



Northern New Mexico Citizens' Advisory Board Meeting Minutes
November 19, 2003
Courtyard by Marriott
3347 Cerrillos Road
Santa Fe, New Mexico

Members in Attendance

Jim Brannon, Chairman
 Don Jordan
 Dr. Fran Berting
 Dorothy Hoard
 Wayne Wentworth
 Jay Fries
 Jim Johnston
 Timothy DeLong
 Erlinda Gonzales
 Angelina Valdez
 Abad Sandoval
 Jim Janis
 Grace Perez
 David Church

Members Excused

Katherine Guidry, Vice-Chair

Ex-Officio Members

Sandra Martin, NMED
 Ted Taylor, DDFO, DOE-LASO
 Rich Mayer, EPA
 Dennis Martinez, NNSA

Members Absent

Governor John Gonzales
 Debra Welsh
 Elmer Torres
 Armando Benavidez
 Shannon Aragon

Staff

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

Guests

David Gregory, DOE/LASO
 Dr. Paul Schumann, RRES
 Charles Lundstrom, NMED
 Donivan Porterfield, Public
 Veronica Rodriguez, Sen. Domenici's Office
 Alison Dorries, LANL-ER
 Gabriela Lopez Escobedo, LANL-ER

- I. The meeting was called to order at 6:00 PM** by Ted Taylor, Deputy Designated Federal Officer, who turned the proceedings over to Northern New Mexico Citizens' Advisory Board (NNMCAB) Chairman Jim Brannon. The meeting was open to the public and posted in the Federal Register in accordance with the Federal Advisory Committee Act. Roll call established a quorum of 14 members present.
- II. The Chairman called for approval of the meeting agenda.** Dorothy Hoard suggested that consideration of draft Recommendation 2003-7 regarding the Department of Energy's Risk-Based End-State (RBES) policy be moved until after the RBES presentation by David Gregory. There was no objection, and that item was moved. Don Jordan made a motion to approve the agenda as amended, with a second from Tim DeLong. **The agenda was approved unanimously, as amended.**

- III. The Chairman called for approval of the September 17, 2003, board meeting minutes.** Fran Berting made a motion to approve the minutes, as amended, with a second from Jay Fries. **The minutes were approved unanimously.**
- IV. The Chairman called for approval of the 2004 Board Meeting Schedule.** After a discussion of individual conflicts, the Wednesday, January 28, 2004 meeting date was rescheduled to Monday, January 26, 2004. There followed a brief discussion regarding whether the Board might consider holding all of its meetings in the same place, rather than moving the location every time. Mr. Brannon indicated that the Board could decide the matter at its January 2004 meeting after the Executive Committee had discussed it. Abad Sandoval made a motion to approve the meeting schedule, as amended, with a second from Erlinda Gonzales. **The schedule was approved unanimously, as amended.**
- V. The Chairman called for approval of the Amended Budget for Fiscal Year 2004.** Mr. Taylor reviewed specific changes from the prior budget draft which resulted in a \$4,500 increase allocated to the staff, noting that these changes would require additional carry-over monies be applied in order to prevent changing the overall budget total. Fran Berting made a motion to approve the Amended Budget, with a second from Tim DeLong. **The Amended Budget was approved unanimously.**
- VI. The Chairman called for public comment, especially regarding the draft Recommendations about to be considered by the Board.** There was no public comment.
- VII. Board Business**
- a. Consideration and Action on Recommendation 2003-5 – Analytical Methods for Detecting Perchlorate**
- Mr. Brannon asked Wayne Wentworth, as Chair of the former Environmental Monitoring and Surveillance (EMS) Committee, to summarize this recommendation to the Board. (The EMS Committee drafted this recommendation prior to merging with the Environmental Remediation Committee.) Mr. Wentworth noted that the basic recommendation involves a desire to see greater cooperation between Los Alamos National Laboratory (LANL), New Mexico Environment Department (NMED), the Environmental Protection Agency (EPA), and the Department of Energy (DOE) in working towards evaluating the Liquid Chromatography/Mass Spectrometry/Mass Spectrometry (LC/MS/MS) detection method. Mr. Taylor thanked Donivan Porterfield for his contributions toward writing this recommendation. Tim DeLong made a motion to adopt Recommendation 2003-5, with a second from Dorothy Hoard. **Recommendation 2003-5 was adopted unanimously.**
- b. Consideration and Action on Recommendation 2003-6 – Consequences of the New Mexico Environment Department Order**
- Mr. Brannon asked Dorothy Hoard, as Co-Chair of the former Environmental Remediation (ER) Committee, to summarize this recommendation to the Board. (The ER Committee drafted this recommendation prior to merging with the Environmental Monitoring and Surveillance Committee.) Ms. Hoard noted that the basic recommendation involves a desire to get the LANL cleanup back on track by restoring \$29 million in DOE funds for projects that have already been approved by NMED, by freeing up essential personnel to fulfill their regulatory functions, and by

