

Final

**Northern New Mexico Citizens' Advisory Board
September 17, 2003
Sagebrush Inn
1508 Paseo del Pueblo Sur, Highway 68
Taos, New Mexico**

Members in Attendance

Jim Brannon, Chairman
Don Jordan, Vice-Chair
Dr. Fran Berting
Dorothy Hoard
Wayne Wentworth
Jay Fries
Jim Johnston
Armando Benavidez
Katherine Guidry
Timothy DeLong
Erlinda Gonzales
Angelina Valdez
Abad Sandoval
Shannon Aragon

Members Excused

Michael Shepherd
David Church

Members Absent

Governor John Gonzales
Debra Welsh
Elmer Torres

Ex-Officio Members

Dr. Beverly Ramsey, Division Leader, RRES
Sandra Martin, NMED
Ted Taylor, DDFO, DOE-LASO

Staff

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

Guests

John Kieling, NMED
Dr. Paul Schumann, RRES
Lars Soholt, RRES
Phil Fresquez, RRES
Jean Dewart, RRES
Craig Eberhart, RRES
David Rogers, RRES
Doug Stavert, RRES
Donivan Porterfield, Public

- I. The meeting was called to order at 1:00 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 11 members present.
- II. The Chairman called for approval of the meeting agenda.** Tim DeLong made a motion to approve the agenda, with a second from Jim Johnston. **The agenda was approved unanimously.**

III. The Chairman called for approval of the July 30, 2003, board meeting minutes. After some minor corrections, Fran Berting made a motion to approve the minutes, as amended, with a second from Dorothy Hoard. **The minutes were approved unanimously, as amended**

IV. The Chairman called for public comment. There was no public comment.

V. Board Business

a. Election of Officers for FY 03-04

Mr. Taylor indicated that Mr. Sandoval and Mr. Benavidez would be arriving late to the meeting, and recommended suspending the elections until later in the agenda. Mr. Brannon asked for Board comment. There was no objection. **Mr. Brannon stated that agenda item V.a. would be held in abeyance until the additional Board members had arrived.**

b. Consideration of Bylaws Amendment #5, Page 2, Section II, Paragraph C(5)

Executive Director Menice Manzanares read aloud the affected text in the Bylaws, which encourages the Board to schedule its meetings at various locations. Mr. Brannon requested that the Board consider the merits of a potential amendment to set a fixed location for all Board meetings, and then opened the floor for discussion. The Board discussed the advantages and disadvantages of such a change. It was generally agreed that setting a fixed location would not violate the Bylaws as written, but that some mobility is of continued value to the community at large. Dr. Berting suggested that limiting the Board's mobility to two or three standard locations would provide a compromise. Mr. Wentworth noted that moving or not moving the location of Board meetings seems to have had little effect on public attendance. Mr. Taylor observed that the inclusion of "hot topic" items on the agenda tends to increase public attention, and then suggested accordingly that the Waste Management Committee could investigate Senator Domenici's recent proposal to reduce transuranic waste characterization and place a recommendation on the Board's November 2003 meeting agenda.

Mr. Brannon summarized the discussion, noting that next year's schedule of Board meetings must be considered against the Community Involvement Committee's plans for increasing public awareness, as well as against any deliberate focus on agenda hot topics.

c. Recruitment update

Menice Manzanares reported the following items:

- Gil Sanchez has regretfully submitted a resignation from the Board due to scheduling conflicts with his employment.
- The appointment of Governor Raymond Loretto of Jemez Pueblo is still being processed and has been submitted to the Undersecretary's office at Department of Energy (DOE) headquarters for concurrence.
- Two-year term extensions for those Board members who received only a 6-month appointment on May 23, 2003, are also awaiting concurrence at the Under Secretary's office.
- Five résumés were received in response to recent recruitment advertisements, and the applicants will be interviewed on Monday, September 22, 2003, by Jim Brannon, Abad Sandoval, Katherine Guidry, Ted Taylor, and Ms. Manzanares.
- Ms. Manzanares and Elmer Torres will coordinate meetings with the governors of Santa Clara Pueblo and Cochiti Pueblo once Mr. Torres gets re-situated following reorganization activities in the Government Relations Office at Los Alamos National Laboratory (LANL),

where he works.

d. Report from Chairman Brannon

Discussion of Paducah, KY, trip. Jim Brannon briefly informed the Board about national issues, focusing on the upcoming Site-Specific Advisory Board (SSAB) Chairs' conference in Paducah, Kentucky, on September 25-27, 2003. He presented an updated low-level waste transfer strategy spreadsheet that was generated by DOE in response to a request from the SSAB chairs (following the March 2003 Chairs' meeting), and requested that the NNM CAB staff distribute a copy to each Board member.

