

# Final

Northern New Mexico Citizens' Advisory Board  
Meeting Minutes  
November 20, 2002  
Holiday Inn, Santa Fe  
4048 Cerrillos Road  
Santa Fe, New Mexico 87505

## Members in Attendance

Armando Benavidez  
Fran Berting  
Jim Brannon  
Carl Friedrichs  
Jay Fries  
Richard Gale  
Agustin Garcia  
P.K. Ghosh  
Dorothy Hoard  
Jim Johnston  
Donald Jordan  
Angelina Valdez  
Debra Welsh

## Members Excused

Valerie Espinoza  
June Fabryka-Martin  
Erlinda Gonzales  
Joseph Romero

## Members Absent

Maxine Ewankow

## Ex-Officio Members

Ted Taylor, DOE Deputy Designated Federal Officer  
Rich Mayer, Environmental Protection Agency (Dallas)  
James Bearzi, New Mexico Environment Department  
Ken Hargis, (for Beverly Ramsey) LANL  
Dennis Martinez, LANL Site Operations

## Guests

Vickie Maranville, New Mexico Environment Department  
Paul Shumman, LANL  
John Parker, New Mexico Environment Department  
Ralph Erickson, DOE/Office of Los Alamos Operations  
Carmen Rodriguez, LANL Environmental Restoration Project  
Donovan Porterfield, Public participant

## NNMCAB Staff

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

**Ted Taylor, the Deputy Designated Federal Officer opened the regularly scheduled meeting of the Northern New Mexico Citizens' Advisory Board at 1:13 p.m. and turned the proceedings over to the NNMCAB Chairman Jim Brannon who asked staff to call the roll. The Chairman determined the presence of a quorum with 13 members present, four excused and one absent.**

At the start of the meeting, the Chairman asked the members to keep some thoughts in mind: How do you think it's going? Are you satisfied with the mechanisms we've put in place? Are you satisfied with the bimonthly schedule?

**The Chairman asked for discussion and approval of the Board's agenda.** Richard Gale made the motion to approve the agenda without changes and the agenda was approved after a second by Jim Johnston.

**The Chairman then asked for approval of the September 25, 2002 meeting minutes.** Board members June Fabryka-Martin and Fran Berting submitted minor corrections and after a motion by Don Jordan and a second by Mr. Gale the minutes were adopted unanimously. The corrections submitted by Board members will be incorporated in the final draft.

**The Chairman opened the meeting for public comment.** There was none.

**Chairman Brannon then asked for a recruitment and membership update.** The report was presented by the Executive Director, Menice Manzanares. Highlights included:

- Chairman Brannon, Ted Taylor and the Executive Director met with Governor Andrew Quintana, and Lt. Gov., Leonard Trujillo, of Cochiti Pueblo, on Oct. 1, 2002. Elmer Torres and Joe Garcia of LANL's tribal relations team were also in attendance. The Chairman made a presentation on our desire to have representation from the Accord Pueblos. NNM CAB bylaws and the annual report were distributed, along with a list of Board recommendations and a board member roster. The Governor indicated that he would take the information back to the Tribal Council for a decision.
- A similar meeting was held with Governor John Gonzales of San Ildefonso Pueblo on October 9, 2002. Governor Gonzales asked why a sovereign nation would want to join a citizen's advisory board, when it could deal directly with the Director of the Los Alamos National Laboratory and with the Department of Energy? The Chairman expressed our desire to have Native American input in our dialogue and preparation of recommendations to the DOE. The Governor also said that he would get back to us.
- On October 29, 2002, the DDFO and the Executive Director met with Leon Tafoya, the Tribal Administrator of Santa Clara Pueblo, along with Joseph Chavarria, and the Pueblo's Environmental Officer. Elmer Torres attended all the meetings. They seemed more interested but were concerned that decisions made by their representative on the Board could effect their funding from DOE or their relationship with LANL. They also had to take the issue to their Tribal Council.
- On October 9, 2002 Ted Taylor, NNM CAB member Carl Friedrichs and the Executive Director interviewed Jay Fries and Sarge Gish for membership on the Board. Jay Fries was appointed to fill the unexpired term of Myron Gonzales, thru April of 2003. Sarge Gish has since been transferred to Colorado.
- Kathleen Garland's unexpired term (May 04) needs to be filled, along with two other general membership seats, plus the four Accord seats, to bring the board to 25 members.

**The next item on the agenda was Report from the Chairman.** Highlights of his report included:

- Assumed Acting Committee Chairmanship of the Environmental Monitoring and Surveillance (EM&S) Committee upon resignation of June Fabryka-Martin and Kathleen Garland. **The Chairman said he was actively recruiting for a new chair for the EMS Committee.**

- Attended and chaired the October 8 meeting. Toured BMPs and a planned reactive barrier planned for Mortandad Canyon.
- Attended and chaired the November 12 meeting. Discussed issues with Barbara Hoditschek (NMED)

#### **Met with Pueblo Officials:**

- Oct. 1: Cochiti Pueblo--Gov. Quintana, Lt. Gov. Leonard Trujillo, and Tribal Planner Mr. Ray Trujillo
- Oct. 9: San Ildefonso Pueblo--Gov. John Gonzales, Lt. Gov. Timothy Martinez
- Oct. 29: Santa Clara Pueblo--NNMCAB Staff met (Chair could not attend)

#### **Attended the Semi-Annual EM SSAB Chairs meeting in Knoxville, TN (Oak Ridge Site) Oct**

16-19, 2002. Presented our top three issues from LANL and Northern New Mexico. Briefed the Chairs on the upcoming WIPP Workshop in Carlsbad.

**Attended the out brief by Dr. Till on the Independent Technical Audit** of LANL for Compliance with the Clean Air Act. Report filed in the CAB Office.

**Attended speakers training** in CAB office on handling the public and the press.

**EXCOM meeting** held in Los Alamos (County Council Chambers)

**Briefed the East Jemez Resource Council (EJRC)** on the NNM CAB. Briefing slides attached including an “unpaid advertisement” calling for volunteers to join the NNM CAB and commit to 20 to 25 hours per month for two years.

**Fielded numerous questions from CAB’s across the DOE complex via telephone and e-mail regarding the upcoming WIPP Workshop.** Worked with Ted McAdam (NTS lead facilitator).

**Planned Events:** Bi-Monthly SSAB Chair’s Conference Call on November 25, 2002 and EXCOM meeting in December

**At this point Chairman Brannon asked Dennis Martinez to join him at the head of the table. The Chairman requested Mr. Martinez to forward a certificate of appreciation from the NNM CAB to John Arthur III.**

**The chairman then asked for a report from the Deputy Designated Federal Officer.** Excerpts from Ted Taylor’s report include:

#### **Major Activities:**

Support was provided by the DOE (DDFO and technical staff), the University of California, and other contractors to the following NNM CAB Committees:

- Community Outreach Committee, Oct. 23, 2002 and Nov. 14, 2002
- Environmental Monitoring and Surveillance Committee, Oct. 8, 2002 (with tour) and Nov. 12, 2002

- Environmental Restoration Committee, Oct. 7, 2002 and Nov. 4, 2002
- Executive Committee, Nov. 6, 2002
- Waste Management Committee, Oct. 9, 2002 and Nov. 13, 2002

### **NNMCAB Recruitment and Membership Status.**

**Appointments:** The Director of DOE's Office of Los Alamos Site Operations on Oct. 10, 2002 appointed Jay Fries to fill an unexpired term on the Board. Dr. Fries' term will expire on April 23, 2003.

**Nominations:** The Director of DOE's Office of Los Alamos Site Operations on Nov. 6, 2002 nominated James Brannon and Dorothy Hoard for reappointment to the Board.

