



**Northern New Mexico Citizens' Advisory Board Meeting Minutes**

**July 28, 2004**

**Cities of Gold Hotel**

**Pojoaque, New Mexico**

**Members in Attendance**

**Timothy A. DeLong**  
**Jim Brannon**  
**Fran Berting**  
**Jay Fries**  
**Raymond Loretto**  
**Christopher Timm**  
**Dorothy Hoard**  
**Erlinda S. Gonzales**  
**David A. Church**  
**J. D. Campbell**

**Members Excused**

**Raye Byford**  
**James R. Janis**  
**Grace I. Perez**  
**Abad Sandoval**  
**Katherine Guidry**  
**Barbara Gonzales**

**Members Absent**

**John Gonzales**

**Ex-Officio Members:**

**Dr. Beverly Ramsey,**  
**Division Leader, RRES,**  
**LANL**  
**James Bearzi, NMED**  
**Joe Vozella, DOE**

**Guests:**

**Reid Bandeen, Truchas Hydrologic Associates**  
**Veronica Rodriguez, Senator Domenici's Office**  
**Carmen Rodriguez, LANL**  
**Sean White, Washington Group International**  
**Lance Voss, Public**  
**Tom Starke, Public**  
**Donivan Porterfield, Public**  
**Matthew Deller, Public**

**Deputy Designated Federal Officer:**

**Ted Taylor, DOE-LASO**

**Staff:**

**Menice S. Manzanares, Executive Director**  
**Grace Roybal, Administrative Assistant**  
**Lorelei Novak, Community Outreach Specialist**  
**Eddie Roybal, Sound Technician**

**I. Welcome and Introductions by Deputy Designated Federal Officer (DDFO) and Timothy A. DeLong, Chair.**

**Ted Taylor, DDFO, called the meeting to order at 1 PM.** Mr. Taylor stated on behalf of the Department of Energy (DOE), the Northern New Mexico Citizens' Advisory Board (NNMCAB) Meeting was called to order and turned the proceedings over to the NNMCAB Chair, Timothy A. DeLong. The meeting was open to the public and posted in the Federal Register in accordance with the Federal Advisory Committee Act. Roll call established nine members present at the start of the meeting. The members in attendance were one short of a quorum. Mrs. Gonzales later joined the meeting thus establishing a quorum for conducting business.

Mr. DeLong welcomed members and guests to the Citizens' Advisory Board (CAB) meeting. Mr. Campbell and Mr. Timm were introduced as new board members to the CAB. Mr. Timm provided the group with some information on his background. He related his many years of experience in Environmental Management, water resources, water quality, and waste management. In the army he was a nuclear weapons maintenance officer. He has experience with Rocky Flats, LANL, Hanford and Oakridge. His hope for joining the Board would be to utilize his knowledge about the Department of Energy (DOE) complex to 'coalesce and bring the Board forward'.

Mr. DeLong briefed the Board on the current stand down at LANL. He informed the board that all work was completely shutdown at this time due to the misplacement of Classified Removable Electronic Media (CREM) and a safety related incident. Currently, only emergency and mission essential efforts are taking place at LANL. Director Nanos has issued two statements that have been made into video and the Chair encouraged the Board to view the announcements. Director Nanos stated that LANL is "hanging by a thread" due to these safety and security issues. He further stated that the American people have lost faith in the LANL and if they had a choice would discontinue funding for the lab **today**. The chair suggested that Dr. Beverly Ramsey might have more information about the stand down at LANL for the Board when she addresses the group later in the program. The chair wrapped up his remarks about LANL by saying after much retraining regarding safety and security issues that it may take weeks or even months to resume regular activities at the lab.

**II. Approval of Agenda**

The agenda for the meeting was approved with the addition of a section on bylaw amendments suggested by Mr. Brannon. **The motion to approve was made by Mr. Campbell and seconded by Dr. Berting. The revised agenda was adopted as final.**

**III. Approval of Minutes of May 22, 2004**

The 5-22-04 Minutes were approved pending Dr. Berting's minor changes. **With the revisions noted the minutes were approved and accepted as final.**

**IV. Public Comment Period**

There were no comments from the public.

