



Northern New Mexico Citizens' Advisory Board Meeting
January 5, 2012
3:00 p.m. to 7:00 p.m.
Meeting Location: Cities of Gold Conference Center
Pojoaque, New Mexico

MINUTES

Meeting Attendees:

Department of Energy:

Lee Bishop, Co-Deputy Designated Federal Officer (DDFO)
Ed Worth, Co-Deputy Designated Federal Officer (DDFO)
Pete Maggiore, Deputy Assistant Manager for Environmental Operations
George Rael, Assistant Manager of Environmental Operations
Christine Gelles, DOE HQ
Frank Marcinowski, DOE HQ
Silas DeRoma, Los Alamos Site Office (LASO)
Kevin Smith, Los Alamos Site Manager
Bob Zulick, Project Time & Cost
Laura Day, Project Time & Cost
Edward Ziemianski, Carlsbad Field Office
David S. Rhodes, LASO Environmental Projects
Juan Griego, Acting Deputy Site Manager (LASO)

NNMCAB Members:

- 1. Ralph Phelps, NNM CAB Chair**
- 2. Carlos Valdez, NNM CAB Vice Chair**
- 3. Manuel Pacheco, Waste Management (WM) Committee Chair**
- 4. Caroline Mason**
- 5. Bonnie Lucas**
- 6. Joe Tiano**
- 7. Lawrence Longacre**
- 8. Nona Girardi**
- 9. Bob Villarreal**
- 10. Nick Maestas**
- 11. Nicole Castellano**

Excused Absences:

Deb Shaw

1 **Lawrence Garcia**
2 **Mike Loya**
3 **Doug Sayre**

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6 **Marked Absent:**
7 **Jacqueline Gutierrez**

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9 **NNMCAB Support Office Staff:**
10 **Menice Santistevan, Executive Director**
11 **Karen Erickson, Technical Writer**
12 **Grace Roybal, Office Administrator**
13 **Edward Roybal, Sound Technician**

14
15 **Guests:**
16 **Colleen Curran, LANL**
17 **Kathryn Roberts, LANL**
18 **Tori George, LANL**
19 **Paul Henry, LANL**
20 **Patti Jones, LANL**
21 **Sean Stanfield, Canberra**
22 **Tony Grieggs, LANL**
23 **Rick Ulibarri, LANL**
24 **Susan Gordon, Alliance for Nuclear Accountability**
25 **Scott Kovac, Nuclear Watch New Mexico**
26 **Marian Naranjo, HOPE**
27 **Charles Broom, Public**
28 **Jeri Clausing, Associated Press**
29 **Rebecca Montoya, U.S. Senator Jeff Bingaman's Office**
30 **Michele Jacquez-Ortiz, U.S. Senator Tom Udall's Office**
31 **Todd Davis, DNFSB**
32 **Scott Den Barrs, Public**
33 **Denny Hjeuesen, Public**
34 **John Kieling, NMED**
35 **John Severance, Los Alamos Monitor**
36 **Linda Nelson, LANL**
37 **Katie Wurden, LANL**
38 **Tom Gallegos, Public**
39 **Fred DeSousa, LANL**
40 **Kate Lynnes, LANL**
41 **Frances Berting, Los Alamos County Council**
42 **Dan Cox, LANL**
43 **Deborah Woitte, LANL**

- 1 **Jim Davis, Director of Resource Protection Division, New Mexico Environment Department**
- 2 **(NMED)**
- 3 **David Martin, Secretary, NMED**
- 4 **Morgan R. Nelson, NMED, Office of General Counsel**
- 5 **Jennifer A. Catechis, Congressman Ben R. Lujan's Office**
- 6 **Kathryn W. Johns-Hughes, LANL**
- 7 **Jeff Moussean, LANL**
- 8 **Brett Broderick, DNFSB**
- 9 **Tom Starke, LANL**
- 10 **John Isaacson, LANL**
- 11 **Wren Abbott, Santa Fe Reporter**
- 12 **Dave McInroy, LANL**
- 13 **Sharon Stover, Los Alamos County Council**
- 14 **Mark Oswald, Albuquerque Journal**
- 15 **Jim Hall, Public**
- 16 **Gail Toddings, LANL**
- 17 **Gerry Maestas, Public**
- 18 **Bill O'Neill, Hudspeth & Associates**
- 19 **Lorrie Bonds Lopez, LANL**
- 20 **Jessica Moseley, Weston Solutions**
- 21 **Sarah Wolters, NM Community Foundation**
- 22 **Ken LeGattoiote, Public**
- 23 **Ed Moreno, Keystone Center**
- 24 **Steve Clemmons, Public**
- 25 **Charles deSaillen, NMED**
- 26 **Dave Cobrain, NMED**
- 27 **Mark Haagenstad, Public**
- 28 **Beth Sellers, LANL**
- 29 **Michael Graham, Associate Director for Environmental Programs, LANL**
- 30 **Ryan Flynn, NMED Chief Counsel**

