



Northern New Mexico Citizens' Advisory Board Meeting Minutes
May 22, 2004
Sagebrush Inn and Conference Center
Post Office Box 557
Taos, New Mexico

Members in Attendance

Dr. Fran Berting
Jim Brannon
Timothy A. DeLong
Jay Fries
Barbara Gonzales
Katherine Guidry
Dorothy Hoard
James R. Janis
Grace I. Perez
Abad Sandoval

Members Excused

Erlinda S. Gonzales
David A. Church
J. D. Campbell (Nominee)

Members Absent

Raye Byford
John Gonzales
Raymond Loretto
Shannon S. Aragon

Ex-Officio Members

Edwin Wilmot,
Manager, LASO
Rich Mayer,
EPA

Guests

Margo Covington,
Covington Consulting
Donovan Porterfield,
Public

Deputy Designated Federal Officer:

Ted Taylor, DOE-LASO

Staff

Menice S. Manzanares, Executive Director
Grace Roybal, Administrative Assistant
Eddie Roybal, Sound Technician
Lorelei Novak, Community Outreach Specialist

I. The meeting was called to order at 8:00 AM by Ted Taylor, Deputy Designated Federal Officer (DDFO.) Mr. Taylor stated that on behalf of the Department of Energy (DOE,) the Northern New Mexico Citizens' Advisory Board (NNMCAB) Meeting was called to order and turned the proceedings over to the NNMCAB Chair, Katherine Guidry. The meeting was open to the public and posted in the Federal Register in accordance with the Federal Advisory Committee Act. Roll call established 10 members present at the start of the meeting. The members in attendance were one short of a 2/3 majority quorum for passing bylaw amendments but had a quorum for conducting a meeting.

Ms. Guidry welcomed Mr. Wilmot, the Manager of the DOE Los Alamos Site Office to the CAB meeting. Ms. Guidry informed the Board that Mr. Wilmot planned to address the group after the public comment period.

II. The Chair called for approval of the meeting agenda.

Ms. Hoard made a motion to add to the agenda a discussion of the letter written to Mr. Wilmot thanking (DOE) for allowing the CAB to participate in a workshop to determine action alternatives to recommend to decision makers concerning the disposition of one pit at Material Disposal Area G. The Board agreed to add a discussion of the letter and that the discussion was to be placed in order on the agenda after Mr. Wilmot's comments. A second to the motion was made and the appended agenda was approved unanimously.

III. The chair called for approval for the NNM CAB Meetings Minutes of March 31, 2004.

Ms. Guidry asked for comments and or corrections to the final draft placed before the board. As there were no comments or corrections stated, Dr. Berting made a motion that the minutes be approved and made final. The Board members in attendance agreed unanimously and the motion was approved to accept the minutes of the March 31, 2004 NNM CAB meeting into record.

IV. Ms. Guidry opened up the floor for public comment.

As no one signed up to speak during the public comment period, Ms. Guidry turned the floor over to Mr. Taylor for his welcome and introduction of Mr. Ed Wilmot, DOE Manager for the Los Alamos Site Office.

V. Mr. Taylor welcomed Mr. Wilmot to NNM CAB Meeting.

Mr. Taylor described his 20-year association with Mr. Wilmot and referred to their working relationship in the High Level Radioactive Waste Repository program, which at the time was considered the most complex and controversial program in the United States. Mr. Taylor stated Mr. Wilmot had survived that program which was a good sign. When Mr. Wilmot was appointed to be the Los Alamos Site Manager, Tyler Przybylek, the Chief Operating Officer for the National Nuclear Security Administration (NNSA,) talked to the staff at Los Alamos and said that Mr. Wilmot's position was one of the toughest jobs in the DOE, and that Mr. Wilmot was the best person to have in this position. Mr. Taylor agreed on both counts and heartily welcomed his colleague and boss, Mr. Wilmot to the NNM CAB meeting.