**Scheduled Interviews:** Interviews will be scheduled for two persons to fill vacancies on the Board.

**Tribal Membership:** The DDFO, the Executive Director, and the Chair met with the governors or other tribal leaders from the following tribes to discuss tribal membership on the Board: Governor Andrew Quintana and other leaders, Cochiti Pueblo, Oct. 1, 2002; Gov. John Gonzales, San Ildefonso Pueblo, Oct. 9, 2002; Leon Tafoya, Tribal Administrator, Santa Clara Pueblo, Oct. 29, 2002.

### **Status of Responses to NNM CAB Recommendations:**

The DOE has provided initial responses to all NNM CAB recommendations. A summary of NNM CAB recommendations, DOE responses, and NNM CAB evaluations is attached to the DDFO's report.

**Consideration of NNM CAB Evaluations of DOE Responses:** DOE received evaluations from the NNM CAB on the following recommendations, and is taking the following actions:

**Recommendation 2002-2, Analytical Methods and Protocols for Low Levels of Contaminants** [passed on January 23, 2002; responded to by DOE on March 6, 2002; NNM CAB evaluated and rejected on July 31, 2002]. The DDFO requested an additional response on August 26, 2002. DOE and UC personnel have met on two occasions with the EMS Committee to discuss this matter. DOE is waiting for further clarification from the EMS Committee before taking additional action.

**Recommendation 2002-7, Environmental Management Education and Outreach Program** [passed on March 27, 2002; responded to by DOE on May 27, 2002; NNM CAB evaluated and rejected on July 31, 2002.] The DDFO requested an additional response on August 26, 2002.

### **Status of Responses to NNM CAB Requests:**

All requests have been responded to.

### **SSAB Chairs Meeting:**

The DDFO participated in the Site Specific Advisory Board (SSAB) Chairs semiannual meeting in Knoxville, Tennessee on Oct. 17-19, 2002.

### **NNM CAB Budget for Fiscal Year 2003:**

The DDFO submitted a budget request for Fiscal Year (FY) 2003 for \$506,000. Due to the existence of the continuing resolution<sup>1</sup>, no action has been taken on this request. The NNM CAB's carryover funding from FY 2002, based on preliminary estimates expenditures, is approximately \$70,000, and this amount is available to support FY 2003 activities. Note: The FY 2002 budget was \$441,000, and estimated expenditures were \$372,000. A comparison of FY 2002 and FY 2003 budgets is attached.

<sup>1</sup> Continuing resolution refers to the budget authority for specific ongoing activities in cases where the regular fiscal year appropriation for such activities has not been enacted by the beginning of the fiscal year. Continuing resolution usually specifies a maximum rate at which the agency may incur obligations, based on the rate of the prior year, the President's budget, or an appropriation bill passed by either or both Houses of Congress.

### **Major Future Activities:**

**Standard Operating Procedures.** The DDFO will work with the Executive Director to prepare draft Standard Operating Procedures (SOP) to implement Bylaws revisions, as required. Potentially, SOPs will be prepared for Board member recruitment and operation of the Executive Committee.

**Planning for the SSAB Chairs Workshop on Transuranic<sup>2</sup> Waste.** The DDFO is a member of a Steering Group, composed of the Executive Director, the Chair of the Waste Management Committee, and two staff members of DOE's Carlsbad Field Office to continue planning this workshop, which will be held in January 2003 in Carlsbad. The NNM CAB will co-host the workshop with the Carlsbad Field Office. In consultation with the Steering Group, the DDFO prepared a draft agenda for the workshop, which has been distributed to the chairs of the Site Specific Advisory Boards (SSAB) for review, and which will be discussed at the October 17-19 SSAB Chairs meeting in Knoxville, Tennessee.

**SSAB Chairs Teleconference.** The DDFO will participate in the SSAB Chairs Teleconference on November 25 at 1:00 p.m. MST.

The DDFO also provided the Board with a detailed report on the status of various Recommendations and Resolutions endorsed by Board members. Twenty-four such Recommendations and Resolutions are listed. Mr. Gale asked the DDFO for the status of Recommendation 2002-2-EMS: "Analytical Methods and Protocols for Low Levels of Contaminants" and Recommendation 2002-7 "ER and WM Education Outreach." Referring to Recommendation 2002-2, the DDFO said, "I believe the local DOE office and the University of California have really done all they can." In addition, he added the EMS Committee has not been fully functioning and "committee members have not done their homework." Regarding Recommendation 2002-7-WM, the DDFO said he had submitted a request for additional response in August and "so far I have pestered people and I haven't gotten a response." He added, "Frankly, my office and the University of California have simply failed." Mr. Gale asked what the Board wanted to do about these two Recommendations. Mr. Martinez said he would look into these two items and research it for the Board.

Mr. Taylor also provided Board members with an itemized budget for Fiscal Year 2002. Mr. Johnston asked the DDFO to explain the line item, Staff Compensation that had been budgeted for \$239,000 but was actually \$267,789 or \$27,000 over budget. Mr. Taylor said the staff budget was over what was originally requested because of overtime and the contracting of Ray Lopez. Mr. Johnston asked for clarification from the Budget Committee Chairman Don Jordan. "In the event we have an expenditure that exceeds the budgeted amount, we can't operate out of that budget, we would have to transfer funds in to cover the salaries," Mr. Johnston said. "What we should have done," he went on, "was to transfer money to cover actual of \$273,000 for staff compensation or have a contingency factor in this budget." Mr. Jordan said he agreed and the Board does have a contingency to cover the over expenditure but it has not been utilized. The Chairman added additional savings would be forthcoming since the Technical Advisor position has not been filled which adds up to a salary savings. However, the Chairman said, there will be a mid-year budget review where these adjustments can be made. Mr. Johnston suggested the Board make budget adjustments from the contingency fund at any time they go over budget. The Chairman said it was a good suggestion and he would bring it up at the next NNM Executive Committee meeting.

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<sup>2</sup> Material produced during reactor fuel assembly, nuclear weapons production, and fuel reprocessing. It contains man-made elements containing atomic numbers greater than that of uranium, thus the name transuranic, or "beyond uranium." These elements decay slowly and require long-term isolation. This waste is not as intensely radioactive as high-level waste (HLW).

**The Chairman then asked for a report from the Executive Director.** Highlights of Ms. Manzanares' report included:

**Ongoing Assignments:**

- Planning continues with the Carlsbad Field Office and the lead facilitator, Ted McAdam, for the SSAB TRU Waste Workshop in January.
- Continue to work with the Outreach Committee toward implementation of their goals and objectives.
- Continue to compile information on Administrative Procedures for the CAB. Don Jordan and Jim Brannon have assisted with this project.

**Accomplishments:**

- Arranged for the November NNM CAB meeting in Santa Fe.
- Scheduled and prepared for the Speaker's Training held on October 23.
- Attended the Chair's Semi-Annual Meeting in Knoxville, TN. Attended DOE training and went on the tour of the Oak Ridge Reservation.
- Prepared the SSAB 2002 Annual Report, for submission to DOE Headquarters.
- Supervise the CAB staff and review of all outgoing material, on a daily basis.

**The Executive Director also staffed the November 6, 2002 NNM CAB Executive Committee meeting, highlights of which included:**

- **Update on FY 03 Budget** — Ted Taylor reported on the budget status under the Continuing Resolution.
- **Report on SSAB Chairs Meeting in Knoxville, TN.** — Chairman Brannon reported that the Chair's meeting had focused on the top three issues of each CAB across the complex. He also reported that he had made a presentation on the upcoming TRU Waste Workshop in Carlsbad. Ms. Jesse Roberson attended one of the luncheons, where she made a presentation and answered questions.
- **Demographic Profile of the Board** - The committee discussed the pros and cons of narrowing the service/impact area of the NMCAB. The Chairman was concerned that a few members are doing all of the work of the Board. Are we stretching ourselves too thin? Should we bring members from more directly impacted areas of Northern New Mexico, rather than from cities that are not impacted by operations at the LAB. It was decided that due to the large population of Santa Fe, that more members could be recruited from the Santa Fe area. More emphasis on recruitment will be made in Espanola and Pojoaque. The Chairman and the DDFO stated that the staff had done all that it could to recruit new members during the past year. Each Board Member is going to be asked to bring a possible nominee to the next committee meetings and Board meetings.
- **Discussion Regarding Participation of Board Members on Committees.** The Executive Committee reaffirmed the importance of each member required to serve on at least one committee of the Board, as stated in the Bylaws. There was discussion regarding the inactivity of several CAB members. The Chair asked that a letter be sent to them, requesting their intentions and future level of commitment on the Board. Failure to meet the board member responsibilities will be grounds for removal from the Board.
- **NNM CAB Self Evaluation** — Vice-Chair, Don Jordan presented the CAB Self-Evaluation Form that had been prepared by the Ad Hoc Committee. The Committee approved the form and requested it be mailed to the Board and ExOfficio Members, with a request that they be completed and returned at the Nov. 20, 2002 meeting of the CAB. The Executive

Director will compile the results for submittal to the Executive Committee.