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1 **AGENDA**

- 2 I. Call to Order
- 3 II. Welcome and Introductions – Ralph Phelps, NNMCAB Chair
- 4 III. Environmental Cleanup Priorities
- 5 IV. Current Status of LANL Cleanup
- 6 V. TRU Campaign
- 7 VI. Consent Order Update
- 8 VII. Public Comment Period
- 9 VIII. Adjournment

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1 **MINUTES**

2 **I. Call to Order**

3 A special meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB)
4 meeting was held on January 5, 2012 at the Cities of Gold Conference Center in
5 Pojoaque, New Mexico. Mr. Ed Worth, Co-Deputy Designated Federal Officer (DDFO),
6 stated that on behalf of the Department of Energy (DOE), the meeting of the NNMCAB
7 was called to order at 3:10 p.m.

8
9 Mr. Worth gave an overview of the reason for the special meeting, citing letters from
10 New Mexico elected officials , including New Mexico Governor Susana Martinez and
11 NNMCAB recommendations regarding TRU waste cleanup, and the need to disseminate
12 time-sensitive information on that topic. Mr. Lee Bishop, Co-Deputy Designated Federal
13 Officer (DDFO), recognized Mr. Ralph Phelps as NNMCAB Chair. The Chair presided at
14 the meeting.

15
16 The meeting of the NNMCAB was open to the public and posted in **The Federal Register**
17 in accordance with **The Federal Advisory Committee Act (FACA)**.

18
19 **II. Establishment of a Quorum (9 needed)**

20 **a. Roll Call**

21 Ms. Erickson conducted roll call as the members arrived. Ten members were present at
22 the meeting at the time of roll call, which comprised a quorum for conducting business.

23 **b. Excused Absences**

24 Ms. Erickson announced that Deb Shaw, Lawrence Garcia, Mike Loya, and Doug Sayre
25 had approved excused absences.

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28 **III. Welcome and Introductions**

29 Mr. Phelps welcomed everyone to the meeting, citing the NNMCAB's priorities of
30 meeting the consent order, budget issues, expediting the removal of waste, especially
31 TRU waste, from TA-54, and protecting groundwater.

32
33 Mr. Phelps asked for introductions from the members and guests in attendance.
34

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36 **IV. Approval of Agenda**

37 The board reviewed the January 5, 2012 NNMCAB meeting agenda.

38
39 **Mr. Pacheco moved to approve the agenda and Mr. Tiano seconded the motion. The**
40 **meeting agenda was unanimously approved.**

41
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43 **V. Presentation, "LANL Environmental Cleanup Priorities," David Martin, Secretary, New**
44 **Mexico Environment Department**

1 A printed copy of Sec. Martin's presentation notes was included in the meeting packet
2 and a copy may be obtained by request from the NNMCAB office at (505) 989-1662.

3
4 Before his presentation, Sec. Martin advised the NNMCAB that, as requested, NMED has
5 appointed an ex-officio member, John Keiling, to represent the NMED at CAB meetings.

6
7 Sec. Martin updated the NNMCAB on...changes in priorities stemming from when
8 Governor Susana Martinez visited LANL during the Las Conchas Fire and saw above
9 ground TRU waste which had been present during the Cerro Grande Fire as well.
10 Concerns re-emerged regarding ground and surface water safety and funding issues.
11 Sec. Martin explained that LANL and WIPP are collaborating to quickly clean up TRU
12 waste at the site, and that a tiger team had been formed to reprioritize and reschedule
13 cleanup activities to address recent concerns.

