



Northern New Mexico Citizens' Advisory Board Meeting

September 26, 2012

1:00 p.m. to 7:00 p.m.

1508 Paseo Del Pueblo Sur

Sagebrush Inn and Conference Center

Taos, New Mexico 87571

MINUTES

Meeting Attendees:

Department of Energy:

Pete Maggiore, Assistant Manager for Environmental Operations, Los Alamos Site Office

Ed Worth, Deputy Designated Federal Officer (DDFO)

Christina Houston, DOE/EPO

NNMCAB Members:

- 1. Ralph Phelps, NNMCAB Chair**
 - 2. Carlos Valdez, NNMCAB Vice Chair**
 - 3. Brenda Gallegos**
 - 4. Mike Loya**
 - 5. Joey Tiano**
 - 6. Nicole Castellano**
 - 7. Robert Villarreal**
 - 8. Manuel Pacheco**
 - 9. Lawrence Longacre**
 - 10. Art Mascarenas**
 - 11. Nona Girardi**
 - 12. Allison Majure**
 - 13. Deb Shaw**
 - 14. Joseph Viarrial**
-

Excused Absences:

- 1. Adam Duran**
 - 2. Nick Maestas**
 - 3. Bonnie Lucas**
 - 4. Lawrence Garcia**
 - 5. Kyle Harwood**
 - 6. Doug Sayre**
-

NNMCAB Support Staff:

Menice Santistevan, Executive Director

Grace Roybal, Senior Cost Analyst

Keith Flodstrom, Senior Cost Estimator

Edward Roybal, Sound Technician

Candyce Valerio, Videographer

Guests:

Jeff Mousseau, Associate Director for Environmental Programs (ADEP), LANS

Stephen Schmelling, Public

Jeff Genauer, ASNNML

Michelle Jacquez-Ortiz, Senator Tom Udall's staff

Colleen Curan, LANS

Danny Katzman, LANS

Dave Cobrain, NMED

Howard Barnam, Public

1 **MINUTES**

2 **I. Call to Order**

3 The bi-monthly meeting of the Northern New Mexico Citizens' Advisory Board
4 (NNMCAB) meeting was held on September 26, 2012 at The Sagebrush Inn and
5 Conference Center in Taos, New Mexico. Mr. Ed Worth, Deputy Designated Federal
6 Officer (DDFO), stated that on behalf of the Department of Energy (DOE), the meeting of
7 the NNMCAB was called to order at 1:00 p.m.

8 Mr. Worth recognized Mr. Ralph Phelps as NNMCAB Chair. The Chair presided at
9 the meeting.

10 The meeting of the NNMCAB was open to the public and posted in The Federal
11 Register in accordance with The Federal Advisory Committee Act (FACA).
12

13
14 **II. Establishment of a Quorum (11 needed)**

15 **A. Roll Call**

16 Mr. Flodstrom conducted roll call as the members arrived. Fourteen members
17 were present at the meeting at the time of roll call, which comprised a quorum for
18 conducting business.

19 **B. Excused Absences**

20 Mr. Flodstrom recorded that Adam Duran, Nick Maestas, Bonnie Lucas,
21 Lawrence Garcia, Kyle Harwood and Doug Sayre had excused absences for this meeting.

22
23 **III. Welcome and Introductions**

24 Mr. Phelps welcomed everyone to the meeting. He asked for introductions from
25 the members and guests in attendance. Mr. Jeff Mousseau, the new AM ADEP for
26 LANS, gave a short biography of his background and experience in waste handling and
27 waste disposal.

28
29 Mr. Phelps stated that during this meeting, the Board would review and approve
30 the work plans for the committees, discuss one recommendation, and appoint the ad-
31 hoc committee for the annual survey.

32
33 **IV. Approval of Agenda**

34 The board reviewed the September 26, 2012 NNMCAB meeting agenda. The
35 board would hear a presentation regarding an update to the Chromium/Perchlorate
36 Groundwater Plume, and consider action on Draft Recommendation 2012-03 "Fiscal
37 Year 2013 and 2014 Budget Appropriation Recommendation"

38 Mr. Mike Loya moved to approve the agenda and Dr. Deb Shaw seconded the
39 motion. The meeting agenda was unanimously approved.

40
41 **V. Approval of Minutes of August 29, 2012**

42 The board reviewed the minutes from the August 29, 2012 NNMCAB special
43 meeting. By ongoing instructions from DOE Headquarters, the minutes were previously
44 reviewed and certified by the NNMCAB Chair, Mr. Ralph Phelps. Mr. Phelps stated that

the August 29, 2012 minutes were included in the board packets and presented at this meeting for board approval. A correction was noted as being needed on page seven, line 8, the incorrect date of September 27th should be September 26th.

Mr. Manuel Pacheco made a motion to accept the August 29, 2012 Meeting Minutes. Mr. Carlos Valdez seconded the motion. The minutes were unanimously approved.