**Next Executive Committee Meeting** The next meeting was scheduled for Dec. 12 at 9:00 a.m. to 11:00 a.m., at the CAB conference room.

The Executive Director also provided Board members with a synopsis of the budget situation for the NNM CAB.

#### **Budget Status under Continuing Resolution**

- Budget submittal to DOE-AL: on Oct. 1, 2002 for \$506,000
- Availability of funds: limited to carryover (estimated at \$68,000)

#### **Uncertainty of Congressional Appropriation**

- ✓ CAB budget connected to availability of “accelerated cleanup” funds
- ✓ LANL Budget range: \$65 million to \$103 million
  - ER and Groundwater: \$47 m to \$73 m
  - V/M: \$18 m to \$30 m

#### **Cost Limiting Actions Being Taken**

- ✓ Limit travel
- ✓ Keep technical position open
- ✓ Postpone or eliminate equipment purchases
- ✓ Postpone or eliminate billboard and television advertising

#### **Minimum Monthly Budgetary Requirements: \$27,000**

- ✓ ATA invoice: \$22,000
- ✓ Office rent and utilities: \$2,100
- ✓ Telephone: \$900
- ✓ Travel: \$1,000
- ✓ All other: \$1,000

**The Executive Director also provided Board members with a copy of the prepared comments of Jesse Roberson** at the Site-Specific Advisory Board Chairs meeting on October 18, 2002 in Knoxville, Tennessee. A brief outline of her speech follows:

- In 1999, the EM program had committed to close 41 sites by 2006. Within three years, the commitment had been reduced to 25 sites. The cost estimate in one year alone from 2000-2001 had grown by \$13 billion. We could not maintain this status quo—we had to make a change not simply to meet our regulatory commitments but even more so to fulfill our obligations to the states and communities that hosted these operations.
- We undertook the implementation of the Top to Bottom Review recommendations, we knew it would be a formidable task, however, the gains could not be ignored.

I would like to remind you of the eight steps we are taking to make accelerated clean up and risk reduction a reality:

1. Our first step in undertaking an accelerated risk reduction strategy was to develop and execute Letters of Intent with our States and regulators. Given the current regulatory frameworks and interpretation of DOE Orders, obstacles have been created in some cases impeding meaningful acceleration of work and risk reduction. This may have seemed

unnecessary, but I can assure you it was not. Reaffirming publicly that all relevant parties are committed to risk reduction and risk elimination, and the sooner the better was necessary. We had to address this first. The LOI's, sure they are just paper, but alignment is critical and showing that alignment by signing up in black and white reinforces public commitment. The LOIs set overall goals with our regulators, essential to the objective of moving the EM program to a risk based cleanup strategy. I am happy to announce we have issued eight Letters of Intent. We are still working on one but even there, progress is visible.

2. The second step of accelerating risk reduction and closure was the preparation of performance management plans. These plans, linked to the goals of the Letters of Intent, documented the current site conditions, the required strategic initiatives to get us from current conditions to accelerated risk reduction, and the management processes supporting our goals. To date, eighteen sites have developed performance management plans. These performance management plans have been reviewed by EM and provided to the Office of Management and Budget for their review. But these plans are not the end, they are a beginning. This was our first attempt to capture the path forward—this step essentially updated our cleanup plans. More refinement and improvements will take place. You can help us meet that goal.

3. Instrumental in executing the performance management plans is the requisite regulatory involvement. We plan to honor our agreements. However, in order to align the regulatory framework with acceleration and resulting priorities, adjustments may and in some cases have occurred involving milestone changes in agreements, permit modifications, or Record of Decision amendments to name a few. We are actively pursuing these changes to validate and underpin the strategy of the performance plans.

4. In the area of contract management, we have not been idle. Our goal is to make sure that our site contracts are designed to drive performance. We are evaluating both the performance and design of every contract in this program. We have launched a Contract Management Review Board to review our contracts from a broader perspective. Our goal is to insure that the lessons learned both good and bad, from all our endeavors are institutionalized into our contracts and business practices and that we suspend those contract philosophies that do not support accelerated risk reduction and clean up of our sites.

I have spoken about some of the site strategies—now I would like to share with you some of our accelerated corporate changes.

5. Work has been shifted to support acceleration strategies in Forrester, too. Recently 10 Special Projects were created, with the objective to implement the Top to Bottom Review recommendations by reforming our business and decision making practices. Each special project has a dedicated Project Manager supported by an Integrated Project Team to identify, plan, and execute needed changes. These project managers are dedicated to their special project until it is completed. These 10 teams will herald in a new standard of creativity and performance-based results for the EM program. Our goal is not just to establish performance-based contracts but to solidify a performance-based program for all that have roles.

6. For fiscal year 2003, we restructured the congressional budget into two parts to support



our accelerated strategy. This included a base budget of \$5.9 billion and a cleanup reform account of \$1.1 billion. Unfortunately, as you may be aware, we are presently operating under a continuing resolution for fiscal year 2003. The Congress continues to debate the length of time under which we must operate under a continuing resolution. I must say that we do not yet know what specific impact the continuing resolution will ultimately have on our accelerated cleanup activities for fiscal year 2003. But we will continue to carry forward our acceleration efforts where possible in order to maintain our schedules.

7. In addition, we are making systems work for us. We have implemented a new small business strategy—one that aggressively seeks small businesses for focused tasks. We want to expand the circle of quality contractors who can and will do the required work in a focused, innovative and timely manner. We are identifying work activities that do not directly support accelerated clean up either for transfer to a more appropriate sponsor or perhaps to eliminate the activity.

8. On the human capital front, we are changing the management paradigm.

- We are developing our senior leadership to gain both field and headquarters experience along with using former DOE senior managers to mentor our SES cadre.
- We have reissued delegations of authority commensurate with management performance and/or proficiency at each site.
- Performance accountability has been enhanced with individual performance plans aimed at specific clean up achievements with stretch and super stretch elements in FY 2003.
- We have implemented federal hiring controls and significantly reduced our EM headquarters support service contractors as well as other non-labor related activities.

Related to this, the Chairman said, “We (all the CABs across the network) have been trying for the longest time to put into her hands (Ms. Roberson) a letter signed by every chair of every CAB in the network. And, the letter says: ‘What can we do to help you?’” The Chairman said the initiative began at the April 2002 SSAB Chairs meeting when he volunteered to undertake the project. “We put it in her hands,” he said, “and she said some things about you...this CAB. In addition, what she said is this: I read everything you send me and this CAB has made more progress along its mission path than any other in recent memory. And she asked me to tell you.”

