

Final

**Northern New Mexico Citizens' Advisory Board
July 30, 2003
Cities of Gold Hotel
10 Cities of Gold Road
Pojoaque, New Mexico**

Members in Attendance

Jim Brannon, Chairman
Don Jordan, Vice-Chairman
Dr. Fran Berting
Dorothy Hoard
Wayne Wentworth
Jay Fries
Katherine Guidry
Timothy DeLong
Erlinda Gonzales
Angelina Valdez
David Church
Abad Sandoval
Gil Sanchez
Shannon Aragon

Members Excused

Michael Shepherd

Members Absent

Armando Benavidez
Governor John Gonzales
Jim Johnston
Debra Welsh
Elmer Torres

Ex-Officio Members

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

Staff

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

Guests

Dr. Paul Schumann, RRES
Lorraine Lopez, RRES
Donivan Porterfield, Public
Chris Mechels, Public
Carmen Rodriguez, RRES
Roger Snodgrass, Los Alamos Monitor

- I. The meeting was called to order at 1:10 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 14 members present.
- II. The Chairman called for approval of the meeting agenda.** Fran Berting made a motion to approve the agenda, with a second from Gil Sanchez. **The agenda was approved unanimously.**
- III. The Chairman called for approval of the minutes of the May 16-17, 2003, retreat.** After some minor corrections, Don Jordan made a motion to approve the minutes, as amended, with a second from Jay Fries. **The minutes were approved unanimously, as amended.**

IV. The Chairman called for approval of the May 28, 2003, board meeting. After some minor corrections, Fran Berting made a motion to approve the minutes, as amended, with a second from Tim DeLong. **The minutes were approved unanimously, as amended**

V. The Chairman called for public comment. Chris Mechels, a retired LANL employee, requested that the CAB consider holding its bi-monthly board meetings at a fixed location in order to increase public attendance. He suggested that the CAB's tradition of holding the meeting in different locations around northern New Mexico makes it less likely that interested people would be able to find it. Mr. Mechels also criticized the CAB for not having extra board packets available for members of the public who attend the board meetings. He noted, however, that he did receive a meeting agenda.

VI. Board Business

a. Executive Director Menice Manzanares provided a recruitment update. Ms. Manzanares announced that the nomination of Governor Raymond Loretto from Jemez Pueblo has been submitted to DOE headquarters. She indicated that two at-large seats still remain open, and that she would like to advertise these seats as part of a recruitment campaign before the end of the fiscal year. Ms. Manzanares noted that Elmer Torres is transitioning into the Government Relations Office and that she and Mr. Torres will continue to work with Cochiti Pueblo and Santa Clara Pueblo to fill the Board's remaining accord seats.

b. Mr. Brannon provided the Chairman's Report. Mr. Brannon reported that he had represented the CAB at the LANL Legislative Oversight Committee on July 11, 2003, and will be attending a meeting of the standing committee on August 13 or 17, 2003. Additionally, he indicated that he would represent the CAB at a joint meeting of the Oversight Committee and the Radiological and Hazardous Waste Committee on August 27-28, 2003, to provide some facts and updates regarding environmental restoration and remediation activities at LANL.

Mr. Brannon reported that he had visited with NMED Secretary Ron Curry on July 17, 2003, regarding the ongoing relationship between NMED, DOE, and LANL, as well as the status of negotiations for the Compliance Order. He noted that he did not have details regarding the Compliance Order, and that the NNM CAB's ex-officio members from NMED and DOE were not currently present to update the Board on this issue.

Mr. Brannon informed the Board that he had received a letter from Jessie Roberson, DOE Assistant Secretary for Environmental Management (EM), which reiterated the mission, objectives and scope of the local site-specific advisory boards (SSAB), and reminded the SSABs to not address matters outside of EM program parameters, such as National Nuclear Safety Administration (NNSA) activities. He advised the Board that this letter is indicative of an overall effort at DOE headquarters for the EM organization to exercise a stronger level of control over SSABs by modifying operating structures pertaining to contracts, carryovers, and budget costs. Mr. Brannon noted that the previous initiative by DOE to transfer NNM CAB to NNSA control is no longer being pursued.