VI. Old Business

A. Written Reports

1. Report from the Chair and the Executive Director – NNM CAB September 26, 2012 Board Meeting

i. Mr. Phelps opened the floor to comment or discussion.

B. Other Items

Mr. Lawrence Longacre stated that he had written a letter to the Chair and the DDFO requesting a compiled a list of recommendations for the last three years, and what was done with the recommendations. Mr. Longacre has a list of the 2012 recommendations and there are only two on the list. Mr. Longacre believes that the CAB is not doing a good job forwarding recommendations to LANL or DOE. The CAB is not producing very much product with only two recommendations generated in nine months.

Mr. Longacre stated that Senator John McCain was in Albuquerque yesterday talking about budget cuts in programs in New Mexico. Mr. Longacre feels the people of NM are not getting "the bang for their buck" with regard to LANL funding. He has written a letter to the Controller General complaining about the efficiency of the NNM CAB. Mr. Longacre stated he will not post the letter for six months, to see if things change under the new leadership. Mr. Longacre wants more meaningful production for the CAB over the next six months.

Mr. Phelps replied that the feedback is generally good from the DOE EM folks at Headquarters and LASO/LANL and that the NNM CAB recommendations are valued. He also noted that the NNM CAB approved nine recommendations in 2011.

Dr. Nona Girardi asked if the Chairman and the DDFO take into account the questions asked at the meetings. Mr. Ed Worth replied that all questions are of value.

Dr. Deb Shaw tends to agree with Mr. Longacre (somewhat) regarding the recommendations, but she feels the real value is that the NNM CAB members are here to get themselves informed and can pass on the information to friends, family. She personally feels that all the money which is spent on the NNM CAB should be put into removing the waste, though she understands the value of the specialized committees, such as the NNM CAB.

1 Ms. Allison Majure stated that she studied the history of science at Berkley and
2 values the work done here by the CAB and the general public places a high value on
3 written records. She asks Mr. Longacre if he has provided written recommendations and
4 she offered to help Mr. Longacre develop recommendations.
5

6 At 1:30pm, Mr. Ralph Phelps officially opened the public comment period. Mr.
7 Jeff Genauer, a College student (senior) spoke, stated he attended the Taos CAB
8 meeting last year. He stated he feels good about the closure of the CMRR project, and
9 after attending all three public hearings in northern New Mexico, regarding the surplus
10 Plutonium Supplemental Environmental Impact Studies, and believes that 99% of the
11 public comment was opposed bringing in 13 tons of Plutonium from the Plutonium pits /
12 decommissioned nuclear war heads to Los Alamos. The only positive comments were
13 from LANL scientists who were not considered actual citizens. Mr. Genauer suggested
14 the CAB review the public comments from these three sessions. Mr. Genauer closed
15 with a summary of the public comments:
16

- 17 1. Not enough alternatives were considered for the disposition of this Plutonium.
18 Plutonium should be disposed of in other ways rather than being turned into
19 MOX fuel. He felt there should be 15 to 25 different alternatives proposed in the
20 SEIS rather than 4.
- 21 2. He stated that it appeared the Lab is not interested in "environmental justice"
22 and is more concerned with production waste versus environmental clean-up.
- 23 3. Concern about producing more toxic waste; the funds and energies should be
24 focused on Jeff environmental clean-up.
- 25 4. He felt there were outright lies in the SEIS, and that the overwhelming public
26 opinion was that the SEIS should be redone in a much broader and scientific
27 accountable manner, and the plan to do the research at LANL should be
28 rejected.
- 29 5. There seem to be more suitable locations to create the MOX fuel if that is the
30 ultimate selection, such as Pantex or SRS, rather than the plateaus of Los
31 Alamos.
32

33 Mr. Jeff Genauer was the only public speaker, and offered to share a video link
34 regarding the SEIS. Mr. Phelps allowed Mr. Manual Pacheco the opportunity to
35 question Mr. Genauer. Mr. Pacheco commended Mr. Genauer for participating and
36 sees it as a good thing that young people are getting involved in the CAB process. Mr.
37 Pacheco asked if Mr. Genauer was currently enrolled in a Northern New Mexico College
38 and wants to know what Mr. Genauer's career goal is, to which Mr. Genauer replied he
39 wanted to become a high school teacher.
40

41 Mr. Manuel Pacheco asked what Mr. Genauer wanted to see done at for Los
42 Alamos and the area in general, especially as a future educator, knowing that he would
43 have an impact on the children of the future? Nuclear clean-up, money invested in
44 education, health care and positive sciences such as renewable energy and beneficial

1 science. Mr. Genauer would like to see money better spent on beneficial ways which
2 are in-line with public concerns and less money spent on nuclear programs.
3

4 Mr. Phelps officially closed the public comment period, and continued the "Old
5 Business" period with a comment from Mr. Mike Loya who stated that the primary focus
6 of Los Alamos has been the weapons, and he concurred with Dr. Shaw in that he sees
7 more of the money should be going to the clean-up efforts. He stated that he
8 commended the site for spending more money on a better, safer drilling procedure and
9 commended the current State leadership for being more adept in spending the money
10 on clean-up efforts rather than imposing fines. Mr. Loya wanted CMRR to continue as a
11 project.
12