14
15 Sec. Martin introduced the new Framework Agreement, a "road map" or blueprint of
16 how involved agencies will move forward to accomplish prioritized tasks. While not a
17 legal document, Sec. Martin explained that the Framework Agreement sets out
18 deadlines for removal of legacy TRU waste at Area G by 6/30/2014, and newly
19 generated waste by 12/31/2014. Sec. Martin explained that NMED's representative
20 Brian Moore is in Washington, D.C. to push for more funding, and local representatives
21 will be fighting locally for funding to accomplish the cleanup priorities.

22
23 After his presentation, Sec. Martin fielded questions regarding removal of remote
24 handled waste and how cleaned-up land would be transferred to the public and used in
25 the future.

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28 **VI. Presentation, "Current Status of LANL Cleanup," Michael Graham, Associate Director
29 for Environmental Programs, NNSA**

30 A printed copy of Mr. Graham's presentation notes was included in the meeting packet
31 and a copy may be obtained by request from the NNMCAB office at (505) 989-1662.

32
33 Mr. Graham updated the NNMCAB on the work so far completed under the Consent
34 Order. Substantial progress has been made in removing waste and remediating waste
35 handling and storage areas, including ground and surface water protection. Great
36 accomplishments were made in 2011 with ARRA funding boosts. The Las Conchas Fire
37 presented new priorities for watershed protection and waste removal. Mr. Graham
38 stated that NNSA is in agreement with NMED regarding priorities for FY2012 work.

39
40 After his presentation, Mr. Graham entertained questions from the NNMCAB regarding
41 performance standards and how those standards are evaluated; who determines the
42 need for additional groundwater monitoring wells in a time of funding shortages; and
43 how efficiency is managed in light of funding shortages? Mr. Graham laid out the state's
44 responsibility for setting and meeting standards, analyzing data collection needs and

1 determining the need for more wells. Mr. Graham also stated that although funding has
2 decreased, performance in shipping waste to WIPP has gone up. Mr. Graham also
3 predicted that the 25 remaining low-risk sites will probably take a couple years to
4 complete, depending on funding and other factors.
5

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7 **VII. Presentation, "LANL 3706 Transuranic Waste Campaign," Lee Bishop, Federal TRU
8 Waste Manager, Los Alamos Site Office, DOE**

9 A printed copy of Mr. Bishop's presentation notes was included in the meeting packet
10 and a copy may be obtained by request from the NNMCAB office at (505) 989-1662.
11

12 Mr. Bishop updated the NNMCAB on efforts to remove TRU waste, including a reminder
13 on the definition of TRU waste and a description of TA-54 and Area G. During the Las
14 Conchas Fire, only one acre of Lab property burned, and significant fire protection
15 measures were in place, but the fire still highlighted the need to prioritize removal of
16 above ground TRU waste from this area. The inventory of this waste is 3706 cubic
17 meters, which, along with newly generated waste, will be cleaned up by 12/31/2014.
18 DOE's LASO will partner with the Carlsbad Site Office to schedule, characterize, and ship
19 waste.
20

21 After his presentation, Mr. Bishop entertained questions from the NNMCAB involving
22 the nature of the waste at Area G, stressing that all drums are vented with filters, most
23 drums do not contain uranium, and any decay to radon takes decades to develop, so will
24 not release any radon until encased safely at the WIPP site.
25

26
27 **VIII. Presentation, "LANL 3706 Transuranic Waste Campaign," Dan Cox, Deputy Associate
28 Director for Environmental Programs, NNSA**

29 A printed copy of Mr. Cox's presentation notes was included in the meeting packet and
30 a copy may be obtained by request from the NNMCAB office at (505) 989-1662.
31

32 Mr. Cox further clarified the plan for removal of the 3706 remaining cubic meters of
33 legacy TRU waste at Area G, giving specific details on the nature of the inventory and
34 the needs to characterize, classify, and ship the waste. He explained that there is some
35 underground remote handled waste, some of which has shipped, but that much remains
36 to be done with what remains.
37