restoring current funding for Waste Management and Operations activities related to shipping Transuranic waste to the Waste Isolation Pilot Plant (WIPP). Dennis Martinez, NNSA, responded with two points: that it is imperative to have agreement on how monies are to be spent before cleanup can proceed, and that the language in the recommendation seems to suggest that DOE is solely at fault for cleanup delays. Mr. Brannon asked for comment from Sandra Martinez, NMED. Ms. Martinez informed the Board that behind-the-scenes, short-term work is still being performed although actual cleanup has been halted at many sites. Fran Berting suggested that the recommendation be re-written to reflect culpability on the part of both DOE and NMED. After some discussion and agreement on specific language changes, a motion was made by Jay Fries to adopt Recommendation 2003-6 as amended, with the stipulation that it be submitted to both Jessie Roberson, DOE Assistant Secretary for Environmental Management, and Ron Curry, Secretary of NMED. Fran Berting seconded the motion. **Recommendation 2003-6 was adopted unanimously, as amended.**

c. Consideration and Action on Recommendation 2003-8 – Unreasonable Time Constraints for Department of Energy Directives

Mr. Brannon asked Dorothy Hoard, as the author of this recommendation, to summarize it for the Board. Ms. Hoard briefly reviewed the time constraints built into DOE's guidance on development of Risk-Based End-State (RBES) Vision Documents for DOE cleanup sites, and the effect that such deadlines will have on public involvement in the process. During a brief discussion by the Board, it was agreed that the document should be modified to include specific actionable recommendations to DOE. Ms. Hoard withdrew Recommendation 2003-8 for refinement and further consideration by the Board following the RBES presentation by David Gregory.

d. Consideration and Action on Resolution Regarding Pending Federal Legislation Affecting Transuranic (TRU) Waste Characterization

Mr. Brannon asked Don Jordan, as Chair of the Waste Management Committee, to summarize this resolution to the Board. Mr. Jordan noted that the resolution is in support of Section 310 of Senate Bill 1424, proposed by Senator Pete Domenici, which would eliminate certain base characterization requirements that are technically and scientifically unnecessary for efficient characterization. He emphasized that such elimination would accelerate waste removal, reduce cleanup costs, and improve the safety margin of cleanup activities by minimizing worker exposure. Ms. Hoard asked Mr. Jordan to elaborate on the major objections to eliminating these requirements. Mr. Jordan responded that most objections center on whether process knowledge is as reliable as hands-on examination. Mr. Janis expressed a concern that supporting federal legislation that overrules certain aspects of New Mexico's Resource Conservation and Recovery Act (RCRA) permit will position the NNM CAB against RCRA processes such as public participation. Mr. Brannon suggested that the resolution be modified to recommend that DOE and NMED consider modifying the RCRA permit for WIPP to incorporate changes proposed in S.B. 1424, without explicitly supporting S.B. 1424 itself. The Board discussed additional details and wording within the resolution, and Mr. Jordan agreed that the resolution should be re-drafted and reviewed by the Waste Management Committee at its December 18, 2003, meeting. Jim Johnston made a motion that this resolution be referred back to committee, with a second from Dorothy Hoard. **The resolution was unanimously referred back to committee.**

e. Consideration and Action on Resolution Regarding Proposed Support Mechanisms for EM SSABs