13 Mr. Ralph Phelps thanked Mr. Loya for his comments, and recognized the arrival
14 of Ms. Michelle Jacquez-Ortiz from Senator Tom Udall's staff, and asked if there were
15 any other items which needed to be covered under Old Business.
16

17 Mr. Robert Villarreal spoke about his understanding that there are a lot of
18 people that are anti-nuclear, anti-research and anti-plutonium. He stated that the
19 Middle East is close to war and if war happens LANL will be asked to produce weapons
20 that can attack underground bunkers and LANL clean-up may take a back-seat to
21 supporting the war effort.
22

23 Ms. Menice Santistevan made a statement regarding new NNM CAB member
24 nominations. The NNM CAB is looking for new members and is looking to attract
25 students through engaging schools and universities to get more involved in the
26 NNM CAB.
27

28 Ms. Santistevan also noted that board member Bonnie Lucas has been ill, and
29 she is passing a get well card around for signatures.
30

31 Dr. Nona Girardi stated that she hoped that neither Israel or Iran were interested
32 in starting a nuclear war, and if either of them were to be so foolish to use a nuclear
33 weapon, she does not think that LANL would save us from anything. By making nuclear
34 weapons, the clean-up efforts would have to move from LANL to where the weapons
35 were used, and there would be a lot to clean up there. She stated that she did not think
36 anyone should say anything that would encourage anyone to have a nuclear war.
37

38 Mr. Ralph Phelps thanked Dr. Girardi for her statement, and for re-directing the
39 board to its core mission which is focusing on the environmental restoration activities.
40 Mr. Phelps concluded the Old Business portion of this agenda.
41

42
43 **VII. New Business**

44 **A. Consideration and Action on FY '13 Committee Work Plans**

1
2 Mr. Ralph Phelps turned the meeting over to the Chairs of these committees to
3 lead the discussion of the work plans.
4

5 Mr. Manuel Pacheco spoke on behalf of Mr. Doug Sayer with regards to the
6 committee meeting input at the last meeting. There were no additional comments or
7 required revisions to either committee's work plans, and made a recommendation to
8 approve them as is.
9

10 Mr. Carlos Valdez made a motion for approval of the FY '13 Committee Work
11 Plan. Mr. Joey Tiano seconded the motion. A discussion ensued.
12

13 Dr. Nona Girardi mentioned that during the last committee meeting, there were
14 questions regarding native species which was added to the work plan by Dr. Deb Shaw.
15 She requested clarification of that topic.
16

17 Dr. Shaw responded that during anytime the Lab is working on restoration
18 projects, the Lab should be using native species because they are adapted to the
19 climate, do not require extra care, and do not become evasive as non-native species
20 can.
21

22 Mr. Manuel Pacheco stated that the reason the question regarding the topic of
23 native species was because there is a discussion of Best Management Practices which
24 includes the use of appropriate native species. The committee decided to leave the
25 agenda item on the work plan, and highlighting the subject of native plants for use in
26 the riparian system would not be a bad thing.
27

28 Dr. Shaw reiterated that Best Management Practices should indeed incorporate
29 the use of native species; however there are several examples in that area where non-
30 native species have been used. This is the reason that the topic was added to the work
31 plan. She is agreeable to whatever decision the board makes regarding this topic.
32

33 Mr. Carlos Valdez stated that regarding the Waste Management sub-committee
34 work plan, he had received an email with information pertaining to the 33 Shafts project
35 at Los Alamos. Mr. Valdez was unable to open the email, and was curious what that
36 pertained to. He asked that Mr. Maggiore respond to what the options were available
37 for addressing the 33-Shafts.
38

39 Mr. Ralph Phelps recalled that the email contained a link to a web report on the
40 33 Shafts which was completed in 2012. A detailed description of the contents of the
41 shafts was included in the report. It was provided as data for use by the committee
42 while making recommendations regarding corrective measures.
43

1 Mr. Pete Maggiore stated that the topic of the 33 shafts has been one that has
2 been reviewed intensely, and deferred the topic to Mr. Jeff Mousseau. Mr. Maggiore
3 understands that the proposal for the 33 Shafts will be included in the deliverable to the
4 State (NMED) in December, 2012 as part of the Framework Agreement requirements. It
5 is the DOE's hope that they will be able to share those thoughts with the CAB in the
6 November meeting, prior to formally submitting the work plan to NMED.
7

8 Mr. Jeff Mousseau concurred with Mr. Maggiore's statements.
9

10 Mr. Phelps asked how many Board members actually had a chance to look at the
11 afore-mentioned report, and stated that he personally thought it was a very interesting
12 and enlightening report. The board is forming a recommendation on the 33 Shafts. Mr.
13 Phelps encouraged the Board members to review the report before the final
14 recommendation is made.
15