Mr. Brannon briefly discussed the public participation workshop held for CAB members on July 25, 2003. He urged the CAB committees to increase their activity levels, particularly in the development of committee recommendations.

Mr. Brannon invited questions from the Board. Ted Taylor elaborated on the communication from Jessie Roberson, and indicated that he would provide a copy to be attached to these meeting

minutes. He noted that DOE-LASO is already in compliance with the guidance set forth for oversight of the NNM CAB, and that therefore much of the contents of the letter do not affect the CAB. He also noted that management and operating (M&O) contractors at the DOE sites will no longer be able to provide direct support to SSABs, but that the NNM CAB is not affected by this change since ATA Services – not the University of California (LANL’s M&O contractor) – provides the administrative support for the CAB.

c. Ted Taylor presented the DOE report. Mr. Taylor briefly discussed the Perchlorate workshop to be held on August 6, 2003, as well as a tour of the Permeable Reactive Barrier in Mortandad Canyon on August 5, 2003. He then presented his report, a copy of which is attached to these minutes, drawing the Board’s attention to a list of NNM CAB “success stories” which he had submitted to DOE headquarters. Mr. Taylor also highlighted a list of NNM CAB recommendations and an evaluation of their impact on DOE.

Abad Sandoval asked Mr. Taylor about the status of Recommendation 2002-7, following a prior rejection of the DOE’s response. Mr. Taylor indicated that the Risk Reduction and Environmental Stewardship (RRES) Public Involvement Plan might constitute part of the DOE’s new response to this issue, if the Board feels that it adequately achieves the objectives of Recommendation 2002-7.

Chairman Brannon reiterated the importance of CAB feedback to the DOE, such as that represented by the success stories.

d. Menice Manzanares presented the Executive Director’s report. Ms. Manzanares distributed several items for inclusion in the Board members’ tool kits, including the updated administrative procedures adopted on June 3, 2003, and an updated NNM CAB contact list. She also reminded the Board that the next NNM CAB meeting was scheduled for the third Wednesday of September, rather than the usual last Wednesday, due to the Site-Specific Advisory Board Chairs Meeting in Paducah, Kentucky. The meeting will be held on September 17, 2003. A copy of Ms. Manzanares’ printed report of recent accomplishments and ongoing activities is attached to these minutes.

e. Chairman Brannon opened the floor for discussion of any new Board business.

Ms. Manzanares reminded the Board that election of new NNM CAB officers (Chair and Vice Chair) is on the agenda for the September 17, 2003, meeting.

Tim DeLong brought up the need for a NNM CAB newsletter. Abad Sandoval, as Chair of the Community Outreach committee, responded that he would address the creation of a newsletter during his committee report later in the meeting.

Mr. Brannon briefed the Board regarding the La Cienega Citizens for Environmental Safeguards (CES) and his discussion with a representative of that group at the July 11, 2003, LANL Legislative Oversight Committee meeting. He highlighted the CES as an example of an environmentally concerned organization with different, but valid, opinions, and to which the NNM CAB should provide good-faith information when challenged on its record. He distributed material from the CES website so that the Board could review it and become more familiar with the CES and its areas of concern, especially groundwater and MDA-G at LANL. Mr. Brannon requested that one or more committees consider the CES information as “public input” and jointly draft a letter to be sent to CES informing them how NNM CAB plans to respond.

Mr. Brannon then briefly recounted the Risk Communication Forum held on July 16, 2003,

where he represented the NNM CAB and testified to several items regarding risk communication. He reiterated the importance of the NNM CAB's role as a public liaison to DOE and LANL, stipulating the CAB's duty to listen to all public input and to respond appropriately. Don Jordan concurred, indicating the importance for the CAB to actively inform the public about its mission and its accomplishments in order to combat any misinformation disseminated by other groups. Wayne Wentworth noted that, as an example of misinformation, some people are of the opinion that the NNM CAB is in a position to sell information to Risk Assessment Corporation (RAC) as part of its risk assessment project at LANL, and that such opinions can erode public confidence in RAC's independence. The Board members briefly discussed the problem of getting more public involvement in the RAC project. Mr. Brannon indicated that he would provide a copy of two RAC reports to the NNM CAB office to be available for review: a June 9, 2003, draft report on perchlorate in groundwater, and a draft report on RAC's conceptual approach to public risk education.