38 Mr. Cox compared the original plan with the new plan for TRU waste removal, stressing
39 the importance of worker safety, public and environment protection. Facilities have
40 been built to handle oversized containers and those facilities are currently up and
41 running. Mr. Cox addressed questions from the NNMCAB regarding storage of
42 prohibited items in the drums such as aerosol cans, plastics, etc.; scheduling of the
43 inventory and future plans for TA-54. Mr. Cox explained that a highly detailed plan for

1 shipping of all waste including prohibited items separated from the TRU waste
2 containers, is in place and currently underway. The plan now is to close TA-54.
3

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5 **IX. Panel Discussion, "Consent Order Update," George Rael, Assistant Manager for**
6 **Environmental Operations, NNSA, and Jim Davis, Resource Protection Division**
7 **Director, NMED**

8 After Mr. Cox's presentation, Mr. Phelps introduced George Rael and Jim Davis to lead a
9 panel discussion on the Consent Order Update.

10
11 Mr. Rael said that six years into the Consent Order, lots of good work has been done so
12 far despite the continuing problem of Congressional underfunding. He stressed the
13 need for flexibility to allow us to do the most important work, and that the recent Las
14 Conchas Fire caused a re-evaluation of priorities. The Framework Agreement will help
15 us decide where to go next. Mr. Rael described the action-oriented plan, citing the plan
16 to remove legacy above ground TRU waste by June 2014, remove newly generated
17 waste by December 2014, develop a schedule to identify below-ground TRU waste by
18 12/31/2014, and work on above-ground cemented waste. He expounded on the idea of
19 tiger teams and how they can provide savings by prioritizing data collection needs.
20

21 Mr. Davis added that LANL's location as one that was hard to get to, in addition to the
22 development of the Los Alamos town site around it, makes it one of the most
23 challenging sites to manage in terms of environmental remediation, all made more
24 complicated by historical underfunding. Mr. Davis stressed the NMED will monitor this
25 TRU waste removal and progress on this effort with quarterly milestones and constant
26 collaboration with the Lab, keeping a skeptical eye on it to ensure it remains on track.
27 Some monitoring may be reduced if it can be determined that such monitoring is not
28 necessary to ensure public safety and health. Other ideas to maximize efficiency include
29 reduction in paperwork, plan and sequencing work to avoid stop-and-go work, and
30 reduction in monitoring where possible. He explained that most of the 26 extension
31 requests approved have involved re-sequencing, and that TRU waste removal is going
32 forward faster now. Mr. Davis restated that NMED is 100% committed to protection of
33 ground, surface, and drinking water, and will ensure that all permits will be met.
34

35 Mr. Rael stated that it is not possible for DOE to meet the 2015 Consent Order deadline.
36 He pointed to the Framework Agreement as a road map for the future, and requested
37 public input on the quarterly reports and annual planning process. Mr. Rael thanked the
38 NNMCAB for its input.
39

40 Mr. Davis restated that NMED will carefully watch the cleanup efforts going forward,
41 and see what progress is being made before renegotiating the Consent Order. Any such
42 renegotiation will be a highly transparent process with much public involvement.
43

1 After the conclusion of the presentations, Mr. Phelps opened the floor to questions
2 from the NNMCAB. Asked for clarification on the possible renegotiated end date, Mr.
3 Davis said that it is impossible to predict at this point. Ryan Flynn, Chief Counsel for
4 NMED, clarified that whether the Consent Order will be renegotiated is still up in the air
5 and that NMED will continue to monitor and pressure LANL to make progress. He also
6 expressed concern that pushing back the current deadline might cause an even further
7 drop in funding if a sense of urgency seems lessened via a pushed-out deadline.
8

9 Mr. Rael stated in response to a question of how the NNMCAB can be of greater help,
10 that the NNMCAB's recommendations have been very helpful and have been shown to
11 decision makers as the blueprint is being developed. Mr. Rael stated that the
12 NNMCAB's input will be very important now to ensure we have the right priorities and
13 aren't missing anything important.
14

