout Session

Each CAB committee met separately to discuss topics for its Fiscal 2004 Work Plan.

Following the committee breakout sessions, the Board reassembled and Chairman Brannon turned the floor over to Ted Taylor. Mr. Taylor informed the Board that he had available some copies of LANL's Environmental Surveillance Report for 2001. Mr. Brannon commented that Environmental Restoration Project: A Citizen's Guide also comprises an excellent overview of the RCRA process, regulatory control process, and environmental remediation process.

Chairman Brannon informed the Board about templates available from EM-11 for reporting CAB "success stories" back to DOE headquarters.

Committee Fiscal 2004 Work Plan Draft Presentations

Waste Management Committee

Don Jordan outlined anticipated items for the Committee's Fiscal 2004 Work Plan:

- Fact Sheets
 - Mission of the Waste Management Committee
 - WIPP transportation

- WIPP facility
- Liquid waste facility that is being improved at LANL
- Training & Public Education
 - Risk Communication
 - Hands-on tour to see handling of TRU waste at LANL
 - New-member training (informational)
 - Workshop on radiation and its effects
 - Low-level waste training
- Regulatory Issues
 - Liquid waste management
 - Research ways to reduce bureaucracy and eliminate the total characterization of waste in order to reduce time and expense for processing TRU waste
- Briefings
 - Remote handling of waste
 - Liquid waste facility upgrades
 - LANL's Public Involvement Plan

Mr. Jordan noted that the topic of Risk Communication and the radiation workshop would be of interest to the entire Board.

Chairman Brannon invited Board members to provide comments or recommend additional items for the Waste Management Committee's consideration. There were none at this time.

Community Outreach Committee

Erlinda Gonzales outlined anticipated items for the Committee's Fiscal 2004 Work Plan, which will primarily focus on effective publicizing of NNM CAB and LANL issues, public communication, and increased public participation. Items included:

- Emergency response fact sheets
- A fact sheet that provides a historical context of CAB activities
- Increased media usage
- Coordination with LANL (especially EM-RRES) to ensure accurate information for the public
- Development of a Speaker's Bureau which can make presentations on various issues
- Development of a display booth, with documents, photos and maps, which would detail past activities of the CAB, successful projects, etc.
- Development of a brochure with overviews on CAB, Committee efforts, etc., for community distribution
- Website expansion.

Ms. Gonzales reiterated the TASTE model -- Truth, Accountability, Support, Trust, Energy -- as a guide for CAB operations.

Chairman Brannon suggested that the Board might form an ad hoc committee to provide recommendations for targeting the website to the public and increasing its efficacy in keeping the public informed.

Chairman Brannon then invited Board members to provide comments or recommend additional items for the Community Outreach Committee's consideration. A general discussion followed regarding methods of increasing public participation. Suggested venues for a CAB presentation or display booth included:

- Schools

- Community fairs (e.g. Earth Day, town halls, etc.)
- Local council meetings
- Kiwanis and Scout meetings
- Participation in legislative hearings regarding LANL issues
- The Capitol rotunda during the Legislative session
- Mass Mailings
- Another CAB Open House
- Public access television (e.g. broadcast of CAB speakers and briefings)
- Re-establishment of the public reading room
- Questionnaire to get one-on-one feedback on public concerns and topics of interest

Dr. Berting suggested that Comcast might have video/broadcast services tailored for the needs of public entities. Tim DeLong suggested that the CAB might want to use the activities of larger, more successful organizations as a benchmark for CAB operations.

Environmental Restoration (ER) Committee

Fran Berting outlined anticipated items for the Committee's Fiscal 2004 Work Plan:

- Recommendation on the Corrective Action Order
- Long-Term environmental stewardship (e.g. following up with DOE on sites that are not closing; consolidation of activities at TA-16, etc.)
- Possible recommendations on MDA's B, T, and A, as well as potential closure of MDA-G
- Developing a Committee Tool Kit
- Various delayed plans/reports that were not able to be reviewed in 2003

Dr. Berting noted that some activities, like the TA-16 issue, might be addressed jointly with the Waste Management Committee.

Chairman Brannon invited Board members to provide comments or recommend additional items for the ER Committee's consideration.

Beverly Ramsey noted that a task force has been assembled to address the "widening gulf" between NNSA and EM, and noted that when the task force study is completed, Tom Starke, Program Manager/Integrator for RRES, may be amenable to sharing it, especially as it relates to roles and responsibilities, and budget partitioning. She will have Mr. Starke contact the CAB.

Ms. Ramsey then responded to one of Dr. Berting's concerns regarding activities in TA 21 (MDA's D, T, A, and B) by indicating that EM could be ready to provide a briefing on the issue within a few weeks. Additional comments from Ms. Ramsey indicated that EM is currently: 1) drafting a land use plan for DOE, LANL and Los Alamos County that does not increase risk; and 2) evaluating every remaining SWMU in the gate corridor to determine if they meet the definition of Nuclear Facility as defined in 10-CFR-830. She stated that the General's Tanks in MDA-T have already been declared as HazCat 2 Nuclear Facilities.

Environmental Monitoring and Surveillance Committee

Wayne Wentworth outlined anticipated items for the Committee's Fiscal 2004 Work Plan, and noted that several will be underway prior to the end of Fiscal 2003. The Committee will address:

- Implementation delays for the Hydrogeologic Work Plan, specifically with well-drilling

- Perchlorate and other contaminants
- Communication efficiency (e.g. website “open forum”)
- Data quality, validation, and communication
- Development of fact sheets

Chairman Brannon invited Board members to provide comments or recommend additional items for the EMS Committee’s consideration.

Mr. Taylor suggested consideration of surface water management and storm water pollution prevention. Mr. Wentworth agreed that the Committee would examine these issues for the Fiscal 2004 work plan.

Beverly Ramsey informed the Board that a summary database would be published within a month, which will point to where data on potential release sites (SWMU’s) are located. She also stated a desire for ongoing assessment from NNM CAB on the quality of data used in LANL’s risk-based decision-making.

Wrap Up and Comments from Board Members

Chairman Brannon informed the Board of several recommendations he would like to see ready for approval at the July 30, 2003, Board meeting:

- 1) A recommendation concerning the issue that DOE may be positioning itself to slowly back off from previous years’ commitment level to public participation
- 2) A recommendation concerning the growing tendency on the part of DOE to use ongoing negotiations and other issues to hold funding and contracting mechanisms hostage

Public Comment

There was no public comment.

Adjournment

Chairman Brannon invited final comments from Board members.

Beverly asked the CAB whether there was any interest in having a representative to the technical detail that would finalize the CAO (following any agreement in principal), and suggested that a letter be written to Ralph Erickson stating such desire. Mr. Brannon indicated that the CAB would be interested in having such representation, and requested that someone from DOE keep the CAB informed of developments on May 19, 2003, regarding the vacation or continuance of CAO-related stays of execution.

Chairman Brannon declared the meeting adjourned.

James R. Brannon, Chair

Date