

## Northern New Mexico Citizens' Advisory Board Meeting Minutes

**Pojoaque, New Mexico**  
**Cities of Gold Hotel – Tribal Room**

**Board Meeting Minutes**

**July 25, 2001**

<b>Board Members Present:</b> Fran Berting Jim Brannon Valerie Espinoza Richard Gale Agustin Garcia Dorothy Hoard Jim Johnston, Vice Chair Don Jordan Menice Santistevan-Manzanares, Chair Angelina Valdez	<b>Board Members Absent (unexcused):</b> Anthony Armijo George Chandler Maxine Ewankow June Fabryka-Martin Myron Gonzales David Chávez
<b>Ex-Officio Members Present:</b> Michael P. Baker Envir. Division Director, LANL Victoria Maranville, for James Bearzi Hazardous Waste Bureau, NMED Ted Taylor, Deputy Designated Federal Officer Joe Vozella, Assistant Area Manager, DOE/LAAO	<b>Ex-Officio Members Absent:</b> Rich Mayer, EPA
<b>Staff:</b> Barbara Harrelson, ATA Services Terra Nash, ATA Services Karren Suesz, PWT Grace Roybal, ATA Services <b>Facilitator:</b> Toby Herzlich	<b>Guests:</b> Dolores Garcia, Senator Bingaman's Office Donovan Porterfield Carmen Rodriguez Olivia – Former Board Member

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## **I. OPENING**

Ted Taylor, DDFO, called the meeting to order. Mr. Taylor introduced Grace Roybal, the new office secretary. Mr. Taylor turned the meeting over to Menice Santistevan-Manzanares, Chair. There were Board and guest introductions. The Chair announced the new openings for employment at the CAB office. She stated that she was interviewed for the General Manager position, and that she will reclude herself during the meeting during budget and/or new staffing discussions. Jim Brannon motioned to accept, Jim Johnston seconded and the Board approved the meeting agenda as modified. Don Jordan motioned to accept, Fran Berting seconded, and the Board approved the June meeting minutes as modified. Approved minutes are available at the NNM CAB office.

## **II. Board Comments**

Grand Junction Long-Term Stewardship Workshop – Dr. Berting. and Mr. Taylor will be attending this workshop on July 30-August 2.

Richard Gale asked what does the Board do when we get questions from the audience and what is the protocol for dealing with them, and stated that something formally should be done even if it is outside our scope. The Chair stated staff takes care of such items and that she and Mr. Taylor will look into responding to Mr. Daneman's questions regarding Strontium 90. Joe Vozella said he would be responding to Mr. Daneman next week via e-mail and will provide copies to Mr. Taylor and Mr. Gale. Mr. Gale stated that when the Board receives that response, we need to put it in the minutes of the next meeting to show that the person who asked the question was responded to and by whom. Mr. Brannon stated that this process could become part of the Openness Policy protocol as part of the way in which the Board does routine business regarding how we respond to the public whether it be a CAB, DOE, or an ER Programmatic response to the public's questions, log this as our responsiveness, and possibly put it on the web site. The Chair requested that DOE review Mr. Daneman's comments and provide a response to the Board.

## **III. PUBLIC COMMENTS**

### **Carmen Rodriguez – Environmental Restoration Project**

See handout for details.

## **IV. REPORTS**

### **A. Chair's Report.**

The chair reminded members of the SSAB Chairs Conference and that Barbara Harrelson will provide more detail on this issue later in the meeting. The election of new officers will occur at the September Board meeting. There will be no Board meeting in August due to the SSAB Chairs conference, and the Bylaws require that a Chair and a Vice-Chair be elected by September of each year. The Board members make nominations from the floor, a written vote is then taken, and the votes are counted. Board members who are interested in one of these positions should make their intentions known. Last year candidates were asked to give some background of themselves and their intentions in supporting the CAB.

The Chair said that being Chair was a great experience especially in the last few months, she is looking forward to recruiting new members, and the Board

has a great DDFO, and a great staff. She said the new incoming Chair and Vice Chair's positions are tough but with the help that is available it is wholeheartedly recommended to "go for the gavel." The SSAB Chairs conference call yesterday focused on the meeting in August and Ms. Harrelson and Toby Herzlich are working day-in and day-out on this. A meeting agenda is almost finished.

## **B. SSAB Chairs Conference Planning Report**

Barbara Harrelson reported on the status of planning for the SSAB Chairs Conference, noting that she had registration forms to hand out to CAB members, with a deadline of July 27<sup>th</sup> for registering. She reported first on the latest registration figures and hotel room pick up, to date. We have picked up half of the rooms blocked, she said, even before the CAB members have signed up. The agenda was discussed on the Chairs Conference call this week, she noted, and Toby and her counterparts are finishing it up; the agenda will be mailed out next week to Chairs and administrators.