Mr. Brannon reminded the Board of several issues affecting the September 17, 2003, Board meeting. He noted that each committee will need to submit their final Fiscal 2004 work plans for approval by DOE prior to the September 17, 2003, Board meeting. He also reiterated that a new Chair and Vice-Chair will be elected, and that standing committees and committee chairs will be selected for Fiscal 2004.

The meeting was recessed for a break at 2:20 PM, and reconvened at 2:30 PM.

VII. Reports from Committees

a. **Abad Sandoval presented the Community Outreach Committee report.** Mr. Sandoval reviewed plans and progress for several outreach activities. He indicated that a quarterly newsletter was a very high priority for the committee, and noted that an outline of contents has already been prepared and submissions will be expected from each NNM CAB technical committee. He briefly discussed the public participation workshop that the committee sponsored on July 25, 2003, and informed the Board that a half-day work plan development session would be offered as a follow-up on August 8, 2003, to be facilitated once again by Paul Schumann and Libby Chaplin. Mr. Sandoval proposed that each technical committee consider designating a liaison for the purpose of communicating news, activities and progress to the Community Outreach committee. He also noted that the committee continues to be interested in conducting a public survey, and he and Paul Schumann will attempt to coordinate this effort with Christine Armijo at LANL's Community Relations Office (CRO).

Mr. Brannon invited questions or comments from the Board. Gil Sandoval asked Board members to identify their training needs to the Community Outreach Committee. Dorothy Hoard began a brief discussion among Board members regarding the informational differences between newsletters and fact sheets. Angelina Valdez began a brief discussion regarding the kinds of non-NNM CAB community news that could be included in the newsletter.

b. **Wayne Wentworth presented the Environmental Monitoring & Surveillance (EMS) Committee report.** Mr. Wentworth briefly discussed the committee's interest in increasing accessibility for both state representatives and the public, and indicated that the informal weekly meetings in Los Alamos have been providing some success in accommodating people who cannot attend the regular monthly meetings in Santa Fe. He then reviewed the committee's draft work plan for fiscal 2004, noting that the committee plans to emphasize newsletter contributions

over fact sheet production. Additional issues of ongoing concern will include perchlorate concerns, the passive reactive barrier in Mortandad Canyon (including a tour on August 5, 2003, and review of operational data), and increased communication and coordination with Risk Assessment Corporation regarding the risk assessment project at LANL.

c. **Fran Berting presented the Environmental Restoration (ER) Committee report.** Dr. Berting distributed a copy of the minutes from the committee's July 16, 2003, meeting: She noted that an ongoing area of concern for the committee is the reconciliation between LANL's Performance Management Plan and the NMED's Corrective Action Order (CAO), and asked John Kealing to provide an update on the status of the CAO. Mr. Kealing reported that the stay ends on July 31, 2003, although an extension will go into effect. Dr. Berting continued her report, indicating that the committee will continue to follow up in the ready-for-reuse proposal being considered by the State of New Mexico. She then briefly discussed the committee's continued focus on long-term environmental stewardship (LTES) as a major issue in fiscal 2004, noting that control of LTES will pass to a Department of Legacy Management within DOE. Additionally, she noted that the committee utilized a list of RRES Remediation Services deliverables (reports) due for completion between 4Q FY 2003 and 2Q FY 2004, in order to more effectively structure its fiscal 2004 work plan in regards to Material Disposal Area (MDA) cleanup issues. Lastly, Dr. Berting informed the Board that the committee approved a name change from Environmental Restoration Committee to Environmental Remediation Committee, commensurate with DOE's commitment to remediation (minimizing and/or controlling the impact of contaminants) rather than restoration (completely removing or negating that impact).