Discussion of DOE Budget / Chairs' Teleconference. Mr. Brannon reported on a recent SSAB Chairs' teleconference to discuss budget issues, including the expiration on September 30, 2003, of direct SSAB support that is being provided by M&O (management and operating) contractors at several DOE sites. An additional topic of discussion at that meeting was the recent NNSA (National Nuclear Security Administration) transfer proposal for several SSABs. These topics will receive further consideration at the Chairs' Paducah meeting.

Discussion of Committee Work Plans / Chair Appointments. In light of inconsistent participation, Mr. Brannon reminded the Board that each CAB member is required in the Bylaws to actively participate on at least one of the CAB's standing committees: Environmental Remediation (ER), Environmental Monitoring and Surveillance (EMS), Waste Management (WM), and Community Involvement (CI). He then proposed that the ER and EMS committees should consider merging into one committee in order to consolidate member participation and reduce duplication of effort, and opened the floor for discussion.

Dr. Berting indicated that she and Wayne Wentworth had previously met to determine where their respective committees' work plans "meshed", and that they would like to involve the rest of the committee members in a discussion about such a merger. Mr. Wentworth agreed that consolidation might be beneficial to the CAB, but that further examination was necessary. Mr. Brannon suggested that the two committees could meet during the dinner break to discuss the issue. Don Jordan noted that the Waste Management Committee also suffers from poor participation, and he would welcome any volunteers or ideas as to how to make the committee more effective.

Mr. Brannon indicated that CAB members might be specifically assigned to committees if there are insufficient volunteers, and noted that the CAB would continue into FY 2004 with the current four standing committees, unless ER and EMS decide to consolidate.

e. Report from DOE, Ted Taylor, DDFO

Mr. Taylor distributed his report, a copy of which is included with these minutes, and highlighted several items of importance:

- Of the five applicants being interviewed for CAB membership on September 22, 2003, four of them are male, and most are Santa Fe residents. Mr. Taylor urged the CAB members to assist in the search for new members in order to maintain a gender and geographic diversity.
- DOE has not yet received NNM CAB evaluations of its responses to Recommendations 2003-1 and 2003-2, which were delivered in April 2003.
- Mr. Taylor briefly reviewed the estimated budget expenses for FY 2003 and "carry-over" issues for FY 2004.

- Mr. Taylor updated the Board on the status of NNM CAB involvement in the public participation aspects of Risk Assessment Corporation's (RAC) comprehensive risk assessment of Los Alamos National Laboratory. He had nothing concrete to report at this time, but noted that further discussions with DOE's Los Alamos Site Office are planned.

There was a brief discussion among the Board regarding the RAC study, touching on the geographic extent of public interest, as well as the appropriateness of any NNM CAB facilitation of the study, especially in terms of workload and conflict of interest issues. Mr. Taylor indicated that he would provide the Executive Committee with any information from RAC as soon as he receives it.

f. Report from Executive Director, Menice Manzanares

Ms. Manzanares briefly reviewed some highlights from her report, a copy of which is included with these minutes. She reported that she has been working closely with the New Mexico Legislative Council Service to get Mr. Brannon on the agenda for LANL Legislative Oversight Committee meetings. Additionally, she previewed some issues to be discussed at the chairs' meeting in Paducah, Kentucky, and thanked the Board members for their hard work at making the NNM CAB an organization to be emulated by other SSABs. Ms. Manzanares also reminded the Board that New Mexico Governor Bill Richardson has been invited to speak at the CAB's November 19, 2003, meeting, but has yet to confirm. Lastly, she distributed a printout of the CAB's web-based calendar and encouraged Board members to utilize the CAB website.

g. Call for New Business

Mr. Brannon informed the Board that he had briefed the legislative Interim LANL Oversight Committee regarding the NNM CAB's history, organization and functions at its September 8, 2003, meeting. He will also be attending the November 7, 2003, meeting, where one of the main topics of discussion will be Area G.