Regarding the Opening Reception on August 26<sup>th</sup>, Ms. Harrelson said that many local dignitaries will participate, some will make brief remarks, and she is working on the transportation arrangements to get people to the reception from the hotel because not much parking is available at the Canyon Road gallery. She said that the Conference Planning Committee's decision was made not to serve alcohol at the reception. The University of California has agreed to sponsor and we are looking for one more sponsor to cover the rest of the expenses, she said. To open the program on Monday, August 29, Santa Fe Mayor Larry Delgado will give welcoming remarks; Rick Glass, head of DOE's Albuquerque operations will give an official welcome; and Jessie Roberson, newly designated Assistant Secretary of Energy, is tentatively scheduled to attend. If she cannot attend, she might be asked to participate via conference call.

Ms. Harrelson asked for CAB members' help to find contacts for sponsorship of hospitality events at the Conference. ATA Services has indicated that they will pay for a refreshment break, she said, but we still need at least three more sponsors. She asked members for information on contact persons at Duratek Johnson Controls, Motorola, Intel, or Compaq.

The Chair reminded members to make their reservations as the deadline for registration is July 27<sup>th</sup>; hotel reservations must be made by CAB members themselves. Members should mention that they are reserving from the room block "held by the SSAB conference" in order to receive the government rate. The travel guidelines for housing at the Chairs Conference are that only the members of the Conference Planning Committee, the CAB Chair, and a CAB member who is more than 50 miles away will receive travel reimbursement for hotel rooms, if first authorized by Ted Taylor. Ted Taylor replied to an inquiry about reimbursement for lunches, saying that he understands the Federal Regulations to mean that the person would have to be away from the duty-station (your home) for 10 hours or more—in other words, a member would have to leave at 7 a.m. and return after 5 p.m. in order to receive per diem.

Prepaying for lunches is being done to keep participants in the hotel because of such a tight schedule, it was explained. Fran Berting asked if programs in the evening are scheduled, saying that those who live in Los Alamos might need to know about that before registering. Ms. Harrelson replied that nothing is formally scheduled for the evenings.

Toby Herzlich explained that the meeting room would be set up to allow for two CAB members from each board (rotation is allowed) to sit at the table. All others, including the DDFO, will sit in the audience. The agenda will be finalized and mailed out in by August 3rd.

As a final note, Ms. Harrelson mentioned, in case it had any bearing on members' decisions to participate in Conference tours, that a WIPP tour for the CAB has been talked about for later this year. However, she emphasized that if anyone is interested in a WIPP tour on August 30<sup>th</sup>, or in either of the Los Alamos tours on August 29<sup>th</sup>, she needs to know by August 1<sup>st</sup> in order to make arrangements.

### **C. DOE Report**

Mr. Taylor distributed a written report. He stated that the committees have done great work in completing plans for the next Fiscal Year. Office relocation is basically done. The General Manager selection process includes review of applications by a Board committee (Mr. Johnston, Ms. Espinoza, and Mr. Jordan) and the DDFO Candidate interviews will be completed by tomorrow, and the position will be filled within the next several days.

Planning for the SSAB Chairs Groundwater Conference is continuing. Mr. Taylor, Terra Nash, and June Fabryka-Martin will be on a conference call tomorrow regarding this conference.

Mr. Taylor stated that the Board is getting rather lean, with 13 active members out of a total of 21 authorized members. A Board Member Recruitment Community Outreach Plan has been drafted, under which current members will participate quite a bit to help identify individuals who might be interested in serving on the Board. He stated that the Board could wait until September to consider the plan, as was decided at the June Board meeting, and if the Board approves this Plan now, that would be fine. Mr. Taylor reported that George Chandler called him to say that he had sent his resignation letter in dated July 23<sup>rd</sup>, and that he has not heard from Anthony Armijo regarding his resignation. Their positions cannot be filled until their resignation letters are received. Mr. Taylor asked if the Board will allow him to contact David Gurule, Area Manager, to discuss removing Mr. Armijo from the Board, neither Mr. Taylor nor Mr. Johnston has been able to reach him after several attempts.

Mr. Taylor reported that the status of DOE's responses to Board recommendations is not current, as the report was prepared before the response to recommendation 2001-3 was sent out. Mr. Gurule did sign the response on July 25, and it was mailed to the Chair and Vice Chair

Regarding the Work Plan and Budget for next fiscal year, Mr. Taylor noted that the Board must approve the budget for next fiscal year, then the DDFO approves it. Following these approvals, the DDFO sends to the DOE Albuquerque Operations Office a request for funding, which needs to be done before the end of September. It is anticipated that the budget will be \$50,000 more next year; however, substantial carryover funds from the previous years exist. Mr. Gale stated that there are no provisions in the schedule for the Committee Chairs or the Committees to review the draft budget prior to the September Board meeting. Mr. Gale said he would be more comfortable if he at least saw what it was and could conduct some kind of informal review before the Board meeting. Mr. Taylor stated that he would revise the 2<sup>nd</sup> bullet on the schedule to read, "submit the budget to the Committee Chairs and the Budget Committee."