VI. Report from Mr. Ed Wilmot, Department of Energy, Manager Los Alamos Site Office:

Main Points from Mr. Wilmot's Report to the NNM CAB:

a. Importance of Showing CAB Relevance--

Mr. Wilmot stressed to the CAB the importance of showing “value added” in “this world of tight budgets.” He urged the CAB to be proactive and provide concrete examples of relevant activities that are in some way having a meaningful and positive effect on Environmental Management (EM) and Waste Management (WM) programs. Mr. Wilmot requested proof positive contributions that he can provide to the DOE that can in turn be used as evidence to support Site Specific Advisory Boards such as the NNM CAB.

b. Secretary of Energy’s Announcement to Consolidate Materials--

Due to increased security at all the sites around the country DOE plans to expedite getting materials off the Los Alamos Nuclear Laboratory (LANL) site and sending them to the Nevada test site. There are also plans to remove CAT1 and CAT2 materials and expedite the shipment of those materials to the test site out of TA18. The initiative, however, includes no additional funding, which, in order to accomplish the objective, puts stress on every program.

c. Time Schedule for Shipment of Materials to WIPP--

Mr. Wilmot used the phrase, “Quick to WIPP,” to describe DOE’s intention to get back on schedule, now that they are re-certified, with its plans to get the TRU waste material off the hill and to WIPP.

d. Recommendation for CAB to look at Order of Consent--

Mr. Wilmot asked the NNM CAB to look at the Consent Order when it becomes public and to report in a timely manner on the Board’s findings and to make any recommendations.

e. Redefinition of DOE Structure in FY’06--

Mr. Wilmot explained that there are strategies in place to transition funding for Waste Management and Environmental Restoration from the Environmental Management Program in FY’06. Mr. Wilmot described a negotiation process that involved looking at every budgetary expense- “line by line.” Included in this review and possible transition is funding for the NNM CAB and DOE Oversight Bureau. Mr. Wilmot gave the CAB his commitment to get more information on the official position of the DOE, and in particular of Ambassador Brooks, in regards to funding public programs such as Site Specific Advisory Boards and departmental Oversight Bureaus.

f. Mr. Wilmot’s commitment to improving relations with the State of New Mexico—

“It’s my intent to try and turn that around. I really view having a relationship with the state as being extraordinarily important and, quite frankly, I think the communication was so poor that finally they had to take the ‘Draconian measures’ that are now resulting in a consent order.”

VII. Summary Excerpts from Mr. Wilmot’s Report Derived from Recorded Transcript:

“Thank you, Ted and thank you for allowing me the opportunity to speak this morning. First of all the most important thing to do is to thank you before I say anything about myself. I understand that this is truly a labor of love for you and it’s a commitment to your community. And I really respect that because I personally believe, in my own spare time, to try and give back to the community and that’s extraordinarily important so thank you for that. I recognize that you give up a lot of your personal time so thank you. What do I say? The first thing I want to say is something wonderful about Ted. I have known him, like you said, for 20 years. And to know that Ted was working with you was just a blessing for me because Ted is an extraordinary person and hopefully you’ve found that he is truly committed. I think I am pretty committed but every time I pull into the parking lot I have to park next to his truck so he is working constantly and he is working to make sure that your board activities are successful- constantly. I respect him and I have known him for those 20 years and I have never been disappointed one time . . .

. . . Linton Brooks called one Saturday morning and gave me two hours to decide if I wanted this job. He asked me how long I’d stay because there’s been a problem. There have been a number of site managers over the past few years and that’s hard for you. So he wanted someone who would commit and my commitment is five years minimum, more likely seven or so . . .

. . . Now a little bit about me and public involvement. Ted didn’t tell you how difficult those years were and how much public involvement we did with the repository program. Ted was working on helping make the decision about the first repository site. Ted actually moved his home at the request of the DOE. It was at Deaf Smith County, right? And had to sell his home in Columbus, moved his home, and two or three months later they cancelled the project on him. So he had to sell his home again and move back. So Ted has been through an enormous number of issues because of his love for public involvement and his commitment to the nation but some of those meetings that we went to I had the misfortune to be trying to sell not only the first repository but also the second repository. So I got the opportunity to give presentations in the state of Maine, in the state of Mississippi. I had my life threatened several times in Mississippi. Once in Maine I was in an auditorium that was built for 200 hundred people but probably had four or five hundred people in it. At that time we didn’t have guards stationed, in fact we had no guards at all and they locked the doors on us and we were held captive. So I’ve really had an experience with public involvement. So just sitting here around the table is a wonderful, wonderful thing for me. But I do really understand the need for public involvement and I have a personal commitment to that and I think it’s through our early experiences, the ones that Ted and I had, that I really do understand the need for public involvement. Hopefully, we won’t be as contentious as some of the things that Ted and I faced . . .

. . . Ted was nice enough to put together some thoughts and he said some of the specific things that you had been able to contribute to. Unfortunately, I don’t even know enough about the site yet to even understand which (time) periods these are; I’ve done some

windshield touring. But I know, according to Ted, that you've been able to help in some decision-making and you've done some good things to support the site . . .