**V. Board Business was reported by CAB Executive Director, Menice Manzanares and CAB Chair, Mr. DeLong.**

**a. Mrs. Manzanares reported on recruitment and membership update.**

A recruitment / membership update letter was sent out to the board requesting that each board member try to recruit one person to bring to a committee or a board meeting. Mrs. Manzanares stated that there are currently five vacancy seats and two pueblo seats open. Mrs. Manzanares recognized the guests in attendance, Mr. Bandeen and Mr. Deller and thanked them for their attendance and interest in the NNM CAB. Mrs. Manzanares reported on the Oak Ridge CAB's successful membership drive that recruited 20 new members. Mrs. Manzanares stated her intent to get the Administrator of the Oak Ridge CAB to send his recruitment drive formula to NNM CAB for possible ideas on how to improve this board's recruitment efforts.

**b. Mr. DeLong delivered the Report from Chair to board members present.**

Mr. DeLong expressed his disappointment that the Board meeting did not have greater attendance. Mr. Taylor stated that there are five members with excused absences. Mr. DeLong agreed with Mrs. Manzanares that Oak Ridge membership drive should be studied as a model for the NNM CAB. Mr. DeLong encouraged the members to work on recruitment and stressed that the Board needed to be vibrant, active and make recommendations. It was noted that membership recruit information is now on the home page of the CAB's website and will be a one-page part of the Summer Newsletter with a circulation range of 1,500.

Mr. De Long stated that this was his first official meeting as chair and one of his first official duties was to elect a Vice Chair to serve during this meeting. **Mr. DeLong called for a motion to nominate Dr. Fran Berting. The motion was made by Mr. Church and seconded by Mrs. Hoard. Dr. Berting accepted the nomination of Vice Chair by acclamation.**

After a brief statement about the necessity to wrap-up the Board's Opportunities for Improvement (OFI's) from the May retreat, the OFI's were tabled due to lack of complete responses from a small remaining number of board members.

**c. Report from DOE, Ted Taylor, DDFO** began with the gift of the book, "The Great Taos Bank Robbery and Other True Stories," by Tony Hillerman to the Board members. Mr. Taylor thought it brought to bear some of the widely divergent multicultural aspects of this state and one of the fundamental charters of this board was to be representative of the cultural diversity inherent in New Mexico.

**Mr. Taylor also stated that the 2005 work plan input from the DOE that the CAB had requested had been received and that the committees could start developing the 2005 work plans at the next set of committee meetings.**

**Mr. Taylor thanked Mrs. Hoard and Mr. Fries for attending the recent TRU Waste Workshop.** He noted one of the goals of the workshop was to determine the fate of one pit at Area G, (Pit 9). Once packaged and intended to be shipped to WIPP, the waste has deteriorated and a new plan of action must be determined. Some of the options for what to do with the waste in Pit 9 were discussed at the workshop. Mrs. Hoard briefed the Board on some of the options. Mrs. Hoard described the following four options discussed for treatment of the waste in Pit 9:

- 1. Cap the waste and leave in place at an estimated cost of \$8 million dollars.**
- 2. Treat the waste with encapsulation in hot wax.**

1           **3. “Vitrification” – turn the waste into glass.**

2           **4. Removal and ship the waste to WIPP at an estimated cost of \$100 million.**

3  
4           The TRU Waste Workshop focused on which criteria would differentiate the  
5 alternatives. The budget for each alternative had a significant impact on determining  
6 which method was more favorable. Participants filled out a matrix of pros and cons for  
7 each method but no final decision was made.

8           **Mr. Taylor announced the appointment of new board member Mr.**  
9 **Christopher Timm, P.E. Mr. Timm is filling the unexpired term of Mr. Shannon**  
10 **Aragon.**

11           Mr. Taylor provided the Board with a copy of the CAB’s FY’04 budget. He  
12 noted that the CAB was over budget in some categories and under budget in other  
13 categories. The Executive Committee will move funds from the under budget categories  
14 to cover the over budget categories.

15           As a response to a board member’s question regarding why the DOE canceled  
16 funding for the EEG program at WIPP and who was currently providing oversight, Mr.  
17 Taylor responded that EEG was contracted and the company had consistently gone over  
18 budget and that now the State of New Mexico provided oversight.

19           Mrs. Hoard asked Mr. Taylor about Jessie Roberson’s resignation as of July 15,  
20 2004. Mr. Taylor stated that Mr. Paul Golan, a career civil servant would now be acting  
21 in her position. Mrs. Hoard wanted to know if this change would affect Environmental  
22 Management (EM) Policy. Mr. Taylor stated that the change in staff would not change  
23 EM policy.