Angelina Valdez asked how long are terms of office for Board members. Mr. Taylor indicated that each term is two years from the date of appointment, so terms end at various times. He indicated that Mr. Gurule has the authority to fill appointments created by vacancies and only to the end of the existing term.

Mr. Johnston said that Mr. Armijo has taken a new job, which makes it difficult for him to continue his Board duties. Mr. Johnston also said that he is having trouble finding anyone from any of the pueblos to participate on the Board.

Mr. Brannon said the outreach recruitment plan is a good one and we need to "give it a whirl." Mr. Brannon moved to adopt this plan, Mr. Johnston seconded, and the motion passed.

Mr. Taylor explained his role in support of the Board, the General Manager's role, Ms. Nash's technical role, and the secretary's duties.

#### **D. Waste Management Committee**

Mr. Gale stated that the written committee report is not available, so he will provide an oral report. The committee met just last Monday (July 16) and reviewed the ArrowPak recommendation and the comments that were received about passive gas packaging in ArrowPak. The recommendation will be presented for second reading later in the meeting. The committee reviewed and approved the work plan for next fiscal year, and will primarily concentrate on these topics - 1. Proposal at LANL for transport of materials without road closures. The committee will participate in the test run and be involved in the final recommendation and report back on that process. 2. Periodic review of RCRA permit renewal. The committee will conduct reviews on a periodic basis of portions of the permit that LANL and DOE recommend for review. 3. Continue to evaluate all TRU new waste methods and procedures at LANL. 4. Educate the public on the true risk of shipping TRU waste. 5. Continue to evaluate alternatives for acceleration of TRU waste "off the hill." This is the top priority. The next committee meeting will be held on August 8 at, 6:00 p.m., at the CAB office. Dr. Mark Pickrell will be there to speak to the committee again, relating to the recommendation being offered for second reading at this meeting. Dr. Pickrell will present his plan to do conduct his

research in phases, which he believes will take about two years on the current schedule. The committee will discuss approaches to accelerating that schedule. The committee will discuss completing the project in one year, and believe the potential cost saving will be worth it. The next meeting is scheduled for September 5<sup>th</sup>.

#### **E. Monitoring and Surveillance Committee**

On July 18<sup>th</sup>, the committee received a briefing from Charlie Nylander of the Lab on the overall groundwater protection program at the Lab and specifically on the Hydrogeologic Work plan. The committee then focused on the FY 02 work plan, with only a few minor changes. The work plan for next year will focus on the impact of the Cerro Grande fire (soils and water), will evaluate the Lab's groundwater protection program, and will evaluate the Surface water protection program. The committee discussed the Fact Sheets that will be prepared throughout the year. As this committee has taken the initiative to develop the fact sheet approach, the Board and other committees will rely on this committee to establish the format for Fact Sheets, which it is hoped all committees will adopt. The next committee meeting is scheduled for August 15, at the Community Relations Office at the Lab, from 4:00 p.m. to 6:00 p.m.

#### **F. Environmental Restoration Committee**

A committee report was sent out in the Board packet. (See also the meeting handout.) The next committee meeting will be on August 13<sup>th</sup> from 6:00 p.m. to 8:00 p.m., and will be held at the Johnson Controls Conference room in Espanola, at the end of Rail Road Avenue. Everyone is welcome to attend. At the meeting the committee will finish the work plan for FY 02. Dr. Berting reported that the workshop on treatment and disposal options for material disposal areas went reasonably well, with some input from the general public.

#### **G. Community Outreach Committee**

No report.

#### **H. Budget Committee**

Don Jordan, Committee Chair, reported that the Budget Committee made some purchases for the new office, and additional expenses were incurred this fiscal year from purchases last fiscal year, due to accounting procedures that were not followed. He reported that the current year budget is \$361,044. Next fiscal year's budget could increase by \$40,000.00, to total approximately \$402,000. Modifications to the current budget are being proposed, as several line items are being under run, and some monies are being proposed to be moved to other active line items (see hand out). It was noted that \$18,000 additional monies for the SSAB Chairs meeting should be added to the budget. He stated that it is important to make the modifications now to the budget so that the budget can be reconciled before a budget is submitted for fiscal year 2002. Carryover funds can be used to partially meet the FY 02 budget, thus reducing the amount of new funding to be requested. The carryover money may be used for consultants and contract support.