. . . It's important in this world of tight budgets to show value added. And so the more things that we can show that are meaningful and positive than I can stand up in front of Linton Brooks and say this is how they have contributed, these are specific things that have been done. That makes my job much easier to support activities such as yours . . .

. . . Big issues . . . the Secretary of Energy, very recently, has made, I suspect you may not even have heard about the announcement, the Secretary made regarding security. It was a threefold announcement. He is extraordinarily concerned about security at all of the sites around the country and that's having a big impact on us and one that we're trying to understand right now. He's asking us to consolidate materials around the country. He's looking at possibly federalizing the security forces and he's very concerned about cyber security. Now the most important aspect of that for us at the site is, is that we are going to expedite getting materials off the site and sending them to the Nevada test site. We are going to be taking CAT1 and CAT2 materials and expediting the shipment of those to the test site out of TA18. So the interesting part about these initiatives, though, is that we always have to work with the funds that we currently have and so that puts stress on every program . . .

. . . Quick to WIPP, we are definitely trying to get the TRU material out, off the hill, and to WIPP. We had a little snafu there, I guess, but we're getting our certification capability back up and we should start shipping materials down to WIPP hopefully in the August timeframe. So I'm thinking that's going to be a success. We have to get that material moved because of its potential risk to us. Another thing I am worried about is our relationship with the state. My sense is we have a very poor relationship with the state right now. It's my intent to try and turn that around. I really view having a relationship with the state as being extraordinarily important and quite frankly I think the communication was so poor that finally they had to take the Draconian measures that they did which are now resulting in a consent order that I know you must be aware of. That consent order will also have budget constraints, you know there will be additional pressure on budget because there will be additional requirements on the Government consent order as well. That should be-- Ted I don't know if you're asking your advisory board here at all to look at the Consent Order when it becomes public, but I assume you will, and so I'm thinking that's in the late summer time frame now. It's taken that long, I think maybe as early as June. . .

. . . Now the big issue, really the big issue, that is confronting you and confronting me and confronting Ambassador Brooks is something I don't know how much you have talked about this Ted but we are in '06 going to be transitioning Waste Management and Environmental Restoration funding from the Environmental Management Program, which is a program outside of Ambassador Brooks' program in the department. . . . The structure of the DOE, it's very complicated but the point being is, is that the funding that comes for this board comes from a group within the department that isn't controlled by

Linton Brooks. We are in the process of trying to bring that program within Ambassador Brook's purview. . . .

. . . It's a very difficult negotiation right now, and quite candidly, we are looking at every activity almost line by line to understand and negotiate a dollar value that comes across the line to us with the scope. Now, included in that, is funding for this board. Ambassador Brooks does not have a policy right now that I am aware of about for support for-- such as the CAB. . .

. . . Ambassadors Brooks asks, "Well Ed, what should we do? Should we fund a group like the CAB or should we fund the Oversight Bureau?" Those are the sort-of hard trade-offs we will be seeing in the future. I don't think we will have to answer that question this year but in '06 that's the sort-of question we will be answering . . .

. . . I personally have a strong commitment towards boards such as yourself. We had an extraordinarily successful one at Savannah River, which was very, very helpful and helped us in our decision-making and was very influential within the community. So the only thing I'm going to push for a lot and very hard for is to make sure that we can show meaningful contributions that I can put in my portfolio. So that when I go up and try to defend the things that you do and defend the budget that I have something that really shows how this board has helped us. That will be very important. So we need to focus on things and explicitly, on things that I can delineate to. To just have meetings and get public input without product may not be as good a sell any more because these budgets are so tight . . .

VIII. Board Question and Answer Period.

Ms. Guidry made a firm request of Mr. Wilmot to clarify his position on funding for Site Specific Advisory Boards such as the NNM CAB verses funding for the Oversight Bureau. She in her public comments warned a citizen and press backlash if funding was taken away from the NNM CAB in favor of the DOE Oversight Bureau.

