

Northern New Mexico Citizens' Advisory Board Meeting Minutes

Cities of Gold Hotel, Pojoaque, New Mexico

Board Meeting Minutes

September 26, 2001, 1:00 p.m. to 8:30 p.m.

Board Members Present: David Chavez, Valerie Espinoza, Jim Brannon, Dorothy Hoard, Fran Berting, Donald Jordan, Richard Gale, Jim Johnston, Myron Gonzales, Angelina Valdez, Agustin Garcia, June Fabryka-Martin	Board Members Absent: Maxine Ewankow
Ex-Officio Members Present Ted Taylor, DDFO; James Bearzi, NMED; Michael Baker, LANL	Guest: Denise Gelston; Michael Arudt; Al Pratt; Roger Snodgrass, Los Alamos Monitor; and Carmen Rodriguez, LANL
Staff: Menice S. Manzanares, Executive Director	

Ted Taylor, Deputy Designated Federal Official, called the meeting to order at 1:10 p.m. and a quorum was established. He then turned the meeting over to Jim Johnston, Chair. Toby Herzlich facilitated the meeting. The meeting was open to the public and advertised in the Rio Grande Sun, the Los Alamos Monitor, the Albuquerque Journal North, the Santa Fe New Mexican, and the Taos News.

Approval of Minutes and Agenda

The agenda was modified slightly and approved by the Board. The motion was made by Mr. Gale and seconded by Dr. Berting. The minutes of the July meeting were approved, as amended, by the Board. The motion was made by Mr. Gale, seconded by Mr. Jordan, and passed unanimously.

Consideration and Action of FY 2002 Budget

The presentation was made by Mr. Jordan, Chair of the Budget Committee. The Budget Committee met on September 5th and revised the budget to reflect actual activities. For better accounting purposes, the budget now shows individual committee activities and travel expenses for each committee. The Budget Committee will have quarterly reviews, and bring the budget to the Board with any changes. The total budget of \$441,000 was submitted to the Board for approval as a working document. A motion was made by Mr. Chavez to approve the budget. Ms. Hoard seconded the motion, and the motion passed unanimously.

Travel Procedure Update

Ms. Manzanares reminded Board members to fill out and fax the CAB Travel Request Form to the CAB office before making a trip or spending the night for a meeting. (The CAB Request Form is only for overnight travel or one way travel over 50 miles.) She also requested that if Board members are willing, they should give the office their credit card information to facilitate this process. Mr. Taylor reminded Board members that direct deposit is available for travel reimbursement. Mr. Taylor told the Board that travel reimbursement for non-Board members was allowable. He feels that this is important to cultivating good committee members that can then make good Board members.

Openness Plan

Mr. Brannon circulated a document to stimulate discussion for producing a policy statement and plan on how the CAB interfaces with the public. Board members felt that some conceptual discussion of this topic is still needed before delving into the specific mechanics of it.

Board members discussed what they want to make sure is included in an Openness Policy. The following topics were discussed:

- 1) How is communication disseminated back to the public on recommendations and how does the CAB respond to comments from the public?

Everyone agreed that the CAB needs formal mechanisms and processes for these communication loops. Mr. Gale suggested that if the CAB doesn't have the technical ability to respond to public questions, it still has a responsibility to answer these inquiries. He suggested that the CAB should refer these inquiries to the DDFO, review the response, and make sure the citizen receives that response. Dr. Berting felt that everyone on the Board should know the answer given to a citizen. Mr. Brannon suggested that the CAB keep a rolling tally of issue and response papers that define our stance on issues. Mr. Taylor is concerned that there are too many chances for misinterpretation as information is passed from A to B to C. Ms. Valdez asked if the CAB should track all referrals and make sure that the inquiries are answered. There is a consensus that the CAB needs a full cycle response mechanism and protocol in writing.

- 2) How does the CAB handle issues outside the scope of the SSAB Charter?

Mr. Taylor recommended that if an issue comes before the Board that is outside its scope, they should refer that issue to the appropriate person at the laboratory. Mr. Brannon commented that highly effective CABs are effective because they stay on task and stay within their charter.

- 3) What is the CAB's role and responsibility in distribution of information?

Mr. Gale would like the CAB to review the technical response to citizen inquiries, and also how it is communicated. Mr. Gale would like to see the CAB play a facilitator role when it comes to communication channels. Mr. Garcia agreed that the public needs to get the information and the CAB needs to ask itself "how can we satisfy the public."