16 Mr. Carlos Valdez stated that it was difficult to make a recommendation of this
17 topic if the Board does not have the information regarding the proposed path(s)
18 forward. He asked if it was possible to revisit an older recommendation regarding the
19 33 shafts. Mr. Phelps confirmed that all former recommendations are available for
20 review.
21

22 Dr. Nona Giardi inquired about the specifics of the report, stating that there was
23 additional information regarding the contents of shafts, pits and trenches. Some areas
24 have well defined content listings, while the content of other areas seemed to be less
25 clear. Dr. Giardi stated that the review of the report would have to include separating
26 out the pertinent information with regards to the pending recommendation on the 33
27 Shafts area.
28

29 Mr. Bob Villarreal stated that the Lab actually knows exactly what is in the 33
30 shafts, and because of the way they wanted it to be analyzed. Removing everything
31 from a hot cell to identify it would be too expensive. The Board previously
32 recommended an alternative and has not heard what alternatives have been accepted.
33 It is a very difficult situation that develops because the cost of addressing radioactive
34 waste is very high depending on what the chosen alternative is, and that is what the Lab
35 is looking at now.
36

37 Mr. Ralph Phelps stated he felt the Board was on track to wait until the
38 November presentation from the DOE regarding the path forward for the 33 shafts.
39

40 Mr. Lawrence Longacre stated that the Board's composition is good but feels the
41 Board really needs more people with expertise and of higher education and experience
42 to sit on board. He feels that sometimes the Lab tries to buffalo board members with
43 complex information. He urges the board to bring on more PhDs to help with more
44 complex issues.

1
2 Mr. Phelps thanked Mr. Longacre for his thoughts, and stated that he made
3 some really good points, and the Board should think hard about that and see if they can
4 discover an approach to take to address this topic.
5

6 Mr. Ed Worth stated that there was a push by the DOE HQ to limit the amount of
7 technical experts and PhDs on the Board.
8

9 Dr. Deb Shaw also agreed with Mr. Longacre, stating that the Board should take
10 advantage of local expertise, as well as having well educated members of the
11 community on the Board.
12

13 Mr. Ralph Phelps polled the current Board members on the topic of obtaining
14 additional technical experts as Board members as a positive enhancement to the Board.
15 The Board, by a show of hands, unanimously decided that this endeavor would be
16 beneficial to the Board.
17

18 Mr. Mike Loya stated that practical people that have actually done the work at
19 Los Alamos, like he has, are also very beneficial to the Board.
20

21 Mr. Ralph Phelps asked that Mr. Valdez, Mr. Pacheco and Mr. Worth take the
22 sentiment that the Board is very strongly in favor of increasing the membership with
23 citizens who have higher education and technical expertise back to the Chairs meeting.
24

25 Mr. Phelps reminded the board that there was a motion and a second on the
26 floor to approve the FY '13 Committee Work Plans for both committees, and asked for a
27 final voice vote. The FY '13 Committee Work Plans were unanimously approved.
28

29 **B. Discuss Meeting Locations and Schedule for 2013**
30

31 Mr. Ralph Phelps asked Ms. Santistevan to review the proposed schedule which
32 was attached to the CAB meeting handouts. Ms. Santistevan stated that she had
33 presented the schedule to the Executive Committee, who had tentatively approved it.
34 She went on to state the schedule included the normal bi-monthly meetings and the
35 budget included for two special meetings if they were to be requested by DOE. No
36 contracts for facilities have been established at this time.
37

38 Mr. Mike Loya asked if considerations for Board meeting locations had included
39 any areas further to the south. Ms. Santistevan replied that further south than
40 Albuquerque is not considered northern New Mexico so the board has historically not
41 held meetings there. Mr. Loya then stated that Mesquite would not be an appropriate
42 meeting area, and Ms. Santistevan agreed, stating that if DOE requested that Board
43 members attend a public hearing outside of their jurisdiction, that would be
44 appropriate.

Mr. Carlos Valdez questioned the reason for the next two consecutive meetings being proposed to be held in Pojoaque. Ms. Santistevan stated that in January, it is expected that there is less snow in the Pojoaque valley area and because the offices are centrally located on the Pojoaque Pueblo, it seemed most appropriate to hold the meetings there during this time frame. However, Ms. Santistevan stated that if there were other opinions regarding the meeting location in January, it should be decided quickly, so that she had time to make arrangements. Most agreed that keeping the meetings as shown on the draft schedule was appropriate.

C. Appoint Ad Hoc Committee for Annual Self Evaluation

Mr. Ralph Phelps asked for volunteers to serve on an Ad Hoc committee to work on the annual self evaluation forms to be filled out by each board member. Mr. Phelps requested that Mr. Carlos Valdez take the lead on getting the Ad Hoc Committee together. Mr. Valdez requested for two or three volunteers to review last year's evaluation procedure to determine if any modifications need to be made. Allison Majure, Mike Loya and Brenda Gallegos volunteered.