Mr. Brannon raised for consideration the idea of constituency roles for Board members, suggesting that perhaps 10 of the 21 at-large seats could be set aside for representatives from a selected list of groups or industries. He opened the floor for discussion. Abad Sandoval requested that the Community Involvement Committee be allowed a chance to increase public participation and accountability through its FY 2004 Work Plan before the CAB seriously consider altering its current make-up. The Board briefly discussed the advantages and disadvantages of constituencies, with several Board members indicating that constituent responsibilities could hamper the CAB's overall mission of representing the community at large. Tim DeLong suggested researching this topic with other SSABs that utilize fixed constituencies.

Mr. Brannon informed the Board that elections would be held immediately following the break.

The meeting was recessed for a break at 2:35 PM, and reconvened at 2:50 PM.

V. Board Business (continued)

a. Election of Officers for FY 03-04

As decided earlier in the meeting, this item was moved to a later place in the Agenda to accommodate the anticipated late arrival of some Board members. Mr. Brannon opened the floor for nominations.

Fran Berting nominated Jim Brannon for the position of Chairman. Mr. Brannon accepted the nomination.

Dorothy Hoard nominated Don Jordan for the position of Vice-Chair. Mr. Jordan respectfully declined the nomination.

Tim DeLong nominated Katherine Guidry for the position of Vice-Chair. Ms. Guidry accepted the nomination.

Abad Sandoval moved that the nominations cease and the nominees be accepted by acclamation. Jay Fries seconded the motion. Mr. Brannon opened the floor for discussion.

Dorothy Hoard asked Mr. Brannon to offer his thoughts on possible conflict of interest between his CAB membership and his employment at Jacobs Engineering, which contracts with LANL. Mr. Brannon responded by assuring the Board that if Jacobs Engineering were to pursue a contract directly related to the Risk Reduction and Environmental Stewardship (RRES) Division of LANL he would recuse himself from any activity or voting related to that contract or would otherwise weigh the impact of public perception and seek additional guidance from DOE's Office of Environmental Management (EM-1).

Katherine Guidry addressed the Board regarding her goals for the NNM CAB, and indicated her intention to remain involved at the committee level.

Jim Johnston requested that both Mr. Brannon and Ms. Guidry provide some background information regarding their experience and qualifications, which they then proceeded to do.

Jim Johnston called the question. The motion passed unanimously.

Mr. Brannon presented a Certificate of Appreciation to Don Jordan for his two years of service as Vice Chair.

VI. Reports from Committees

a. **Abad Sandoval presented the Community Involvement Committee report.** Mr. Sandoval informed the Board that the Community Outreach Committee had officially changed its name to Community Involvement Committee during meetings to develop the FY 2004 Work Plan. He then presented and reviewed the FY 2004 Work Plan, a copy of which is included with these minutes, and thanked Paul Schumann and Libby Chaplin for their assistance in its development. Mr. Sandoval highlighted several areas of focus and anticipated activities for FY 2004, and asked for volunteers to become part of a NNM CAB speakers bureau. There was some brief discussion of details in the work plan.

b. **Wayne Wentworth presented the Environmental Monitoring & Surveillance (EMS) Committee report.** Mr. Wentworth presented and reviewed the committee's FY 2004 Work Plan, a copy of which is included with these minutes. He highlighted several areas of focus and anticipated recommendations for the upcoming year. Additionally, he reiterated the committee's intention to explore the possibility of merging with the Environmental Remediation Committee.

c. **Fran Berting presented the Environmental Remediation (ER) Committee report.** Dr. Berting presented and reviewed the committee's FY 2004 Work Plan, a copy of which is included with these minutes. She highlighted several ongoing areas of focus and anticipated recommendations for the upcoming year, and then invited questions on the progress at Tech Area 16 and the 260 Outfall cleanup. There was a brief discussion regarding contract outsourcing and the effects it will have on the timeline of cleanup projects at LANL. Ted Taylor suggested that

the ER and EMS committees consider forming an *ad hoc* committee to research the outsourcing issue in more detail. Beverly Ramsey noted that the New Mexico Environment Department Corrective Action Order (CAO), which could affect the contracting issue, could be completed within 30 days. Mr. Brannon suggested that a joint briefing on future contract mechanisms be scheduled in October at the committee level if the CAO is finalized. He asked Mr. Taylor to coordinate an informational briefing on this subject.