**The Chairman then asked for approval of the 2003 NNM CAB schedule of meetings.** Following a motion from Carl Friedrichs and a second by Angelina Valdez, the Board adopted the following schedule:

January 30, 31 and February 1, 2003: TRU Waste Workshop in Carlsbad

March 19, 2003: Pojoaque

May 28, 2003: Los Alamos

July 30, 2003: Santa Fe

September 24, 2003: Taos

November 19, 2003: Pojoaque

The Executive Director explained the March 19<sup>th</sup> Board meeting had been moved up a

week so some Board members could attend the SSAB Chairs meeting in Rocky Flats the following week. Mr. Taylor asked for the floor and said staff had recommended the Board not hold a regularly scheduled meeting in January because of the Carlsbad workshop. However, January 22 is the fourth Wednesday of the month when Board meetings are traditionally held. **Mr. Taylor said it had been suggested the Board hold an Open House at the Santa Fe offices on this date.** The Chairman endorsed the idea. Mr. Taylor suggested placing newspaper ads and issuing bilingual press releases and radio spots. In addition, he mentioned, the New Mexico State Legislature would be in session. Mr. Gale asked for clarification: was this to be a membership drive, a chance to meeting with legislators and how would it impact staff resources as it prepares for the Carlsbad workshop? The Chairman said those would be some of the objectives as well as being a venue for the Community Outreach Committee to brag about the Board. It was suggested the hours be from 3 p.m. to 7 PM. As to staff resources, Ms. Manzanares said, the majority of the preparations for the workshop will have been completed so an open house would not interfere, especially if Board members are available to help. **Mr. Gale made a motion to hold an NNM CAB open house on January 22, 2003 and after a second by Dr. Berting the motion was adopted unanimously.** The Chairman added he would place the item on agenda of the EXCOMM meeting and would commit to being at the open house during the entire period. He also encouraged the members to call the Executive Director to offer support and donations.

**The Chairman then moved on to the next item on the agenda: New Business.** The Chairman explained there are three major contractors available to the University of California who do environmental restoration and remediation at LANL. Soon those contracts are going to expire. The Department of Energy has an initiative, he said, asking small businesses if they are interested in taking over these contracts. Currently, prime contractors who are defined as small businesses currently make up three percent of contractors at the lab but the new DOE initiative, along with the Small Business Administration, hopes to increase that participation to 23 percent. After some discussion it was clarified that DOE would issue the small business contracts with LANL oversight, this is a reversal of past policy although it is uncertain if the lab currently has the personnel to oversee the new initiative.

Under New Business, Dr. Ghosh said he would like to discuss the departure of Ms. Fabryka-Martin and Ms. Garland. The Chairman clarified Ms. Fabryka-Martin had resigned only as the chair of the EMS Committee, she is still a member of the CAB. Ms. Garland resigned and moved to Houston.

The Chairman asked the group if they were satisfied with the current mechanism of running a Board meeting. Dr. Berting, Ms. Hoard and Mr. Gale said they were satisfied with the current format. Ms. Welsh suggested some time frame for discussion of agenda items by Board members. She also recommended Board and Committee minutes could be mailed prior to the meeting so Board members can make suggestions and observations prior to the Board meeting. Mr. Friedrichs said while he agreed with Ms. Welsh's suggestion of a time limit for discussion he nonetheless felt these Board meetings were run very efficiently. Mr. Fries said, as the newest Board member, he was satisfied with the meeting format. Board member Garcia said he also agreed with Ms. Welsh as far as discussions, sometimes, extending beyond a reasonable time limit. Mr. Garcia added his biggest concern was the lack of public participation. Ms. Valdez, when asked, supported the meeting format but voiced her concern that she didn't have the technical background to follow all of the discussions. However, she added, despite her lack of

familiarity with the language of scientific disciplines she found some of the Board's lengthy discussions helpful because during those discussions complex subjects are often discussed from several different perspectives. Mr. Gale asked for the floor and said, "I still think we're too technical in many of our presentations. It should be an objective of ours, that everything we say, say it in a manner so that people who are not associated with the LAB will be able to understand. We do not do that job as well as we should." Armando Benavidez said he supported the current format and feels more comfortable with the technical discussions with each meeting he attends.

Dr. Berting, in the general discussion of Board operations, asked the Chairman if there is "an appreciable difference in the way Jesse Roberson receives Resolutions versus Recommendations. Do we have to be concerned about that?" The Chairman said it was his understanding, under the Federal Advisory Committee Act, the word "recommendation" carries with it a certain required response that the word "resolution" may not. The DDFO said, referring to the SSAB Guide, Board Recommendations require a response within 30 days. Mr. Taylor added the DOE may receive a motion, a resolution or a recommendation "all with the same weight if they were unanimous" although resolutions and recommendation only require a simple majority.

On the same discussion as to meeting format, Mr. Jordan expressed his concern presenters didn't have adequate time to present their views. Dr. Ghosh then suggested the Board meet on Fridays. The Chairman polled the Board and four members agreed with Mr. Ghosh on the Friday meeting date. Mr. Jordan reminded the Board members they could use the evaluation form in their packet where they could list their suggestions and the staff could compile those comments for the Executive Committee. Ms Welsh reminded the Chairman she had not gone through an orientation and didn't have a Board member toolkit. Mr. Johnston also suggested the NNM CAB Committee agendas be downloaded to the Board website with as much detail as possible. He added discussion boards could be created on the website for each of the Board committees. However, not all members of the Board have immediate access to the Internet.

Mr. Martinez said he had been spending some time on the annual laboratory (LANL) appraisal and offered to make a copy available to the Board. He said the report should be ready by mid-December of this year. The Chairman suggested the creation of NNM CAB ad hoc committee to review the document since it covers areas which are included in the Board's charter.

Mr. Johnston then asked Mr. Martinez for his view on the timeframe for the Congressional continuing resolution. Mr. Martinez said the resolution had been extended until January 11, 2003 although it's expected a final federal budget may not be agreed upon until April. Mr. Taylor said the Approved Financial Plan would be release soon and it should contain "the dollars the Environmental Management Program at LANL will have under the continuing resolution." He will make those figures available.

#### **The Chairman called for a break.**

**After the break the Chairman called for a report from the NNM CAB Community Outreach Committee.** Ms. Welsh presented the report and included the following highlights: A Board training session was held on October 23, 2002 by Dr. Judith Hendry and Dr. Janet Cramer from the Department of Communication and Journalism at the University of New Mexico. Dr. Hendry's primary research interests are in the areas of environmental communication and public participation in environmental decision-making. Dr. Cramer is an

assistant professor and teaches history, theory and broadcast journalism. The presenters focused on six areas:

- The Public Presentation: A Review of Public Speaking;
- The Presentation Format: Planning and Organizing the Persuasive Message;
- Formatting Your Speech;
- Dealing with the Difficult Crowd or Audience Member;
- Dealing with the Press;
- Risk, Science and Technology Communication in the Public Sphere.

Ms. Welsh said the Committee is planning another training session in which role-playing will be utilized. She then asked for volunteers from each committee who would like to participate and if they are interested they should contact her or the Executive Director. The proposed training session has not been scheduled but will probably be held early next year. Other action items the Committee is pursuing, pending funding, are billboards, television public service announcements. In addition, the Committee has begun a concentrated effort to seek publicity in local media, particularly newspapers. To that end a letter to the editor has been drafted on the New Mexico Environment Department's corrective action order. The Committee is also working on publishing a monthly op/ed piece in local newspapers. The Committee will also oversee publication of the Board's annual report for 2002. To save costs the annual report will be published in-house. Redevelopment of the NNM CAB website is on hold because of the budget situation.

**The Chairman then presented the report from the Environmental Monitoring and Surveillance Committee.** Chairman Brannon said this committee needed a new chair since the resignation of Ms. Garland. EMS topics of the October 8, 2002 meeting included:

- The DOF-DDFO distributed the committee's approved Work Plan for Fiscal Year 2003.
- The committee received a briefing by Jeff Waltersheid on the storm water pollution prevention program and the best management practices (BMP) installed and maintained by LANL. The briefing also included a discussion of LANL's Multi-Sector General Permit, and risk assessments conducted following the Cerro Grande Fire. Some of the BMPs were installed specifically in response to the fire. The committee then participated in a tour of BMPs and the site of the reactive barrier system in Mortandad Canyon.
- The Committee began a discussion of three topics: (1) the future and viability of the EMS Committee, (2) the LANL analytical protocols for sample analysis and reporting of data, and (3) the LANL storm water pollution prevention and surface water management programs.
- Following a discussion, which included consideration of disbanding the committee, establishing the committee as an ad-hoc committee, and other possibilities, it was agreed to discuss this matter further at the next meeting.
- It was also agreed that June Fabryka-Martin and Donivan Porterfield would discuss this matter and report back to the committee at the next meeting.
- The Storm Water and Surface Water Management Programs were discussed, and it was agreed that the programs are well conceived and well managed. No action was taken.