Mr. Loya questioned if the same evaluation sheets which had been used in previous years would be the same format for this year's evaluation. Mr. Phelps stated that using the same format is a good way to maintain a consistent perspective, but the committee can certainly add or delete items from the questionnaire. Mr. Loya agreed.

Ms. Santistevan clarified that the survey would be distributed by the NNMCAB staff. The staff will also complete the compilation of the data and report to the NNMCAB at the November meeting. The DDFO or the Executive Director would then submit the results to DOE HQ by the end of December, as required by the NNMCAB Bylaws.

Mr. Loya requested that the survey be in an editable format, so that answers to the questions could be typed, and not be required to be hand written.

Mr. Phelps requested nominations for the Ad Hoc Committee for Annual Self Evaluation. Mr. Loya was nominated and approved. Ms. Allison Majure and Ms. Brenda Gallegos volunteered to participate. Mr. Phelps thanked all for their participation.

D. Other Items

No other items were discussed.

VIII. Items from DDFO

A. Update from DOE

Mr. Ed Worth began with recognizing Mr. Ralph Phelps for serving as Chair for the NNMCAB for three consecutive years. Mr. Worth stated that Mr. Phelps lead the

1 NNM CAB in many difficult discussions and is a great facilitator. Mr. Worth then
2 presented Mr. Phelps with a Certificate of Appreciation and stated that it had been a
3 pleasure working with him.
4

5 Mr. Ed Worth addressed questions from the previous meeting regarding the split
6 between the number of men and women who work at the Lab and DOE. Just for the
7 NNSA has a total work force of 2,707 employees, of that 65% are male and 35% are
8 females; 49% white males, 19% white females, 8% Hispanic males and 7.5% Hispanic
9 females; 6% are African American females and 3.6% are African American males. The
10 average age of the workforce is 46.8 years old and 3.8% have Doctorate degrees, 29.8%
11 with Masters degrees, and 33.7% with Bachelor's degrees and 32.7% with no degree.
12 These numbers are reflecting only the NNSA portion of the workforce. Mr. Worth
13 stated that the EM breakdown was being compiled for future release to the CAB.
14

15 Mr. Worth stated things are going well at the Lab. The CAB will be receiving
16 some end of the year wrap up from some of the liaison members during this meeting,
17 including an interesting update from Mr. Danny Katzman regarding the Chromium
18 project. Mr. Worth opened the floor to questions.
19

20 Mr. Manuel Pacheco asked if there are any Native Americans employed at the
21 Lab. Mr. Worth stated that there were 1.3% Native American females and 1.1% Native
22 American males employed at the Lab under NNSA.
23

24 Mr. Mike Loya asked what the impact for EM of the potential sequestration will
25 be, and if there were any known figures. Mr. Worth deferred to Mr. Maggiore's
26 upcoming presentation which will address this question.
27

28 Mr. Ralph Phelps asked for an update on the most recent recommendation from
29 the NNM CAB, requesting an expansion of its mission to include future use of WIPP. Mr.
30 Worth stated that the initial response was negative, but it is currently being
31 reconsidered. Mr. Worth asked for a little more time to prepare a more definitive
32 response.
33

34 Mr. Bob Villarreal stated that the response to the WIPP recommendation was
35 negative, but if there were a recommendation and the vote is 60% in favor and 40%
36 opposed, can there be a way that those who voted "no" can have some sort of a write
37 up which reflects the 40%. In some cases there are things that are very difficult for the
38 NNM CAB to evaluate the positives and negatives of a certain recommendation to the
39 point it would be difficult to put the information all together, and those that voted and
40 lost should have their say.
41

42 Ms. Santistevan asked for clarification of Mr. Villarreal's statement. Mr.
43 Villarreal confirmed that he was speaking on voting on a recommendation. Ms.
44 Santistevan stated that a recommendation must be approved by 75% of the voting

Board, but there is always the option of having a minority report submitted along with the approved Recommendation, if someone wants to draft that information.

Mr. Villarreal stated he would like to pursue the topic again.

Mr. Longacre confirmed Ms. Santistevan's statement regarding the minority report, stating that the NNMCAB operates under Robert's Rules of Order. Mr. Longacre then asked Mr. Worth if the NNMCAB truly had an impact on the WIPP facility. Mr. Worth stated that in general, the public does have an impact on the operations of WIPP as recognized by Mr. Dave Huizenga in a number of different venues. The last recommendation regarding expanded mission of the NNMCAB may end up showing that the CAB may have more impact on WIPP in the future.

Mr. Phelps also addressed Mr. Longacre's question, stating that his concerns were discussed prior to submitting the recommendation, and the recommendation was crafted narrowly to try to reflect impact on items within the state of New Mexico.

Mr. Worth stated that members of the EPA could not attend this meeting today, as their travel budget is small. Mr. Worth noted that he had not received an update from Mr. Rich Mayer. Mr. Worth stated that he would have an EPA update by the next CAB meeting.