Mr. Janis addressed Mr. Wilmot and stated his understanding that **Mr. Taylor had or would provide Mr. Wilmot with a history of the NNM CAB to include a description of some of the significant contributions the CAB has made to the ER and EM programs.** Mr. Janis stated his interest in improving the relationship of the CAB to the DOE. One suggestion he made was that the **DOE provide the CAB with a regular set of agenda items including concepts and or positions of the DOE.** It was the board consensus that the DOE provide information to the CAB in a timelier manner and not after the fact in order to give the CAB ample time to review information and provide adequate recommendations and responses. Mr. Janis' point was primarily, in order to be relevant, the CAB needs to be included in the decision making process early on in order to be fully informed and hence be much more effective as a Site Specific Advisory Board. He specifically mentioned the WM issue and the expansion of Area G. Mr. Taylor (DDFO) stated the DOE planned to have a presentation on the Expansion of Area G at the next Waste Management Committee meeting. **(See DOE handout on the Expansion**

of Area G attached to these minutes.) Mr. DeLong mentioned the Consent Order as a relevant example of how the CAB wants to be more involved in the process and has made requests for briefings. Mr. DeLong explained how difficult it is to know if one is meeting the order without knowing the requirements of the order. **Mr. Wilmot responded that there is still time to be a part of the review of the Consent Order and he urged the CAB to review the document when it becomes public.**

Ms. Hoard expressed her concern to Mr. Wilmot that the NNSA's perception of WM's mission detracting from its primary mission, when in fact she feels strongly the opposite might occur. Mr. Wilmot's explanation of DOE's position directly relates to the reduction of public programs due to tight budgetary constraints, reduction of workforce, and directives that are focused on primary mission related activities.

Mr. Brannon suggested to Mr. Wilmot that the DOE might consider broadening the scope of the CAB beyond EM and WM to give the Board the opportunity to offer additional assistance thus making the Board more relevant to the DOE and thus increasing the Board's inherent value to the DOE. Mr. Brannon also asked when this funding decision would be made. Mr. Brannon suggested that the Board Charter assures funding through FY'05. Mr. Wilmot responded that he has yet to have a firm date in hand but insists that he wants to run his office with full transparency but to bear in mind he is operating under severe budgetary and staffing constraints and with upper level initiatives to fund primarily only mission related activities.

Mr. Taylor reminded the Board of the critical nature of the Board focusing on the Compliance Order as it relates to discrepancies in its cost potential among other issues as yet to be determined.

IX. Board Business:

A. Letter on Retrievably-stored Transuranic Waste Workshop.

Ms. Hoard summarized the letter written regarding the workshop she attended with Mr. Fries concerning waste disposal options for one pit at Area G. The workshop addressed four options for waste treatment:

1. Simply capping it in place and leaving the waste in place
2. Using wax grout in which one encases all the waste in a wax matrix so that it can't move and leaving the waste in place
3. The "in situ melting" technique which means you glassify the waste so that it can't move and it's stable and simply leave it in place
4. Removal and retrieval to WIPP

Ms. Hoard described in summary the letter and the four issues addressed for waste transport and disposal. One problem they looked at very carefully was the issue of transportation, which is a very sensitive issue in NM, considering public awareness of waste transportation to WIPP through Albuquerque with full press coverage. The other issue is public perception of workers pulling the waste out and moving it. The idea of actually moving the waste becomes a critical issue to worker safety; which is also a very hot issue with the public in New Mexico. Ms. Hoard stated that she and Dr. Fries felt that simply capping the waste there and leaving it there for thousands of years or so was simply unacceptable. They considered the wax grouting to be an unproven technology

that the public probably would not accept. Because it's unproven there would have had to be a tremendous amount of education and demonstrations to get the public to accept the method. We suggested, however, that the public might accept the in situ melting approach. The letter summarized the Board's input to this committee and the committee will meet again. Ms. Hoard believes the CAB will be invited back. Mr. Brannon asked if the principal recommendation to the laboratory was to haul it away? To which Ms. Hoard replied, "—it waffled between the in situ glassification and carrying it away." Ms. Hoard explained the advice contained in the recommendation could be considered more of a matrix of pros and cons to help inform the workshop participants than a specific recommendation of one particular method. Ms. Guidry thanked Ms. Hoard and Mr. Fries for the effort they performed in regards to the letter.

Mr. Brannon moved to adopt the letter and the motion carried by a 2/3 majority. (The letter was read into record and is attached to these minutes.)