Mr. Brannon invited comments or questions, and then recommended to the Board that each committee utilize a similar format to that used by the ER Committee when finalizing their fiscal 2004 work plans. There was a brief discussion regarding possible adoption of an administrative procedure that would standardize a work plan format.

Mr. Brannon recommended that the committee add Area G (in Tech Area 54) to its fiscal year 2004 work plan. Ms. Hoard indicated that Area G should have already been included and that it would be added back into the work plan. Mr. Taylor noted that the NMED Corrective Action Order (CAO) will address Area G, so the committee may have to wait and see what priorities will be set regarding Area G before it is able to make any recommendations. Mr. Wentworth suggested that Area G might be an area of joint focus for the ER and EMS committees during fiscal 2004.

d. **Don Jordan presented the Waste Management Committee report.** Mr. Jordan reported that the committee did not meet during July 2003 due to a schedule conflict with the Risk Communications Panel Discussion held on July 16 at the College of Santa Fe. He then briefly reviewed the committee's work plan draft for fiscal year 2004. The committee plans to develop fact sheets on the waste management committee, WIPP transportation, the WIPP facility, and the liquid waste facility. The training and public education areas of the work plan will include ongoing training for CAB members on waste management and topics, risk communication, LANL tours, and workshops on low-level waste and radiation. Regulatory issues to be addressed will include liquid waste management and waste characterization, and briefings will be scheduled on remote handling of transuranic waste, liquid waste facility upgrades, and the LANL Public Involvement Plan. Mr. Jordan encouraged any interested CAB members to join the committee.

Mr. Brannon invited comments or questions from the Board. Abad Sandoval made a general

request to all CAB committees to coordinate public workshops, tours, etc., through the Outreach Committee in order to increase efficiency and participation. Shannon Aragon inquired whether representatives of other state agencies might be able to attend the CAB's tours and presentations if such were relevant to their own work. Mr. Brannon responded that, while any such events are open to the public, the CAB should exercise caution when explicitly inviting participation from other agencies in order to ensure that the CAB is not seen as assisting organizations whose missions might be contrary to the CAB's.

e. **Don Jordan presented the Budget Committee report.** Mr. Jordan presented and briefly reviewed the draft budget for fiscal year 2004, a copy of which is attached to these minutes. Mr. Brannon expressed his disappointment with the limitations set by DOE headquarters at the beginning of the budget process. Mr. Taylor noted that the budget level of \$375,000 is not consistent with Site-Specific Advisory Board guidance in that this amount is insufficient to support the activities of the CAB, but added that it is within the guidance for the CAB to approve a budget that also includes any carryover from the previous fiscal year. He then recommended that the Board vote at this meeting to approve a budget that reflects the \$375,000 of new money plus approximately \$20,000 carryover from 2003, since DOE will be considering NNM CAB's budget within the next week. The Board entered into a discussion regarding how to allocate the carryover into the draft budget, focusing especially on the need for monies for anticipated levels of community outreach activities, as well as comparisons to budget levels in previous years. Mr. Brannon suggested that the Board might consider also adding a paragraph to Recommendation 2003-3 (to be adopted later in this meeting) regarding the impact that budgetary constraints may have on DOE's public involvement programs. He then indicated that the Budget Committee members would meet during the dinner break to consider the Board's suggestions for modifying the budget, and would present a proposal for adoption later in the meeting.

Chairman Brannon proposed that the meeting agenda be amended to add a vote on an amended draft budget after agenda item IX. A voice vote was conducted, and the agenda amendment was unanimously approved.

VIII. Risk Communications Principles presentation by Ted Taylor, DDFO.

A copy of the presentation materials will be attached to these minutes. Mr. Taylor reviewed factors that affect public communication, including trust and credibility, public outrage, perceptions of risk, the importance of listening, and organizational climate. He noted that decision-making processes involve hundreds of factors, and that every decision brings with it an opportunity to build or destroy trust with other people. He noted that while the principles of good communication are broadly applicable, they are especially important in risk communication because the stakes are generally high.