The next EMS Committee meeting was set for November 12, 2002 and highlights included:

- The Committee discussed the approved Work Plan for Fiscal Year 2003, particularly planned activities under the Hydrogeologic Work Plan and the Watershed Management. The Committee discussed a pilot project being conducted at Technical Area 46, a collaborative

activity between the Laboratory and the New Mexico Environment Department. The project is designed to evaluate methods of determining whether the Laboratory is in compliance with its National Pollutant Discharge Elimination System (NPDES) permit at Solid Waste Management Units (SWMU). Such compliance would be demonstrated if there were no releases of contaminants from the SWMUs. This topic will be addressed further at the next committee meeting.

- Report on Analytical Protocols: This matter was not discussed, as the presenters of the report did not attend the meeting.

Environmental Monitoring and Surveillance Committee Meeting Summary November 12, 2002

- Future of the Committee: The committee determined it has major responsibilities to evaluate the Laboratory's groundwater and surface water protection programs. The acting chair agreed to contact all committee members and NNM CAB Board members, to determine their interest in serving actively on the committee. Following these discussions, a more complete agenda for the next committee meeting will be developed, and information will be distributed to committee members.
- The next committee meeting will be held from 4:00 p.m. to 6:00 p.m. MST on Tuesday, January 14, 2002 in the DOE-OLASO Building in Los Alamos. The agenda will consist of: Briefing on Erosion Control Measures at Solid Waste Management Units and Compliance with the LANL NPDES Permit and other topics.

**The Chairman then called for a report from the Environmental Restoration Committee** presented by Dr. Berting. Highlights of the October 7, 2002 report:

- The committee received a briefing on Long Term Stewardship (LTS) at LANL. The briefing also covered basic LTS principles, LTS strategies at DOE Headquarters, and plans to complete an LTS plan at LANL by November 2003.

The committee discussed a Class III (no further action) permit modification request, which Los Alamos National Laboratory submitted to the New Mexico Environment Department. The committee decided to review the request, with the support of an Environmental Restoration technical consultant, and to prepare a draft resolution on the request. The public comment period on the request ends on December 6, and a public meeting on the request will be held on November 14 at Fuller Lodge in Los Alamos.

- The committee reviewed the table of contents of a manual which will be distributed to all Board members. The committee also reviewed the Citizens Tool Kit, and made suggestions for converting this tool kit into a manual for committee members. With these suggestions incorporated, the manual would have the following chapters:

1. How to use this manual
2. List of watersheds, with map and priorities
3. List of potential release sites
4. List of MDAs
5. List of potential release sites in land transfer tracts
6. List of fact sheets
7. Committee minutes
8. Current year work plan
9. Technical Area map with watersheds
10. References to LANL ER documents
11. Regulatory framework and history
12. Glossary

13. ER organization (DOE, LANL, NMED)

14. Information from LANL ER year end review

- The committee received a draft ecological risk fact sheet, which will be discussed at the next meeting.

**The next ER Committee meeting was on November 4, 2002:**

- Briefing on Voluntary Corrective Measure at PRS 21-011(k): The committee received a briefing on this proposed cleanup at Los Alamos National Laboratory. The Voluntary Corrective Measure (VCM) Plan has been submitted to the New Mexico Environment Department (NMED). Cleanup activities are expected to begin by November 18 and to be concluded by December 31.

- Class III Permit Modification Request: The committee received a briefing on a Class III (no further action [NFA]) permit modification request, which Los Alamos National Laboratory submitted to the New Mexico Environment Department on September 30. The request is for nine potential release sites (PRS), and NMED has approved all of the PRSs for NFA. All of the PRSs passed a residential human health risk assessment and an ecological evaluation. The cleanup measures used for each PRS were discussed. A public meeting will be held on the request on November 14 at Fuller Lodge in Los Alamos.

- Dr. Berting was to prepare a resolution on the permit modification request, for consideration by the NNM CAB at its November 20 meeting.

Review of DOE Responses to Recommendations: The committee reviewed four DOE responses to NNM CAB recommendations.

**At this point, with approval of the Chairman, Dr. Berting made the following Motion, based on the ER Committee's recommendation to: "Accept the DOE responses to NNM CAB recommendations, with qualifications, as follows:**

2001-5 — Evaluation of Contaminants at Potential Release Sites. With this acceptance, the recommendation is now closed, as the committee has reviewed the RFI Report Addendum and found it to be acceptable.

2002-3 — Environmental Covenant Bill — Recommendation will remain open until the measure is introduced in and considered by the New Mexico Legislature.

2002-4 — Ecological Risk — Recommendation will remain open pending review of future published reports and assessments.

2002-9 — Environmental Management Budget for FY 2003. With this acceptance, this recommendation is now closed.

**The motion received a second from Ms. Hoard and was adopted unanimously.**

- Ecological Risk Fact Sheet: The committee discussed a draft ecological risk fact sheet, and agreed to revise the fact sheet to correspond to the format adopted by the NNM CAB. Ms. Hoard will revise the fact sheet, supported by Saundra Martinez. Ted Taylor will request that Saundra Martinez be allowed to support the preparation of NNM CAB fact sheets.

- The next ER Committee meeting will be held from 4:45 p.m. to 6:45 p.m. on Monday, December 9 in Los Alamos, perhaps at the LANL Northern New Mexico Office. Mr. Taylor will arrange for the meeting location.

**The next report was from the Waste Management Committee and was presented by the Committee Chair, Richard Gale.** Highlights of his report included:

Briefing on ARROW-PAK Tests: The committee received a briefing from BOH Environmental on tests conducted on the ARROW-PAK container at New Mexico Institute of Mining and

Technology. The containers tested were made of high density polyethylene (HDPE), with wall thickness of 1.75 inches and end closure thickness of 3.0 inches.

- Responses to Comments on Supplement Analysis of Environmental Impact Statement: The committee received DOE's responses to comments on the Supplement Analysis for the LANL Site Wide Environmental Impact Statement. The responses were sent to commenters by DOE on September 30. The committee was to review the responses prior to the next committee meeting.

- TRU Corporate Board Briefing: The committee received a briefing from DOE on this Board. The Board is composed of DOE managers, supported by technical staff, to discuss issues across the DOE complex. The Board meets quarterly on a face-to-face basis. The committee decided to request monthly briefings on the work of this Board, to participate in a panel discussion of TRU waste issues at the SSAB Chairs transuranic waste management workshop in January 2003, and to request that the impact of the federal government's continuing resolution on the LANL TRU waste program be discussed at the next committee meeting and at the November 20 NNM CAB meeting.

- Fiscal Year 2003 Work Plan: The work plan was distributed. Committee members were to review the work plan prior to the next committee meeting.

The November 13, 2002 meeting of the WM Committee included the following agenda items:

- Resolution on ARROW-PAK Container: The committee discussed a draft resolution, based on the briefing which was provided to the Committee by BOH Environmental in October, and on a review of the report prepared by the New Mexico Institute of Mining and Technology. The committee revised and approved the Resolution which will be proposed to the NNM CAB at its meeting on November 20.