An Ad-Hoc Committee on the Openness Policy was formed to take comments and input from Board members and come back with a draft policy for review at the November meeting. The Committee consists of: Dorothy Hoard, Don Jordan, Richard Gale, Valerie Espinoza, and Ted Taylor (non voting). Jim Brannon chairs the Committee.

Break

Election of Officers

Mr. Brannon was elected as the new Chair of the NNM CAB. The motion to elect him was made by Mr. Gale, seconded by Dr. Berting, and carried by the Board. Mr. Jordan was elected as Vice-Chair of the NNM CAB. The motion to elect him was made by Mr. Gale, seconded by Dr. Berting, and carried by the Board. Both the Chair and Vice Chair were elected by acclamation.

Mr. Brannon thanked Ms. Manzanares and Mr. Johnston for their leadership. He then outlined his two top priorities for the coming year:

1) To work on improving internal formal processes

2) To work on the nature of the CAB's outreach, and the way in which it communicates and presents itself to the public. Mr. Brannon would like to see the CAB broaden its outreach, cultivate new members, and strengthen committee structures to find creative ways for new members to serve. Mr. Brannon is particularly concerned that the CAB needs more pueblo member involvement.

Mr. Jordan thanked the Board for their support and confidence, and outlined his background and his intentions as Vice-Chair. Mr. Jordan has a strong background in public administration and public management. He has worked with city, county, state, and tribal government and intends to utilize his experience, contacts and knowledge of government to facilitate transfer of information and outreach. Mr. Jordan intends to be a strong support and back up to Mr. Brannon.

Amendments to the Bylaws

Board members discussed amendments to the Bylaws. Dr. Berting explained the changes and the purpose behind those changes. The purpose of changing the mission is to include the full scope of the CAB's work. Please see the attached amended bylaws, as passed by first reading and corrected by the Executive Committee.

Fact Sheets

Dr. Fabryka-Martin presented a report on Fact Sheets. The Monitoring and Surveillance Committee feels it is important to provide citizens with simple, short, and easy to read fact sheets on several issues. This will increase the public's access to important issues, and facilitate the CAB in public education efforts. The committee has focused its work primarily on fact sheets about the Cerro Grande Fire and its aftermath but will also address issues including water and air quality, the presence of plutonium, tritium, and strontium-90, and the collection of environmental samples. Please see the attached handouts.

Department of Energy Report

Mr. Taylor reviewed recent DOE support to committees and staff, updated the status of responses to CAB recommendations and requests, and touched on future activities. He also distributed a few press releases of interest. Please see attached report.

Executive Director Report

Ms. Manzanares gave an overview of ongoing staff activities, including office relocation, new staff hires, preparation of reports, and recruitment of new Board members. She also reviewed recent accomplishments, including the SSAB Chair's Conference. Please see attached report.

TRU Presentation

Mr. Brannon gave a presentation on the packing and shipping of material to WIPP. Please see attached report.

Public Comments

Al Pratt commented on Acid Canyon cleanup. Please see attached fact sheets from the Environmental Restoration Project.

Recruitment/Membership

The Board discussed the July 2001 Outreach Plan. Eight vacancies currently exist on the Board; aggressive outreach is needed. Topics of importance that were discussed included:

- **How to get people to return to meetings and keep coming**
- **Providing designated seats on the Board for the four Accord Pueblos that neighbor LANL, and perhaps even leaving them vacant if the pueblos do not participate. Mr. Gonzales also emphasized the need to reach out to Pueblo Environment Departments and Councils**
- **Recruiting student representatives to the Board. These students should be college students and receive academic credit for their participation.**
- **Constituency Seats – providing seats to representatives of organizations. The advantage is that they can provide a natural diffusion of information to organizations.**
- **The importance of maintaining a balance of viewpoints on the Board**
- **The potential pitfall of members who have only one agenda and may sabotage process**
- **Recruitment by Board members, everyone is challenged to bring at least one guest to the next meeting. The importance of using personal contacts is stressed.**
- **The use of alternative newspapers as a recruitment tool**
- **The need to get the word out about who we are, what we do, what we have accomplished, and establish a good reputation before trying to recruit new members**
- **Bringing in members at the committee level, and possibly reducing the limit on non-Board member participation in committees**
- **The need for an Outreach Committee Chair**

Committee Reports

1) Environmental Restoration Committee Report given by Dr. Berting. (Please see attached report as well.) The following recommendation was read and discussion followed.