Mr. Brannon explained that the intent of the resolution is to direct the DOE Los Alamos Site Office (LASO) to oppose recent guidance from EM-1 (Office of the DOE Assistant Secretary for Environmental Management) which stipulates that, as of October 1, 2004, each Site-Specific Advisory Board must either incorporate as a 501(c)3, or must receive its operational support (including staff) directly from DOE. The resolution further seeks for LASO to encourage EM-1 to continue allowing the use of 8(a) subcontractors for staffing SSAB offices in a “transparent” fashion, or to develop another alternative. Jim Janis made a motion to adopt this resolution, with a second from Don Jordan. **The resolution was adopted unanimously.**

The meeting was recessed for a 10-minute break.

VIII. Presentation on “Risk Based End State” Document for Los Alamos National Laboratory, David Gregory (Los Alamos Site Office)

Mr. Gregory presented a report by LANL’s RRES (Risk Reduction and Environmental Stewardship) Division on the status of development of a Risk-Based End State Vision Document as required by DOE Environmental Management. The presentation, a copy of which is included with these minutes at the NNM CAB office in Santa Fe, included criteria used for risk assessment, land-use considerations, descriptions of various types of end-states, controls used to maintain end-states, and specific remedial options that might be applied to Los Alamos watersheds. Mr. Gregory requested that the NNM CAB provide some assistance in making the first draft of the Vision Document publicly accessible when it becomes available in December 2003, and also informed the Board about RRES’ progress and plans for the Vision Document under DOE’s submission deadlines.

A period of discussion followed, during which the Board asked questions of Mr. Gregory regarding the measurement of risk. There was also a general discussion concerning the ability of RRES to develop a comprehensive, effective Vision Document with regulators’ concurrence and meaningful public input that could be submitted to DOE by the final deadline of January 2004.

Re-Consideration of Recommendation 2003-7

Dorothy Hoard made a motion that Recommendation 2003-7, regarding the Department of Energy’s Risk-Based End-State (RBES) policy, be tabled and considered at another time in perhaps a different form. Jay Fries seconded the motion. **The motion passed unanimously.**

Re-Consideration of Recommendation 2003-8

Mr. Brannon and Ms. Hoard guided a general discussion to finalize Recommendation 2003-8, regarding unreasonable time constraints for the Department of Energy RBES directive. It was determined that the desired effect of the recommendation would be to extend the final Vision Document deadline by an amount of time sufficient to gather credible public input and comment. The Board also added a recommendation that DOE prepare and publish a Public Involvement Plan to support the RBES Vision Document consistent with DOE Headquarters’ commitment to public participation and decision-making, and in cooperation with the regulators, EPA and NMED. **Recommendation 2003-8 was adopted unanimously, as amended.**

IX. The Chairman called for public comment.

Donivan Porterfield spoke briefly on the matter of transuranic (TRU) waste characterization

modifications. He stated that he agreed with the specific recommendations for reducing homogeneous solids sampling, noting that the results of such sampling do not change the fact that the waste will be stored in the WIPP facility. Additionally, Mr. Porterfield wondered aloud why a congressional bill was required to make modifications to the characterization process when the National Academy of Science had recommended the modifications in the past, and DOE seems to agree that the modifications are necessary, and such modifications could have been effected at the state level by a RCRA permit modification before now.

X. Board Comment and Recap of Meeting

Mr. Brannon asked the Board to review Ted Taylor's DOE Report, and also informed the Board that at the January meeting he will be assigning a task force with the specific responsibility of evaluating Material Disposal Area G.

There was a brief discussion regarding the value of the facilitated all-committee meeting held earlier in the day.

Mr. Brannon informed the Board that Angelina Valdez was resigning from the Board, and thanked her on behalf of the Board for her input and insights during her tenure. Ms. Valdez addressed the Board and thanked the members for their consideration, support, and mentorship.

XI. The Chairman entertained a motion for adjournment. Angelina Valdez made a motion to adjourn, with a second from Abad Sandoval. The motion passed unanimously. The meeting was adjourned at 9:35 PM.

James R. Brannon, P.E.
Chair

Date