Mr. Manuel Pacheco asked about the new administrator for EPA Region 6. Mr. Phelps responded that the topic was also approached during a conference call with PNM earlier in the week, and it affects them more directly. The Board will be dealing with Mr. Ron Curry again.

Mr. Carlos Valdez stated that there was a Plutonium update on this meeting's agenda, and asked if there were any way to get an update on the Framework items as well. Mr. Worth stated that perhaps Mr. Maggiore or Mr. Mousseau could respond to that request if the information was available to them during their liaison reports.

B. Other Items

No other items were discussed.

The NNMCAB took a 15 minute recess.

IX. Items from Liaison Members

A. Environmental Protection Agency (Region 6)

Mr. Ed Worth had already given the report for this agenda item, and the Board continued to the next item on the agenda.

1 **B. New Mexico Environment Department**

2 Mr. Ralph Phelps stated that no one was available to present from NMED, and
3 the Board continued to the next item on the agenda. (Mr. Dave Cobrain arrived later in
4 the meeting).
5

6 **C. Los Alamos Site Office**

7 Mr. Pete Maggiore offered an update on LASO and the budget and the continued
8 uncertainty with regards to this topic. The FY '13 starts on October 1, 2012, and LASO
9 has not been able to provide LANS with formal direction on what work to execute as
10 embargoed information is all that is available from DOE HQ. Mr. Maggiore stated the
11 Continuing Resolution has passed by the House and Senate but he is unclear if the
12 President has signed it. The language covers operational activities through March, 2013
13 which is complicated by several factors. First, the Continuing Resolution is much more
14 constrained to move money between or across sites than in the past. Secondly, the
15 Resolution establishes budget marks based on the lowest of three inputs; the House
16 mark, the Senate mark or the actual budget of the previous FY. The Senate mark was
17 \$239M, the House mark was \$219M, and the FY12 operating budget was \$188M. These
18 figures represent about a \$50M difference between the Senate mark and the FY12
19 operating budget which represents a significant amount of uncertainty.
20

21 Mr. Maggiore mentioned that there is a provision in the Budget Control Act of
22 2010 that would impose mandatory 7-10% budget cuts. Mr. Maggiore stated that he
23 has been in close contact with DOE HQ and they are strong advocates for the budget.
24 Two letters went out this month one from NMED Sec. David Martin on Sept. 7th to U. S.
25 Senators Udall and Bingaman and Congressman Lujan, expressing serious concerns over
26 the Continuing Resolution for Los Alamos and appealing for the President's budget. A
27 copy of a letter from the delegation to Mr. D'Agostino was received in response to Sec.
28 Martin's letter, expressing extremely strong support for the facilities, budget and the
29 work being done at Los Alamos, and encouraging the Mr. D'Agostino to do whatever he
30 could to provide additional funding for the site.
31

32 Mr. Pete Maggiore wanted to talk about the FY '13 Work Plan during this
33 meeting; however it is not yet completed. In November, he will present that
34 information as well as information regarding the below grade waste.
35

36 Looking ahead, LASO has some pretty aggressive milestones for FY13 of moving
37 1,800 cubic meters of TRU waste from the site. This goal will far surpass anything that
38 has ever been done at the site, and includes a tremendous amount of work. In addition,
39 there is a very important work plan due to the State which includes the plan for moving
40 the below grade inventory. This plan will be presented to the NNM CAB during the
41 November meeting, in preparation for the deliverable in December, providing the
42 NNM CAB with an opportunity to provide LASO with its comments and concerns.
43

44 Mr. Maggiore closed by outlining his intentions for future NNM CAB meetings. In

1 October, the FY '13 Work Plan; in November, the below ground TRU, and in December,
2 share a report from an expert panel on how to proceed with the Chromium
3 groundwater issue. Mr. Maggiore stated that Mr. Jeff Mousseau, the new LANS ADEP,
4 would be speaking next, and expressed his excitement in working with such a
5 credentialed professional.
6

7 Mr. Phelps opened the floor to any questions for Mr. Maggiore. Mr. Bob
8 Villarreal asked how it is determined how much work can be done if the Lab does not
9 know how much money will be available. Mr. Maggiore responded that the Lab takes a
10 Risk Based Approach and works with NMED, with the highest priority continuing to be
11 the 3,706 TRU Campaign.
12

13 Mr. Mike Loya asked if there was contamination getting into the aquifer to which
14 Mr. Maggiore replied that waste is above ground and contained and contamination has
15 not entered into the aquifer.
16

17 Mr. Mike Loya also asked about the effects of a wild fire to which Mr. Mousseau
18 replied during forest fires there is a possibility that fiberglass coated plywood boxes
19 could burn and could release toxins into the environment.
20

21 Mr. Longacre spoke about Los Alamos history and waste legacy, and asked why it
22 takes 70 years to clean up this waste. Mr. Maggiore responded that this one of the
23 largest clean-up projects in the country with several complexities. There are time and
24 money constraints; we are in the process of working on plans.
25