- Impact of the Continuing Resolution on LANL Waste Management Programs: James Nunz provided a briefing to the Committee on this matter. He indicated that Fiscal Year (FY) 2003 funding from the National Nuclear Security Administration (NNSA) could be in the range of \$39 million to \$45 million, and from the Office of Environmental Management (EM) could be in the range of \$23 million to \$30 million. Mr. Nunz also indicated that if there is a funding shortfall from EM, it is likely that funds will be diverted from waste management (WM) to environmental restoration (ER), as the ER Project operates with more regulatory drivers than does the WM Program. He indicated that at present, WM is operating at the FY 2002 budget level. Mr. Nunz briefly described the goals for FY 2003, given the budget uncertainties:

- High Wattage TRU Shipments to the Waste Isolation Pilot Plant (WIPP) will begin by December 18 if the Carlsbad Field Office (CBFO) can audit the LANL loading procedures and the readiness review is completed.
- Hazardous waste will be shipped within one year, as provided in the Resource Conservation and Recovery Act (RCRA) permit, instead of within one month, or as it is generated within a year, which is the current practice.
- Shipping of the legacy mixed waste (hazardous waste containing low level radioactive waste) will be deferred, as LANL is ahead of the schedule in the Compliance Order and no milestones will be exceeded.
- The Laboratory will try to meet its obligations to ship transuranic waste, even though certain permitting issues and authorization basis deficiencies are currently being resolved.
- The use of mobile characterization equipment will be reduced, and additional waste characterization capability will not be added unless the required funding is available.
- Fiscal Year 2003 Work Plan: The work plan, which was distributed at the last meeting,

was briefly discussed. No further action is required.

- **Transuranic Waste Transportation Incident:** It was reported that a truck transporting TRUPACTS to the WIPP facility inadvertently traveled down Trinity Drive in Los Alamos, instead of traveling down the Truck Route. The incident was investigated, and corrective actions have been issued by CBFO. These include enhanced driver experience requirements and enhanced review of transportation routes.
- **Stack Monitoring of Mobile Characterization Equipment:** The Committee discussed concerns raised by the Concerned Citizens for Nuclear Safety (CCNS) regarding the need or desirability for monitoring stack emissions from mobile transuranic waste characterization equipment. It was noted by Mr. Nunz that although LANL is in compliance with Environmental Protection Agency (EPA) requirements, new calculations are being performed, and based on expected emissions the Laboratory will be well below the Environmental Protection Agency standard. It was further noted that fewer air emissions are expected during construction of the pads for the equipment, as there will be no major excavations, and compacted, crushed asphalt will be used for the base. Ms. Arends expressed concern that additional stack monitoring should be conducted to confirm the calculations. This matter will be discussed at the next committee meeting.
- **Evaluation of DOE Response to Recommendation 2002-10 on Waste Characterization:** The committee reviewed DOE's response (submitted on September 23) to this recommendation, and voted to accept the response and keep the recommendation open pending receipt of periodic reports on the status of shipments of the 2,000 high-wattage drums and on the transuranic waste management budget for FY 2003. A motion to accept the response will be offered at the November 20 NNM CAB meeting.
- **Supplement Analysis on Site-wide Environmental Impact Statement:** The committee decided to defer further discussion of this matter until the next meeting.
- **The next Committee meeting will be held from 6:00 p.m. to 8:00 p.m. on Wednesday, December 11, in the NNM CAB Office's Conference Room.**

**At this point the Chairman advised Mr. Gale to make his prepared motion.** Mr. Gale moved, "That the Northern New Mexico Citizens' Advisory Board accept the Department of Energy's response to NNM CAB Recommendation 2002-10, 'Waste Characterization,' and that the recommendation remain open until the NNM CAB receives periodic reports on the status of shipments of the 2,000 high-wattage transuranic waste drums in Fiscal Year 2003 and on the status of the transuranic waste management budget for Fiscal Year 2003 at Los Alamos National Laboratory." **The motion received a second from Mr. Fries and was adopted unanimously.**

Mr. Johnston asked to make a comment on the Waste Management Committee report: "There are a couple of things that were missing what will go hand-in-hand with the resolution (NNM CAB Resolution on High-Wattage Transuranic Waste ARROW-PAK). We had some discussion with BOH Environmental and I think the Board needs to be aware that there was some information that was missing in the report. For example, the BOH Environmental presentation specifies that the containers were a DOT-7A, meaning performance standards. Performance and DOT-7A are two different things. It's a UN spec or it's a performance spec. We do not have, and this is one of the things that did not make into the minutes (Waste Management Committee minutes) evidence from either BOH Environmental or Tom Baca that the container meets 7A requirements. So before we try and pass a resolution we need to have evidence that the container meets 7A requirements. Otherwise it cannot go to WIPP (Waste



Isolation Pilot Project) in TRU-PAK.”<sup>3</sup>

**The Chairman then asked the Vice-Chairman, Mr. Jordan, to present a report on the Ad Hoc Committee on NNM CAB self-evaluation.** Mr. Jordan showed and explained Board members the self-evaluation form used. One document is to be used to evaluate CAB activities by Board members. Another document is used by the general public to evaluate the CAB and the regulators. The documents will be used to used in the annual performance evaluation. The evaluations can be anonymous. The comments will be compiled and a report will be prepared for Board members. The evaluations will then be used to determine the future direction of the Board. Referring to the evaluation James Bearzi asked, “The packet I got, as an ex-officio member, how is that different from other packets?” Mr. Jordan responded, “It asks you to evaluate the process of the CAB from the point of view of a regulator versus us doing an internal evaluation.” Mr. Bearzi continued: “I did notice when asking for input about the regulator and asking for input about ex-officio members, according to the survey that I received, the regulator is EPA and ex-officio members excluded the Environment Department. So I don’t think we will get any meaningful impact on the Environment Department’s job as being the regulator and I think Rich (Mayer) might agree that the state is the regulator for the lab and not EPA. Those questions weren’t asked, so perhaps for the benefit of my department, if you (the Chairman) could ask the members of the Board to feel free to add comments about they think we’re doing it would be helpful.” Mr. Bearzi also asked to comment on an item contained in the Waste Management Committee report (Transuranic Waste Transportation Incident, Page 3, November 13, 2002). “This is not the first time a driver has been lost on the route,” Mr. Bearzi said. “Although it does speak to an opportunity for some hilarity we take it very seriously that this is a repeat offense that isn’t necessarily under the purview of the Environment Department but I think the Board should take it seriously because this is a repeat. The last time it happened we were told it wouldn’t happen again and it has.”

**The Chairman then opened the meeting to adoption for a Board Resolution by the Environmental Restoration Committee and the Waste Management Committee.** Dr. Berting moved adoption of the Resolution on the Class III Permit Modification Request (submitted to the New Environment Department on October 30, 2002). The resolution reads:

WHEREAS the Risk Reduction and Environmental Stewardship-Remediation (RRESR) Program of the Los Alamos National Laboratory (LANL) has investigated nine (9) Solid Waste Management Units (SWMUs) (See attached list for identification of the nine.), and WHEREAS RRES-R has remediated all nine SWMUs to the level at which they have been found to pose no threat to human health or the environment, and WHEREAS RRES-R has submitted a request to the Hazardous Waste Bureau of the New Mexico Environment Department (NMED) to remove these nine SWMUs from the Corrective Action Module of the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Facility permit, as they

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<sup>3</sup> The U.S. Department of Transportation (DOT) establishes packaging requirements for shipping TYPE A quantities of radioactive material. TYPE A packaging is based on performance requirements which means it must withstand or survive certain tests and they are designed to withstand conditions for normal transportation and are used for medium-activity materials. The shape of the package or material from which it is constructed is irrelevant. A TYPE A package may be a wooden crate, or a drum. The shipper must have documentation which shows the specific design used passed the required test.

require No Further Action (NFA), and

WHEREAS the Hazardous Waste Bureau of the NMED has responded with a letter of concurrence for each of the requested units, stating that a No Further Action (NFA) determination is appropriate and approved, and

WHEREAS the Environment Restoration Committee of the Northern New Mexico Citizens' Advisory Board (NNMCAB) has received a technical review of the remedies applied to the nine Solid Waste Management Units (SWMUs) proposed for No Further Action (NFA), has conducted tours of the SWMUs which required cleanup, and has evaluated the effectiveness of the cleanups, and

WHEREAS the ER Committee concurs with the finding that these nine units can be removed from the LANL Corrective Action Module of the permit without endangering human health or the environment, inasmuch as it has been shown that the contamination at each of these sites has been reduced to a level which meets or exceeds the RCRA requirements for the uses proposed for these parcels,

NOW THEREFORE, BE IT RESOLVED THAT the NNMCAB requests that the Department of Energy (DOE)/National Nuclear Safety Administration (NNSA) commend the RRES-R Program of LANL on behalf of the NNMCAB for continuing to advance the cleanup of the legacy waste at LANL on an accelerated schedule, and

BE IT FURTHER RESOLVED that the NNMCAB requests that DOE /NNSA commend NMED for the timely review of and written concurrence with documents which support this Class III Permit Modification, confirming that the cleanup detailed in this request for No Further Action is adequate and can be approved as presented.