Mr. Brannon invited comments or questions from the Board. Various Board members offered their agreement with the principles defined by Mr. Taylor and offered their personal experiences with good and bad communication in action. Chris Mechels addressed the Board regarding DOE's obligation to the public to enforce a good faith contract with LANL. He expressed his opinion that DOE exhibits a lack of confidence in its ability to properly accomplish this goal, and that it improperly positions itself as an ally of LANL rather than as a representative of the public. Additionally, Mr. Mechels declared his dissatisfaction with DOE's outreach efforts, stating that outreach must be a director-level effort and noting that trust is of paramount importance. Mr. Wentworth acknowledged Mr. Mechels comments, and thanked him for his involvement and passion.

Mr. Brannon announced that one Board member had asked to be excused, but that a quorum would still be present to conduct the remainder of the meeting.

The meeting was recessed for dinner at 4:45 PM, and reconvened at 6:00 PM.

Chairman Brannon reconvened the meeting, and turned the floor over to Abad Sandoval.

IX. Recommendation 2003-3: “DOE’s Commitment to Public Participation.”

Mr. Sandoval presented recommendation 2003-3, “DOE’s Commitment to Public Participation,” which had been approved for submission to the Board by the Community Outreach Committee on June 5, 2003. A copy of this Recommendation is attached to these minutes. **Gilbert Sanchez made a motion to adopt Recommendation 2003-3. Erlinda Gonzales seconded the motion.** Mr. Sandoval invited any questions or comments from the Board.

There was some general discussion regarding the possible inclusion of comments regarding national budget issues and their impact on public involvement programs within DOE. The Board reached a general consensus that such monetary issues might warrant a separate recommendation at a later time, but would not be amended into Recommendation 2003-3.

Recommendation 2003-3 was adopted by general consensus. Mr. Brannon stated that he would draft a cover letter and send it to DOE headquarters immediately.

X. Adoption of Amended Budget for Fiscal Year 2004

Mr. Brannon informed the Board that the Budget Committee met over dinner to discuss detailed budget amendments. He reported that the Budget Committee was proposing the following adjustments to the \$375,000 draft budget:

- Office Expenses increased from \$61,000 to \$72,000
 - Rent increased from \$25,000 to \$26,000
 - Supplies increased from \$4,000 to \$5,000
 - Postage increased from \$4,000 to \$6,000
 - Publicity increased from \$12,000 to \$18,000, and renamed “Publicity and Community Outreach” (for purposes of clarity and visibility)
 - Office Maintenance increased from \$2,000 to \$3,000
- Training increased from \$3,000 to \$5,000
- Travel increased from \$22,000 to \$29,000
 - Board increased from \$15,000 to \$20,000
 - Staff increased from \$7,000 to \$9,000

The proposed amendments increased the overall budget from \$375,000 to \$395,000.

Mr. Brannon opened the floor for any questions. There was discussion regarding clarification of some line items and the amounts allocated. Abad Sandoval noted that any additional monies that could be allocated to the Publicity and Community Outreach line item would be valuable and could be used to send some Board members to International Association of Public Participation (IAP2) training. Gil Sanchez recommended that the \$2,000 proposed increase in the Training line item be transferred to Publicity and Community Outreach, bringing that line item to \$20,000. There was some general discussion regarding the breakdown of expenses covered by the Publicity and Community Outreach line item, and Mr. Sandoval outlined the Community Outreach Committee’s anticipated activities for fiscal 2004.

Beverly Ramsey addressed the Board and indicated that the Risk Reduction and Environmental Stewardship (RRES) Division at LANL would be willing to sponsor a member of the CAB to attend the IAP2 training.

Don Jordan made a motion to adopt the proposed budget as amended, with \$2,000 being transferred to the Publicity and Community Outreach line item. Shannon Aragon seconded the motion. The motion passed unanimously.