15 NNMCAB members thanked DOE for going on the record saying the Consent Order
16 deadline will not be met, and pointed to the accelerated shipments of TRU waste to
17 WIPP and the accomplishments highlighted as evidence that progress is being made.
18 DOE and NMED representatives stressed to the NNMCAB that its involvement is
19 important and that it might have a strong voice in pressing for increased funding.
20

21
22 **X. Public Comment Period**

23 After a break, Mr. Phelps announced the public comment period, for which two people
24 signed up.
25

26 Scott Kovac of Nuclear Watch New Mexico commented on the many extensions and
27 original cleanup efforts that are now apparently being put on hold. He asked what the
28 consequences would be if the current deadlines are not met? Mr. Kovac had previously
29 submitted a list of Consent Order Deliverable Extensions, for the NNMCAB's
30 information.
31

32 Susan Gordon, Director of the Alliance for Nuclear Accountability, expressed frustration
33 at the historical underfunding of cleanup work across the complex. She stated that
34 LANL has not asked for money for cleanup because they ask for money to build more
35 nuclear weapons, and thus they have not met their cleanup obligations. She cited 212
36 billion additional dollars earmarked for cleanup and stated it is not a lack of funding, but
37 rather how LANL is spending the funding, that is causing problems. Ms. Gordon stressed
38 that the Consent Order deadline is the "stick" that we have to make LANL do it, and if it
39 is negotiated, we have no stick, no leverage. She cited a long history of renegotiations
40 and other agreements that have not been met, and urged the NNMCAB to keep them
41 accountable to meeting this Framework Agreement.
42

43 Mr. Phelps called for additional public comment. Santa Fe resident Chuck Broom
44 encouraged the NNMCAB to communicate and educate the population, becoming the

1 “squeakiest wheel” to make a positive effect. He encouraged the NNMCAB to get the
2 message to the voters, because they are the ones who can change things.

3
4 Gerry Maestas, a resident of Espanola, stated that he does not believe the water supply
5 is in danger, and that he believes that DOE does ask for money for cleanup. He stated
6 that the original timeline agreement of 10 years was “a dumb thing to do” with so many
7 unknown factors. Mr. Maestas stated that we have known for five years that the
8 deadline would not be possible to meet, and increased funding was needed, but added
9 that the important thing is the overall risk, not the specific date, and that he trusts LANL
10 and NMED to get the work done.

11
12 Sec. Martin addressed the question of where the money comes from to pay for fines
13 from NMED, asking Frank Marcinowski of DOE Headquarters to address the question.
14 Mr. Marcinowski stated that it comes from project money at each site, rather than a
15 separate source just for cleanup. Any fines a site gets due to a compliance violation
16 come out of site project money.

17
18 Mr. Phelps closed the public comment session.
19

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21 **XIII. Wrap-Up and Adjournment**

22 Mr. Phelps announced a few open positions on the NNMCAB, and that the next CAB
23 meeting would be held on January 25, 2012. The CAB’s Executive Committee meeting
24 will meet on January 11, 2012 at the new CAB office in Pojoaque; there will be no
25 WM/EMSR committee meeting this month. The meeting was adjourned.
26

27 **Respectfully submitted,**



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30 **Ralph Phelps, Chair, NNMCAB**

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32 ****Minutes prepared by Karen Erickson, NNMCAB Technical Writer***

33
34 **Attachments:**

- 35 **1. Final 1-5-2012 NNMCAB Meeting Agenda**
- 36 **2. PowerPoint Presentation, “LANL Environmental Cleanup Priorities,” F. David Martin,**
37 **Secretary, New Mexico Environment Department**
- 38 **3. PowerPoint Presentation, “Current Status of LANL Cleanup,” Michael Graham,**
39 **Associate Director for Environmental Programs, NNSA**
- 40 **4. PowerPoint Presentation, “3706 Transuranic Waste Campaign,” M. Lee Bishop,**
41 **Federal TRU Waste Manager, Los Alamos Site Office, DOE**

- 1 5. PowerPoint Presentation, "LANL 3706 Transuranic Waste Campaign," Dan Cox, Deputy
2 Associate Director for Environmental Programs, NNSA DOE
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5 **Public Notice:**

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

8  *Reference documents listed in the Appendix section of these minutes may be requested
9 for review at the CAB office in Pojoaque. (505) 989-1662.

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