### CLASS III PERMIT MODIFICATION REQUEST

#### List of Solid Waste Management Units Included in Request for No Further Action September 30, 2002

1. SWMU 00-003 Former container storage area for the operation and maintenance of the steam generation plant at the Los Alamos Operations Office site. (Western Steam Plant, inactive since 1987)
2. SWMU 00-012 Former tank which received "blow down" water and steam when cleaning steam generators during operations at the plant at the Los Alamos Operations Office site.
3. SWMU 00-019 Former sanitary wastewater treatment plant for the townsite and laboratory at the current Sombrillo site. Operated 1947 to 1964. Transferred to Los Alamos County, out of service in 1967.
4. SWMU 00-028(a) Golf Course- watered with treated effluent from the Central Waste Water Treatment Plant-1948 to 1951-and by treated effluent water from the Pueblo Waste Water Treatment Plant- 1951 to 1993.
5. SWMU 00-028(b) North Mesa Softball Fields-watered as above.
6. SWMU 01-001(m) Septic Tank 275 Never installed in Warehouse 13 outside the original Technical Area One, near Los Alamos Canyon edge between 20<sup>th</sup> and 15<sup>th</sup> Streets.
7. SWMU 21-029 DP Tank Farm on DP Road between current Knights of Columbus building and the Fire Department training tower "Fuel Yard" operated by Zia Company from 1948 to late 1970's, decommissioned in 1988. 15 petroleum product storage tanks, 2 fill stations, and valves, similar to fuel yards at refineries and airports.
8. SWMU 54-007(c) Two inactive Septic Tanks on TA-54. One served Office Building 54-34

and the Radioassay and Nondestructive Testing Facility 43-38 between the late 1980's and 1992. The other served an animal holding facility 54-015 from the mid-1960's until the late 1980's.

9. SWMU 73-005 Contractors' Row across highway 502 from the airport. Surface disposal area and steel sanitary septic tank used by construction contractors from 1947 until 1950.

Following a second by Ms. Hoard the Resolution passed unanimously. **Dr. Berting then requested her motion be temporarily tabled because some minor changes needed to be made.**

**The Chairman then initiated a roundtable discussion on committee participation by Board members.** The Chairman referred the Board members to a table titled: 2002 Committee Membership and Attendance. The table show Committee attendance from January to November of 2002.

Mr. Garcia noted he is in his second term on the Board and is a member of the EMS Committee but, he said, he is also retired and now his wife and he travel a great deal which causes him to miss several committee meetings. However, he also feels a sense of obligation and responsibility to participate as much as his time allows. Although he sensed a certain enthusiasm early on within the EMS Committee that seems to be missing now. In addition, he also perceives ordinary citizens don't know who the NNM CAB is nor that they are accomplishing anything.

Ms. Valdez, who serves on the ER Committee, thanked the Committee chair, Dr. Berting, for her support. The problem for her, she said, is she has trouble driving at night and with the change in Daylight Savings Time meetings which begin in the late afternoon can end when it's dark. She said she still had a commitment to the Board and the Committee and she would make a sincere effort to recruit new members, as the Chairman requested.

Ms. Welsh suggested the Committees re-evaluate their meeting days and times to aid participation including holding meetings on Saturdays.

Mr. Gale said he agreed with Ms. Welsh but wanted to add people should enjoy the meeting which increases participation and that was the responsibility of the Committee chairs.

Mr. Johnston questioned the use of such an attendance report saying it was counterproductive to attempt to encourage Committee participation by itemizing members' attendance records.

The Chairman said in response, "This is a working CAB and there's a lot required. We're looking for each of you to find a person and we could double the size of the CAB. However, we're still stuck with a footprint that says: 'You must have certain demographics. And if you don't have those demographics you can't play. If you find someone that doesn't fit the demographic profile we might not be able to let them on the CAB.' The question is: How do we increase participation?"

Ms. Manzanares offered that she was a Board member for four years and when she received her letter of appointment from the Secretary of the Department of Energy "I was honored and I took it very seriously and in those days CAB meetings were not fun, but I felt it was important. People are very concerned about what's happening at the Lab and I thought it was important for me to be there as a representative of Taos and my community. This is the greatest educational opportunity I've ever had for free."

Mr. Jordan added, "One thing which has changed is we have more staff support and makes it easier to prepare for a meeting and be involved in the process. But the commitment needs to be reaffirmed within each individual."

In conclusion, the Chairman said, "I'm not suggesting, requesting, hinting that because

you're in far off places we don't want your participation on the CAB. What I'm saying to all of us is that when you take the letter from the Secretary of Energy there is a commitment made. And however you're able to work it out is really up to you. The most important thing we can do is try to get out from under the straightjacket that the demographic profile drives us to. Right now the Department of Energy is going through an extraordinary reorganization. Los Alamos is getting promoted and they're going to be reporting directly to National Nuclear Security Administration. Albuquerque is going to become a service center to help higher level offices. DOE is changing. We get \$500,000 in taxpayer money to have a wonderful office, a great staff for all our work so we can advise DOE. We need to find a way to get more participation in this CAB which I am dedicated to doing. We need to find a way that assists you so you can participate more fully."

Ms. Valdez asked to clarify her earlier statements. "Usually in every community, every school, every organization it's usually the same people who volunteer," she said. "I am committed to the Board and I'll repeat what my grandmother used to say: 'Your word is worth more than your signature on a sheet of paper.' I don't know that I can add a lot to the work of the Board but I do want to participate."

At this point the Chairman told Ms. Valdez, "I would suggest to you that what you contribute to the committees is more valuable than any PhD could possibly bring to the table."

Mr. Ghosh said, "I feel that Santa Fe is a lively place and where people are more enthusiastic, perhaps those places should be over-represented because they want to do something and they can really contribute. It should not matter is people who are willing to contribute are from one particular place."

Ms. Hoard said, "There's a lot of *techie* people on this CAB. And what we say for our Committee (ER Committee) is: 'Will this pass the Angelina test?' That is the most important thing. And we need to also say, 'Will this pass the Agustin test?' They are intelligent, wonderful people who just don't happen to have this awful technical background and if it makes sense to them then it's probably pretty sensible."

Ms. Valdez responded: "When I first started with the CAB everyone made me feel comfortable but I was afraid I would ask a foolish question and I can't speak in public without shaking. But something I read I always try to remember: 'Education is a thing that enables a person to get along without intelligence. And, intelligence is the thing that enables a person to get along without an education.'"

**The Chairman called for a dinner break.** During the dinner break Mr. Ralph Erickson, Director of the Office of Los Alamos Site Operations informally addressed the group and answered questions.