XI. The Chairman called for public comment. Chris Mechels addressed the Board on several issues. He commented that the Board needs to pursue increased public membership on its committees. He also indicated that he is concerned that LANL-sponsored tours and briefings will not be balanced in terms of providing accurate information. Additionally, he commented that the public should be openly invited to attend such events. Mr. Mechels then suggested to the CAB that its Board meetings be held in a fixed location, and that it considers starting its meetings later in the day in order to better accommodate the working public. He additionally commented that board packets should be offered to all public members who attend meetings, that CAB records be publicly available at the CAB office – Mr. Taylor assured him that they are – and that all meetings should be better advertised for public involvement. Lastly, he noted that the public has not been made aware of the DOE budget restrictions that are affecting the operation of all Site-Specific Advisory Boards.

XII. LANL Public Involvement Plan (PIP) presentation by Dr. Paul Schumann, RRES

A copy of the presentation materials will be attached to these minutes. Paul Schumann briefly recounted the history of public involvement at LANL, and introduced the concept of utilizing a risk management approach to public participation. The presentation focused on the five steps of public participation planning as defined by IAP2, and Dr. Schumann noted the steps where the CAB could contribute to the process. He then provided an overview of PIP activities in fiscal 2003 as well as the planned implementation of the PIP in fiscal 2004, and discussed LANL's continuing outreach efforts.

Mr. Brannon invited any questions or comments from the Board. There was a brief discussion regarding application of communication principles within organizational cultures such as at LANL, including the need for top-down commitment to public participation. Beverley Ramsey reported that David McCumber, Communications and External Relations Director, has directed that LANL will work collaboratively with the RRES organization. Mr. Brannon invited additional PIP comments to be submitted to him by August 15, 2003.

Dr. Schumann stated that a 12-month PIP schedule will be made available when it is finalized. He then thanked Carmen Rodriguez and Saundra Martinez with RRES, and Libby Chaplin of Environmental Health Associates for their assistance with development of the PIP.

Mr. Brannon then turned the floor over to Ted Taylor. Mr. Taylor recommended to the Board that it consider formally acknowledging the PIP as evidence of DOE's follow-up response to Recommendation 2002-7, which requested development of materials and plans for public outreach and education. **Tim DeLong made a motion to formally accept the PIP as evidence of DOE's satisfactory response to Recommendation 2002-7, subject to routine ongoing evaluation. Fran Berting seconded the motion. The motion passed unanimously.**

XIII. Board Comment and Recap of Meeting

Mr. Brannon identified a list of do-outs from the meeting, including:

- Mr. Brannon will assign one or more committees to draft a letter to La Cienega Citizens for Environmental Safeguards responding to that group's concerns.
- Mr. Brannon will coordinate CAB responses to the PIP and communicate them to Beverley Ramsey.
- Consider and draft an administrative procedure that provides a standard format for annual work plans.

Additionally, Mr. Brannon thanked Mr. Mechels for his comments to the Board. He also reminded the Board that new officers will be elected at the September 17, 2003, meeting.

Fran Berting commended both Ted Taylor and Paul Schumann for excellence in their presentations.

Mr. Brannon reminded the Board that all committees need to finalize their fiscal 2004 work plans for presentation at the September 17, 2003 meeting, and he encouraged development of recommendations on current issues.

Ms. Berting noted that the Environmental Remediation Committee will be holding its next meeting in Los Alamos at the DOE-LASO building on August 6, 2003.

Wayne Wentworth reminded the Board of the Mortandad Canyon Passive Reactive Barrier tour on August 5, 2003, scheduled at 11:15 AM at the DOE-LASO building in Los Alamos.

Abad Sandoval informed the Board that the next Community Outreach Committee meeting is scheduled on August 8, 2003, at the CAB office in Santa Fe.

XIV. The Chairman entertained a motion for adjournment. Don Jordan made a motion to adjourn, with a second from Erlinda Gonzales. The motion passed unanimously.

The meeting was adjourned at 8:19 PM.

James R. Brannon, P.E.
Chair

Date