26 Mr. Bob Villarreal stated that waste was not the priority in the 1950s and 60s.
27 The Labs were not equipped to handle the waste at that time. Mr. Maggiore stated that
28 it is an evolutionary process, applying safe cleanup technology as it is developed. Mr.
29 Mousseau also added regulations have changed, money is tight and LANS is working to
30 stretch every dollar possible.
31

32 Ms. Allison Majure asked if the current waste handled properly? Mr. Pete
33 Maggiore state that yes, current waste is handled correctly, current practices are
34 correct.
35

36 Ms. Brenda Gallegos asked what happens if current waste plan is not met to
37 which Mr. Maggiore responded that DOE EM would be subject to several penalties and
38 fines if the results are not achieved.
39

40 Mr. Art Mascarenas asked if the TRU-PAC containers are fireproof, to which Mr.
41 Mousseau responded that they are tested and approved for use. Mr. Art Mascarenas
42 then asked if the above ground be repackaged and stored on-site to which Mr.
43 Mousseau responded positively stating it can be done, but the current plan is for
44 removal.

1
2 Mr. Phelps delayed Mr. Mousseau's presentation so that Mr. Dave Cobrain could
3 provide an update from NMED. Mr. Cobrain stated that NMED had granted
4 approximately 51 extensions to the Lab this past year; the extensions range from a time
5 period of two weeks to two years. The extensions primarily addressed groundwater
6 issues. A list detailing the extensions is available.
7

8 Mr. Carlos Valdez asked if there were any extensions which moved passed
9 Consent Order deadlines to which Mr. Cobrain replied positively. These extensions
10 (which extend beyond the Consent Order date) have come up very recently.
11

12 Mr. Bob Villarreal asked Mr. Cobrain when does ground water become
13 something else to which Mr. Cobrain responded by stating that in the State of New
14 Mexico, ground water is considered any surface water saturation. He also talked about
15 other types of water categories.
16

17 Mr. Mike Loya questioned the meaning of surface water, stating that his
18 understanding is that once water is purged from the alluvial layer to the surface it is
19 called surface water, to which Mr. Cobrain responded positively stating examples such
20 as a spring or output from a well. He went on to discuss the Chromium issue, stating
21 that to his knowledge, Chromium is present in ground water, not surface water.
22

23 Ms. Nicole Castellano asked for clarification on the Consent Order being
24 discussed to which Mr. Cobrain replied the one dated March, 2005. Ms. Castellano
25 followed up with another question asking if the state had granted extensions prior to
26 2011 and asked to have a consolidated list of all extensions presented to the CAB at the
27 next meeting. Mr. Cobrain agreed to provide that information at the November CAB
28 meeting.
29
30

31 **D. Los Alamos National Laboratory**

32 Mr. Ralph Phelps introduced Mr. Jeff Mousseau who would provide an FY12
33 summary which included the following accomplishments:
34

- 35 • Shipped 60 more TRU shipments than last year
- 36 • 32% higher/riskier shipments made
- 37 • 1000 shipment celebration
- 38 • In last two weeks, 10 shipments have been shipped to WIPP
- 39 • The Lab has developed a good working relationship with NMED
- 40 • Between 400/500 people working for LANS EP
- 41 • No reportable injuries since January 04, 2012

42
43 Mr. Mousseau went on to describe some of the FY '13 challenges:

- Once above ground waste is gone, underground waste is next
- 2013 next, double waste shipments, focus on double boxes
- Funding issues; six month CR
- Balancing priorities
- Reviewing Risk issues

Mr. Ralph Phelps opened the floor to questions for Mr. Mousseau.

Mr. Manuel Pacheco inquired about the January 04 accident to which Mr. Mousseau replied that he would have to research it and get back to the CAB, but he was fairly confident it was related to slips, trips and falls.

Ms. Allison Majure asked if LANS was going with volume and Material at Risk (MAR) which Mr. Mousseau replied positively stating the Lab is still focusing on high Pico-curie waste and volumes, trying to balance loads to maximize each shipment and still reducing MAR onsite. Ms. Majure then asked what is the geographical range of testing. Mr. Cobrain replied that it was mostly on site property but also included a few other locations off site.

She then asked what the difference was between the Consent Order and the Framework Agreement to which Mr. Maggiore replied that the Framework Agreement is not enforceable but the Consent Order is. Ms. Majure then asked if the 400 people employed at LANS are casual or full-time employees (FTEs) to which Mr. Mousseau replied that they were mostly FTE with a mix of contractors & LANS employees; 40% LANS and 60% contractors.

Mr. Lawrence Longacre asked about a letter from the Congressional Committee stating that RLW and other Lab areas are not living up to Consent Order requirements and Congress is not happy with progress. Mr. Pete Maggiore replied that RLW is now being upgraded and will improve facility processes. Storage capital improvements are being made. A new RLW is being considered and permits are in review. Mr. Maggiore requested a copy of the letter for review and response. He stated that RLW is a central rad-waste collection facility.