Recommendation 2001-5

Whereas: the NNM CAB believes that all chemicals of potential concern at a potential release site should be carefully evaluated during the Resource Conservation Recovery Act (RCRA) Facility Investigations of Los Alamos National Laboratory (LANL); and

Whereas: the NNM CAB has reviewed the completed RCRA Facility Investigations Report for Material Disposal Area (MDA) H at LANL and has determined that the report does not contain

sufficient evaluation of materials located at the bottom of the shaft at MDA H and potentially contaminated with high explosives; and

Whereas: information is not available regarding the containment of these materials and the potential for migration of the high explosives from the shafts;

It is therefore recommended that the Department of Energy modify the scope of the ongoing Corrective Measures Study (CMS) at MDA H to include an evaluation of the potential for high explosives to migrate to the accessible environment and the potential remedies to be conducted if such migration is expected to occur.

Discussion

It was not clear from the Charlie Wilson Report whether or not the explosives are detonable, posing a threat to workers cleaning the shafts. RDX, which is a water-soluble, highly poisonous chemical, is of major concern. It is recommended that the CAB put the physical characteristics and toxicology of RDX in writing. Because the New Mexico Environment Department is setting up a special task force to work out methodologies for dealing with these material disposal areas and MDA H is the pilot project, the ER Committee wants to submit this recommendation in order to set the precedent for further cleanups. Since the Corrective Measures Study is under way, a motion was made to have Mr. Taylor send the draft recommendation and memo to the ER project before the November meeting. The motion was made by Mr. Gale, seconded by Dr. Berting, and carried by the Board

2) Monitoring and Surveillance Committee Report given by Dr. June Fabryka-Martin

Dr. Fabryka-Martin outlined the recent focus and work of the committee:

- Sifting through information on LANL's monitoring/surveillance programs for groundwater and surface water.
- Working on Drinking Water Fact Sheet, which compares Los Alamos drinking water supply to others in Northern New Mexico
- Drafting NNM CAB's presentation at the National Groundwater Workshop in Augusta, Georgia.
- Attended Cerro Grande internal update meeting, and will use presentations from this to produce fact sheets. Mr. Taylor suggests that a lab briefing on Cerro Grande to the CAB might be appropriate for next meeting.

The Committee hopes to rotate meeting sites to increase participation.

3) Waste Management Report given by Richard Gale. (Please see attached report as well.)

- A White Paper on the Education Program is being circulated in committees. Mr. Gale would like feedback on this. Mr. Gale will take comments and draft a revised White Paper.
- The Committee will witness a test run of the Escorted Transfers, or rolling roadblocks, of TRU waste, and report back to board on the test run.
- The next committee meeting will be November 7th at the NNM CAB office.

Re-Cap Meeting and Board Comments

The longer format meeting was well received. One suggestion was to cover fewer issues and provide more time for in depth discussions. Mr. Johnston reminded the Board members that since the meetings are every two months, they should make every effort to be at the meetings. Mr. Chavez made an announcement that if any Board members know workers that have become ill from exposure to beryllium, silica or radiation, please refer them to the Energy Employees Compensation Resource Center in Espanola.

Mr. Gale requested that the recommendations be listed by number, with a subject description, in the next meeting packet.

Mr. Bearzi brought up a final issue. The Environment Department Oversight Bureau funding has been cut 35% from last year. He noted that the Bureau has a lot of credibility, and is a big part of the project. A motion was made by Mr. Gale to invite the Oversight Bureau to give a presentation at the next Board meeting. The motion was seconded by Mr. Brannon and carried by the Board. A motion was made by Dr. Berting and seconded by Ms. Hoard for the Chair to draft a one-page letter to the NM Environment Department. The letter should express the NNM CAB's concern at funding cuts and their appreciation of independent oversight, and recommend alternatives to restore funding. The motion carried with Mr. Gale abstaining.

To be included in Next Agenda:

- Second reading of ER recommendation on MDA H CMS
- Second reading and approval on bylaws
- Presentation on the status of past CAB recommendations (since 1998)
- Update from Openness Policy Committee
- Lab briefing on Cerro Grande Fire
- Oversight Bureau Presentation
- Wednesday, November 28 is next meeting.

These minutes are certified by

Jim Johnston, Chair


Date

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