- B. Mr. Brannon made a motion to table other agenda issues for lack of a 2/3 quorum of the Board.**
 - **Consideration and Action on Proposed Bylaws Amendment No. 5. (Tabled at March 31st Meeting.) (Tabled at May 22nd Meeting.)**
 - **Consideration and Action on Proposed Bylaws Amendment No. 6. (Tabled at May 22nd Meeting.)**
- Board unanimously agreed.**
- C. Formal Acceptance of DOE Response to (Perchlorate Analysis) Recommendation on 2003-05 – Dorothy Hoard**
- D. Consideration and Action on (DOE's Commitment to Public Involvement) Draft Recommendation 2004-2, proposed by Community Involvement Committee - Grace Perez.**

Mrs. Manzanares stated that the CIC recommendation was sent out within the bylaw specifications and stated to the Board their ability to act on the recommendation. **(Mrs. Perez read CIC recommendation and intent before the Board.)**

Ms. Hoard commented her interpretation of DOE's response to be very good. Ms. Hoard requested the Board "close the circle" with the recommendation / response process. The old way was to provide the DOE with a recommendation and then wait for a response. **Ms. Hoard suggested that the Board "close the circle" and provide DOE with a final letter of acceptance after a response to a recommendation was received stating how appropriately the Board thought the DOE responded to the particular recommendation.**

Mr. Brannon made a motion for the adoption of the final letter of acceptance into the recommendations and response process with a second from Dr. Fries. The motion was unanimously approved by the Board and the procedure will be adopted for use with future recommendations.

- E. Formal Acceptance of DOE Response to Recommendation 2003-05**

Note: This response was accepted by the Board and the Board will monitor this matter and keep the recommendation "open."

Mr. Brannon entertained a motion for adjournment. Ms. Guidry objected and the motion was withdrawn.

F. Chair called for appointment of Vice Chair:

Ms. Guidry described what she thinks is a problem for her, that her role as Chair detracts from her ability to speak at board meetings, stemming from the lack of a Vice Chair. The Board discussed the options for the Chair yielding to a Vice Chair when desiring to speak to the Board or appointing a Vice Chair until the September elections.

Mrs. Manzanares and Mr. Brannon described the Parliamentary Rules of Procedure regarding the election or appointment of a Vice Chair to the Board.

The Board discussed the options for placing a Vice Chair on the Board are:

- appointing a temporary Vice Chair
- DDFO, Mr. Taylor prefers a per-meeting designation of a Vice Chair
- electing a Vice Chair

The board determined that appointing a Vice Chair would be the appropriate measure. The Chair asked for a board member to volunteer as Vice Chair. Dr. Berting volunteered to be appointed Vice Chair and the board unanimously approved her appointment as Vice Chair, to serve during board meetings.

G. Compliance Order:

Mr. Brannon recommended, with a 45-day minimum comment time regarding the Compliance Order, to set up an Ad Hoc committee to focus exclusively on the study of the Compliance Order. Mr. Brannon emphatically stated the Compliance Order is one of the single most important documents before the Board for review and considering it's size and weight will mandate expedient action and attention.

- **Action Items Relevant to the Issuance of the Compliance Order:**
 1. CAB office will notify Board when order is issued.
 2. Request hard copies of order to be sent to the CAB office.
 3. CAB office will Email board members information about the order, either as a web link or by mailing the printed document
 4. Request briefing from DOE regarding order
 5. Develop notice for the general public to include them in the review of the order
 6. Develop Ad Hoc Committee immediately upon issuance to review the order and make an initial study of the document, to "parcel-out" document for review to board members who will in turn make recommendations to the full board
 7. Call a special meeting of the Board 15 days after order has been issued to review Ad Hoc Committee's initial findings and to develop plan of action for recommendation

8. **Call a second special meeting of the Board 30 days after order has been issued to finalize the Boards recommendation**

Dr. Berting made a motion to require special meetings to be called in a timely fashion as relates to the issuance of the Compliance Order. Mr. De Long asked if a motion was necessary. Ms. Hoard recommends writing a blistering letter to the NMED for having only a 30 day period for review of an approximately 250 page document with such long ranging ramifications. **Motion approved after lengthy discussion to create an Ad Hoc Committee for the study of the Compliance Order.**

H. Wrap-up Comments.

Mr. Janis requested that the **staff put together FY2005 meeting dates.** Mr. Janis also requested **the chair, Ms. Guidry, write a 2005 CAB action letter. This letter would outline a plan for the CAB's actions in 2005.**

Mr. Brannon suggested board members actively check the NNM CAB' web site: <http://www.nnmcab.org> to keep current the CAB's activities. Mr. Brannon also suggested looking at <http://www.energyca.org> to sign up for automatic distribution regarding meetings.

The Chair entertained a motion for adjournment. Mr. DeLong made a motion to adjourn with a second from Mr. Brannon. The motion passed unanimously. The meeting was adjourned at 11:00AM.



Timothy A. DeLong, Chair

7-28-04
Date

Approved by the Northern New Mexico Citizens' Advisory Board on July 28, 2004