X. Update on Chromium/Perchlorate Groundwater Plume

Mr. Carlos Valdez introduced Mr. Danny Katzman (LANS) who provided a briefing on the Chromium/Perchlorate Groundwater Plume. Historically, Chromium was used in protecting cooling tower systems and was occasionally released into the environment. A very intensive investigation has been conducted.

Mr. Valdez thanked Mr. Katzman for a great oversight presentation. An audio and paper copy of the presentation can be obtained at the NNMCAB office.

Questions regarding Mr. Katzman's presentation included a question from Ms. Nicole Castellano asking if the Chromium plume was heading south. Mr. Katzman reported that it was moving in a southerly direction, but not into Santa Fe.

Mr. Lawrence Longacre asked if anyone was being held accountable for the damage done to the Environment due to the Chromium, and Mr. Katzman replied that there were no regulations against the use of Chromium at this time. Mr. Longacre followed up asking if Sulfuric acid was used during this time period, and Mr. Katzman stated that sulfuric acid was utilized, but no sulfate has been detected.

Ms. Allison Majure asked if there were issues with iron in the groundwater, and Mr. Katzman concurred that there were.

Dr. Deb Shaw asked if there were PCB's which required clean-up to which Mr. Katzman replied there was no plan for recovering PCB's. Ms. Shaw then stated that if there were PCB's on her property, she would most certainly have them removed. Mr. Katzman provided that PCB's were a Toxic Substances Control Act (TOSCA) requirement and not under the Resource Conservation and Recovery Act (RCRA) regulations.

Mr. Art Mascarenas asked if clean up (of PCB's) was very expensive to which Mr. Katzman replied that cost is not the issue. The issue is regulation driven, not cost.

Mr. Lawrence Longacre asked what can the Board do to help solve these problems to which Mr. Katzman replied that the NNMCAB's evaluation and input is valuable and the insight helped LANS see the issue from a different prospective.

Mr. Carlos Valdez polled the NNMCAB members, asking who was returning after the dinner break because there is the need of a quorum to vote on the next agenda item.

The NNMCAB took a 60 minute dinner break.

XI. Public Comment Period

Mr. Carlos Valdez opened the Public Comment period and noted there were no members of the public present to make comment.

XII. Consideration and Action of Draft Recommendations(s) to DOE

Mr. Carlos Valdez explained the budget process and the background for Draft Recommendation 2012-03, "Fiscal Year 2013 and 2014 Budget Appropriation Recommendation".

Mr. Lawrence Longacre asked if there was a way to plead "no money" and get

out of the Consent Order requirements to which Mr. Ed Worth replied that there is no get out of jail card for free and Mr. Maggiore agreed with that statement.

Mr. Carlos Valdez further explain the budget process and Dr. Girardi asked if fines come out of existing budget to which Mr. Maggiore replied that for all clean-up projects, the fines come out of the existing budget. Mr. Pete Maggiore requested the CAB obtain language about fines and penalties coming out of existing budgets for the next meeting.

Mr. Carlos Valdez asked the NNM CAB for a motion to approve the draft recommendation. Mr. Tiano made the motion and it was seconded by Mr. Manuel Pacheco. Recommendation 2012-03 was unanimously approved by the NNM CAB.

XIII. Wrap-Up

Mr. Valdez opened the floor to general comments from the members.

Mr. Art Mascarenas, Ms. Alison Majure, Dr. Nona Girardi, Dr. Deb Shaw, Mr. Bob Villarreal, Mr. Pete Maggiore, Mr. Ed Worth, and Mr. Joey Tiano all stated that this was a good meeting.

Ms. Menice Santistevan thanked everyone for their participation.

Mr. Lawrence Longacre stated that any meeting is as good as the recommendations made to DOE.


Mr. Manuel Pacheco thanked Mr. Pete Maggiore, Mr. Ed Worth and Ms. Menice Santistevan and stated that the NNM CAB needed to get the recommendations out.

Ms. Brenda Gallegos and Mr. Joey Tiano also thanked everyone.

XIV. Adjournment

With no further business to discuss, Mr. Joey Tiano moved to adjourn the meeting; Dr. Deb Shaw seconded the motion. Mr. Carlos Valdez adjourned the meeting at 6:35 p.m.

Respectfully submitted,



Ralph Phelps, Chair, NNM CAB


**Minutes prepared by Carolyn Bateman, Sr. Cost Estimator, PT&C*

1
2 **Attachments:**

- 3 1. Final 9-26-2012 NNM CAB Meeting Agenda
4 2. Final 8-29-2012 NNM CAB Meeting Minutes
5 3. Report from Ralph Phelps, NNM CAB Chair
6 4. Report from Menice Santistevan, Executive Director
7
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9 **Public Notice:**

10  *All NNM CAB meetings are recorded. Audiotapes have been placed on file for review at
11 the NNM CAB Office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506.

12  *Reference documents listed in the Appendix section of these minutes may be requested
13 for review at the NNM CAB office in Pojoaque by calling (505) 989-1662.