d. **Don Jordan presented the Waste Management Committee report.** Mr. Jordan reviewed the committee's FY 2004 Work Plan, a copy of which is included with these minutes. He highlighted several areas of focus and specific projects, including anticipated fact sheets and public education workshops/briefings. Jim Brannon then opened the floor for discussion. Beverly Ramsey informed the Board that RRES anticipates completion of LANL's draft Resource Conservation and Recovery Act (RCRA) permit within the next couple of months. She also noted that radiological waste is the only type of waste being disposed of at LANL, but the RCRA permit does not cover radiological waste. Dr. Ramsey encouraged the committee and the CAB to increase public awareness of the differences between waste storage and offsite disposition, as opposed to low-level, non-mixed waste disposal at the LANL site.

Abad Sandoval thanked Mr. Jordan for incorporating items into the Waste Management Committee's work plan that are compatible with the Community Involvement Committee's work plan, namely fact sheets and public education.

e. **Don Jordan presented the Budget Committee report.** Mr. Jordan's report consisted of a presentation of the FY 20004 Budget, covered in Agenda Item VII.

VII. Consideration of Fiscal Year 2004 NNM CAB Budget

Mr. Jordan presented the proposed FY 2004 budget, a copy of which is included with these minutes. He briefly recounted the \$20,000 adjustment that was approved at the July 30, 2003, Board meeting prior to the draft budget's submission to DOE, and also noted the differences between this budget and the FY 2003 budget. Mr. Brannon invited comments from the Board. Ted Taylor informed the Board that DOE is trying to consolidate CAB support functions under the contract with ATA Services (the contractor that provides administrative staffing for the NNM CAB) so that there would only be one system of accounts and reporting, which will increase administrative flexibility and efficiency. Additionally, Mr. Taylor indicated that there might be additional monies available from prior overages to cover certain expenditures in FY 2004, such as the hosting of large public meetings.

New Business.

Mr. Brannon opened the floor for additional business before the dinner break.

Mr. Brannon informed the Board of a letter from ex-officio member Rich Mayer at the Environmental Protection Agency which was received on July 10, 2003, as a response to Mr. Brannon's request for feedback and input on NNM CAB's activities. In the letter, Mr. Mayer recommended that NNM CAB work plans should: 1) include methods to ensure that DOE is cleaning up the highest risk areas first and that human exposures are controlled; 2) include methods to ensure that major groundwater plumes are delineated and stabilized, and that sources are remediated or removed; and 3) encourage DOE to develop a land-use management system which enables properties to be cleaned up to current and/or future land use standards. Mr. Brannon then read aloud Mr. Mayer's positive comments regarding the NNM CAB's dedication

and competence, as well as his opinion that NNM CAB must remain independent in order to be effective.

Mr. Brannon informed the Board that he would distribute a summary of the public meeting regarding the Modern Pit Facility Draft Environmental Impact Statement, prepared by Donivan Porterfield. He also reviewed recent correspondence with Jessie Roberson, DOE Assistant Secretary for Environmental Management, regarding the mission scope of Site Specific Advisory Boards (SSABs) and the importance of SSABs to the public participation process, and indicated that he would provide copies to the Board.

Mr. Jordan inquired as to the status of thirteen recommendations made by the SSAB chairs to DOE's Office of Environmental Management (EM-1) following the Carlsbad conference in January 2003. Mr. Brannon reported that these national-level recommendations had been forwarded to DOE headquarters. Mr. Taylor indicated that some of these recommendations had been responded to by way of briefings at SSAB Chairs' meetings, but that no formal response has yet been forthcoming. He recommended that the SSAB Chairs submit a follow-up letter to DOE headquarters. Menice Manzanarez noted that Sandra Waisley, Director of the Office of Intergovernmental and Public Accountability at DOE, was pursuing a response from EM-1 that could be presented at the Paducah chairs' meeting on September 25-27, 2003.

Beverly Ramsey updated the Board on the NMED Corrective Action Order status.

Mr. Brannon suggested again that the Environmental Remediation and Environmental Monitoring and Surveillance committees meet during the dinner break to discuss consolidation.