Mr. Jordan introduced a modification to the current year budget. Dorothy Hoard moved that the modification be approved, Dr. Berting Seconded, and the motion passed. The Chair reclused herself from these discussions and from the vote. This part of the meeting was presided by the Vice Chair.

## ***BREAK***

### **I. 2<sup>nd</sup> Reading - Waste Management Committee – ArrowPak Recommendation**

Mr. Gale read draft recommendation, and explained that when the committee meets with Mark Pickrell, in two weeks, that they will emphasize the necessity of putting this on the "fast-track" and that the cost savings is worth the minimal risks. Mr. Johnston moved to accept the recommendation, and Dr. Berting seconded the motion. Prior to the vote being taken, Ms. Hoard stated that she is concerned if this recommendation were posted on the CAB's web, citizens would not be able to understand. She noted that transuranic waste should be defined, and it contains radioactive material. During the ensuing discussion, Mr. Vozella suggested putting a fact sheet on the web site to further explain the true nature of this recommendation, and Mr. Johnston suggested putting a link on the recommendation sheet that would take the reader to the fact sheet. A lot of discussion on "HIGH WATTAGE" ensued before coming to this resolution: Revising the 2<sup>nd</sup> 'Whereas' to read: "Many containers internally generate excessive amounts of Hydrogen gas that are in excess of DOT safety limits.;"

Mr. Johnston and Dr. Berting accepted this revision, and the motion passed.

### **J. Openness Policy and Plan**

Mr. Brannon stated that he had volunteered to prepare an Openness Policy and Plan, which relates to how the Board will relate to DOE and to the public. This draft plan, which was distributed to the Board, was taken from a paper written by Dr. Elizabeth Gordon (in Carlsbad), and which was originally prepared by DOE's Hanford office, which published an Openness Policy and Plan for the Tank Waste and Remediation system a couple of years ago. Mr. Brannon stated that the draft plan is not ready for consideration, and is ready for review by the Board. Mr. Brannon also said the Board should make a policy/procedure/protocol in this document as to how the Board will respond to citizens when they ask direct questions at our Board meetings. Mr. Brannon requested that Board members bring your comments to the September Board meeting.

Ms. Hoard said she is concerned that when a citizen asks a comment, they are deluged with information.

Mr. Taylor said he would send a memo to DOE, requesting a response to Mr. Daneman's comment. Members of the Board indicated that the Board would then respond back to Mr. Daneman. Mr. Vozella cautioned that the Board not just send DOE's response to Mr. Daneman without first reading it thoroughly, so as not to be perceived as the Board "rubber-stamping" DOE's response.

Agustin Garcia stated that he doesn't think Mr. Daneman will be satisfied with just responding to him. Mr. Garcia said he believes Mr. Daneman's objective is to let the public know. He said Mr. Daneman writes articles and has them in the Letters to the Editor all of the time and would like the Board's response in there as well.

It was also noted that some of what Mr. Daneman asks is far outside the scope of the Board's work, like the change in the Stockpile Stewardship Program and a reduction in Nuclear Weapons to one-tenth of the current inventory. It was generally agreed that the Board should take comments from the public and pass them on to the DOE, while at the same time letting the public know that the subject is out of our purview.

Angelina Valdez said she would like a list of acronyms put in the openness policy and plan.

#### **K. September 26<sup>th</sup> Board Meeting Agenda**

##### **Tentatively Scheduled for Espanola at the Community College**

September 26<sup>th</sup> – 1<sup>st</sup> of day-long meeting  
1:30pm-4:30pm then 6:00pm-8:30pm.

Elections (a MUST)

Budget (a MUST)

Openness Policy – responding to public comment

Recruitment/Membership – Board seats from other organizations

DOE Budget – Environmental Restoration

Presentation Topic - Link with Meeting Area --  
Ecological Risk Assessment/

Long-Term Stewardship/Cerro Grande Fire Impacts

#### **L. Evaluation of Board Meeting**

Passed a recommendation

Good discussion on Openness Policy

#### **M. Other**

Dr. Berting mentioned there is an interim meeting of the Executive Committee and needs to be set in August. Toby Herzlich asked if anything was going to be done regarding a send-off for Ann DuBois in recognizing her five years of service to the Board. This will be discussed at the Executive Committee meeting.

## **V. ADJOURNMENT**

The Board adjourned at 9:00 p.m. The next regularly scheduled meeting will be held on September 26<sup>th</sup> in Espanola.

The minutes are an accurate and complete summary of the matters discussed and conclusions reached at the Northern New Mexico Citizens' Advisory Board meeting held on July 25, 2001.

Certified by:

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Menice S. Manzanares, Chair Date


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