**The Chairman reconvened the meeting and said the Board would be reviewing the Board recommendation process as outlined in the bylaws. The Board would also be discussing the current NNM CAB service area and potential changes.** The Chairman outlined recent changes such as holding bimonthly Board meetings instead of monthly meetings. He explained that Board Recommendations are formulated in the various committees and when they come to the Board of adoption it's often the first time a majority of the members see it. He added some members felt this was insufficient time to discuss and debate these Recommendations. He asked the Board if they were comfortable with the current system or if they would like to suggest changes. Dr. Berting said she saw it as a continuing process, with research, presentations done by

experts, Committee discussion which culminates in Board adoption. She suggested the DDFO might be the best person to anticipate which issues might become Recommendations. Mr. Johnston suggested a presentation or briefing affiliated with the proposed Recommendation prior to Board adoption. Mr. Jordan pointed out there is currently a 21-day time period to make Recommendations available to the Board and, hypothetically, he asked what the impact would be if that time period were shortened. Realistically, Ms. Manzanares said, it can take four months from a first draft, to first reading to final adoption. Therefore, the Chairman said, an attempt has been made to pass Recommendations at each bimonthly Board meeting and sometimes that time frame is critical to the issue itself. Mr. Gale offered that no Recommendation has been rejected by the Board although there is always detailed debate and discussion which result in minor changes which supports the argument there is enough time in the review cycle. He added some Recommendations could be adopted after first reading without the need for a second reading. Mr. Johnston offered the observation that previous CABs formulated two or three Recommendations a year compared to a significant increase in Recommendations adopted by the current Board. He asked if the Board could hold an emergency meeting if a Recommendation needed to be placed on a fast track. The Chairman said they were constrained by the requirement to publish notice of the Board meeting, publish in the Federal Register, etc. Ms. Hoard offered the observation that Board members have learned to trust the research and work of individual Committees. The Chairman related recent efforts to recruit members from the Four Accord Pueblos it that they seemed comfortable with the idea Board meetings were held bimonthly which might give them enough time to take proposed Recommendations to their tribal councils for their input prior to formal adoption. Mr. Gale said Recommendations are not tied to Board meetings: Recommendations are initiated by problems brought to the Committees and the Board. Although, Mr. Gale said, the Board should investigate a way to shorten the cycle of problems-to-Recommendation-to adoption. In response to a question from Mr. Johnston, the Chairman said absentee voting is not allowed. Mr. Jordan said, "The system isn't broken that bad but the time constraint is still an issue and having a meeting every month is not the answer." Mr. Johnston suggested the proposed Recommendation be posted on the NNM CAB website after the Committee has drafted it. The Executive Director reminded the Chairman this discussion was placed on the agenda because the Board had held two meetings, in September and November, and the members have had to resort to passing Resolutions rather than Recommendations because the system in the bylaws did not work out. Mr. Gale said, he felt, fewer than 25 percent of the Recommendations need to be discussed at a Board meeting since the work is done at the Committee level and the members trust the work of that Committee. He added, the assumption has been adopted that "everyone wants to ask questions in infinite detail and they want to see the final draft." His proposal, as he outlined it, would mean a Committee would develop a Recommendation, it would be sent to the Board members, the members would then have the opportunity to ask questions, if a majority of the Board membership has questions it is scheduled for a Board hearing, otherwise it goes directly to the Department of Energy. As an example Mr. Gale cited the Waste Management Committee Recommendation adopted tonight in that the proposed Recommendation would have been mailed to the members with a cover letter and they would respond with their consent. If a majority of the members didn't consent the matter would come before the full Board at the next scheduled meeting. Ms. Manzanares said the idea would leave out public comment and would leave them out of the process. The Chairman pointed out all Recommendations have to be voted on in a public meeting. Mr. Jordan suggested elimination of the 21-day requirement for submission prior to the Board meeting, call it a Recommendation

(as opposed to a Resolution), have a debate at the Board meeting, reach consensus, adopt it and forward it to DOE. There was general agreement to the proposal.

**Mr. Gale then made the motion: “Not only are we approving this Resolution (Class III Permit Modification Request, passed earlier in the meeting) but we are agreeing that this should be put in the form of a Recommendation and put in the system and sent as a Recommendation.”** Dr. Berting provided a second. Mr. Johnston called the question. The Chairman called for a voice vote with the majority voting ‘aye’ and Mr. Johnston abstaining. Discussion after the vote centered on future actions regarding Recommendations versus Resolutions. Dr. Berting suggested revisiting the just passed Resolution at the next meeting and formally adopting it as a Recommendation. Mr. Gale suggested studying and adjusting the bylaws to accommodate a more timely adoption of Board Recommendations.

**Ms. Welsh moved that an ad hoc committee be created to suggest changes to Board bylaws to facilitate a more timely adoption of Recommendations.** Mr. Johnston provided a second, Ms. Welsh called the question. The Chairman appointed himself, Mr. Jordan and Dr. Berting.

**Ms. Welsh made a motion to table any proposed action until the next Board meeting that would change the current demographic composition of the Board, however, Board members are encouraged to submit their comments and recommendations to the NNM CAB staff.** Dr. Berting provided a second and Mr. Johnston called the question. The motion passed with 9 yes votes, with Mr. Jordan abstaining.

**Referring to the previous discussion the Chairman appointed an ad hoc committee to study the possibility of “shrinking the footprint” of the NNM CAB.** The Footprint Ad Hoc committee members are Dr. Ghosh and Ms. Welsh.

**The Chairman entertained a motion to remove the Environment Restoration Committee Resolution, Class III Permit Modification Request from the table.** Dr. Berting made the motion and proposed the following change:

WHEREAS the Hazardous Waste Bureau of the NMED has responded with a letter of concurrence for each of the requested units, ~~stating that a No Further Action (NFA) determination is appropriate and approved, and~~

Dr. Berting suggested a cover letter be sent to NMED, which would state, in essence, “this is the public comment from the CAB.” The Resolution and the cover letter will also be sent to DOE. The motion carried unanimously.

Mr. Johnston announced Donovan Porterfield had volunteered to work on the NNM CAB website two to three hours a week.

Mr. Johnston asked for a point of order: “In the bylaws, Section VIII: A.4.e. requires there be a Board comment period, and it isn’t on the agenda.” The Chairman ruled item X. on the agenda Recap of Meeting could serve as a Board comment period but agreed to add the term, “Board Comment” as a new item X and subsequent items would be renumbered.

**Mr. Gale made a motion to research the possibility of serving alcohol at the January NNM CAB open house and after a second by Mr. Johnston, the motion passed with Ms. Valdez voting no and Ms. Hoard abstaining.**

**The Chairman called for a break.**

**The Chairman reconvened and called for public comment.** Mr. Porterfield reaffirmed offering his services to update the Board’s website.

**The Chairman called for Board comments. Mr. Johnston moved that “\$18,827 be moved from the Board’s contingency fund to cover the areas that are in the red.”** Mr. Fries provided a second. Mr. Jordan suggested making budget adjustments on a quarterly basis. Mr. Taylor noted the NNM CAB Budget Committee reported to the Board at the end of the second and third quarters and did forecast the discrepancies between the budget and the “actuals” and the Board decided not to modify the budget but he agreed with the proposal for quarterly adjustments although it might be difficult to make those adjustments in the first quarter. The Chairman suggested drafting an administrative procedure to address the issue. the Chairman called for the vote and it carried unanimously.

**The Chairman recapped the meeting:**

- Two ad hoc committees were created; one to research the demographic profile of the Board with a report due at the March 2003 meeting.
- The second ad hoc committee will research the bylaws to expedite the issuance of Board Recommendations and a report will also be prepared for the March meeting.
- Mr. Taylor said, referring to member participation in committees, “the Board has missed an important opportunity to provide input to the Department of Energy on groundwater protection at our laboratory. Groundwater is the number one issue across the complex. It’s a missed opportunity for this Board not to have addressed that long ago. And I really hope the Board members will volunteer to be on the EMS Committee and that that committee take groundwater as it’s number one and only priority.”
- The Executive Director requested a \$20 contribution from Board members to fund the NNM CAB open house.
- The Chairman requested that Committee Chairs take their own meeting minutes and draft their own Committee Recommendations.

**The Chairman entertained a motion to adjourn, Mr. Johnston so moved, Dr. Berting provided a second, the motion was adopted unanimously and the meeting adjourned at 8:15 p.m.**

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Chairman, Jim Brannon

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Date