The meeting was recessed for dinner at 4:30 PM, and reconvened at 6:10 PM.

VIII. Consideration of Recommendation 2003-4: Long Term Environmental Stewardship and Cleanup of Large Hazardous Waste Sites

Mr. Brannon introduced Recommendation 2003-4, a copy of which is included with these minutes, and then turned the floor over to Dorothy Hoard. Ms. Hoard briefly described the Corrective Measures Study (CMS) process at LANL and identified how CMS reports fail to adequately consider long-term environmental stewardship (LTES) within their cleanup recommendations. She noted that the Environmental Remediation committee drafted the recommendation because LTES considerations could affect the actual choice of cleanup options at a site, and therefore LTES should be included in CMS reports rather than only in site closure reports. Mr. Brannon opened the floor for discussion. There was a brief discussion regarding the terminology within the recommendation, and Ms. Hoard clarified that "social" rather than technical aspects of LTES need to be addressed and costed-out in the CMS reports, such as surface markers, information archives, etc. Beverly Ramsey stated that such issues are considered by DOE in the CMS process, but that perhaps they are not very well documented.

Jay Fries moved to accept Recommendation 2003-4. Katherine Guidry seconded the motion. The motion passed unanimously.

IX. Presentation on LANL's 2002 Environmental Surveillance Report (ESR)

Beverly Ramsey introduced the team of presenters from the Risk Reduction and Environmental Stewardship (RRES) Division, and turned the floor over to Lars Sohlt, ESR Project Leader. Mr. Sohlt provided an overview of the 2002 Environmental Surveillance Report (ESR). His presentation, a copy of which is included with these minutes, included information on ESR history and purpose, sampling locations, environmental compliance statistics from 2001, and new initiatives. The Board was then divided into small groups to attend individual poster

sessions on radiation dose assessment, air quality monitoring and meteorology, water quality and hydrology, and foodstuffs/soil/biota monitoring.

Following the poster sessions, there was some discussion about the best way for ESR information to get disseminated to the public in an accessible manner. Abad Sandoval offered the assistance of the Community Involvement Committee for coordinating public forums. Jim Johnston suggested that RRES could provide the NNM CAB with ESR summary data formatted into fact sheets or charts for public consumption at the NNM CAB office; Wayne Wentworth added that NNM CAB should have comparable data available from NMED as well. Sandra Martin, Chief of NMED's Hazardous Waste Bureau, indicated that she would check into making such data available.

Beverly Ramsey asked Doug Stavert to provide an update on Colorado State University's / Risk Assessment Corporation's (RAC) project at LANL. Mr. Stavert emphasized the importance of explaining environmental research data to the public, and indicated that RAC is currently working with NMED and the Department of Health to get additional input into the project. Beverly Ramsey noted that Dr. John Till of RAC has also been working closely with representatives from San Ildefonso Pueblo and Santa Clara Pueblo. There was a brief discussion concerning the lack of RAC contact with NNM CAB to date. Jim Brannon stated that the Executive Committee should meet with Dr. Till's team to discuss RAC's expectations for NNM CAB involvement.

At this time, Mr. Brannon noted that the meeting was running somewhat behind schedule and that the period for Public Comment (Agenda item X) had already begun as of 8:00 PM. The Board agreed to forgo the second scheduled Break period.

X. The Chairman called for public comment. There was no public comment.

XI. Board Comment and Recap of Meeting

Mr. Brannon invited feedback from the Board and guests regarding this meeting.

Several Board members voiced their appreciation to the guests from RRES, and also noted the suitability of the Sagebrush Inn for the large presentations.

Beverly Ramsey thanked the Board for its support and involvement with the Environmental Management Services group at RRES.

Paul Schumann and the RRES team announced that they would give to the Board the materials from the ESR poster presentations for use at the NNM CAB office.

Mr. Brannon encouraged all Board members to engage in inter-committee communication, to interact with ex-officio members and other organizations at any time, and to generally represent the NNM CAB everywhere they go.

XII. The Chairman entertained a motion for adjournment. Dorothy Hoard made a motion to adjourn, with a second from Angelina Valdez. The motion passed unanimously. The meeting was adjourned at 8:20 PM.

James R. Brannon, P.E.
Chair

Date