24           Mr. Timm asked for clarification on page 2, item F, in Mr. Taylor’s report. (See  
25 Mr. Taylor’s report attached to these minutes.) The item in question concerns a possible  
26 conflict of interest issue with DOE contractors becoming CAB members. By requiring a  
27 letter of exception by a ‘prime contractor at a DOE site’ to become a CAB member the  
28 DOE hopes to discourage prime contractors from becoming board members.

29           **Mr. Taylor briefed the Board on the news indicating that the National**  
30 **Nuclear Security Administration (NNSA) will not take over EM as previously**  
31 **planned due to budgetary constraints and the current complexities at LANL.** At the  
32 very least, the possible transition would be pushed forward to no earlier than FY’07,  
33 which gives the CAB another full year of funding stability. Mr. Taylor indicated that Mr.  
34 Seth Kirshenbourg stated that there is a very distinct possibility that there will be no  
35 transition at all and the EM would stay ‘as is’. EM comes with a 150 million dollar  
36 budgetary burden with its current deconstruction / decommission program, something  
37 that the NNSA is seriously rethinking in a time of tight budgets and limited funding.  
38

39 **d. Report from Executive Director, Menice S. Manzanares**

40           Mrs. Manzanares reported that Mr. DeLong gave a presentation to the Hazardous  
41 & Radioactive Materials committee as one of his first duties as CAB Chair. Mr. DeLong  
42 used the CAB’s Speakers Bureau presentation that was prepared by the Community  
43 Involvement Committee (CIC) as a ready tool for any board member who wished to  
44 represent the CAB publicly. Mr. Taylor commented that it was an excellent presentation  
45 that was followed by a lively question and answer session. The committee voiced its  
46 concern as to why no new materials have been shipped to WIPP. They feared that the

1 LANL, located in New Mexico, the home state of the WIPP, would have to get in line  
2 behind other states for permits to start transporting waste to WIPP. The committee  
3 discussed drafting a letter to voice these concerns.

4 Mrs. Mazanares briefed the CAB on the bimonthly chairs conference call. A brief  
5 listing of her Chair's Report is as follows:

- 6 - New CAB Chair, Tim DeLong, Mr. DeLong will serve as chair until the next  
7 election.
- 8 - Katherine Guidry has resigned as Chair of the Board but will remain on the Board  
9 as a member.
- 10 - The Board conducted a successful annual retreat in May.
- 11 - The Board is working on membership recruitment.
- 12 - Mr. DeLong testified before the New Mexico Legislature's Interim Committee on  
13 Radioactive Materials and Hazardous Waste.
- 14 - June 10<sup>th</sup> the Board sent letters to NM State, DOE, and EPA officials asking them  
15 for the FY'05 cleanup priorities. The Board will use this input in developing their  
16 FY'05 work plan.
- 17 - The summer edition of the Board's newsletter is ready for printing.
- 18 - Ed Wilmot, the new manager at Los Alamos site office, made a presentation to  
19 the Board in May.

20 Mrs. Manzanares continued her Executive Director's report by updating the board on  
21 the CAB staff and current CAB business. The CAB has requested \$390,000 for the  
22 FY'05 budget. ATA Services is now paying the CAB's operating expenses rather than  
23 routing through the DOE. Mrs. Manzanares has been issued a credit card. The CAB staff  
24 has found handling its own finances to be a more expedient arrangement.

25 The Executive Committee has approved a new printer for purchase. The Xerox  
26 Phaser 7300DT is a commercial grade printer that will save the CAB a tremendous  
27 amount of money when compared to outsourcing four quarterly Newsletters and one  
28 Annual Report in addition to any number of brochures and flyers per year. The ability to  
29 have a printer in house will also give the CAB much greater flexibility and give the  
30 Board a wider range of community outreach opportunities. Ms. Novak prepared a cost  
31 comparison between purchasing a printer and outsourcing the printing jobs with an  
32 annual savings of approximately \$20,000 dollars per year, a very cost effective  
33 alternative. The printer comes with a renewable three-year service contract and warranty.

34 In May, Lorelei Novak joined the CAB staff as the new Community Outreach  
35 Specialist. She has been finalizing the preparation of the Annual Report and Summer  
36 Newsletter; both will be completed and mailed in August. Grace Roybal has been with  
37 the CAB for three years, congratulations and thank you to Mrs. Roybal for her dedicated  
38 service to the CAB. Eddie Roybal, CAB sound technician, has procured a new feedback  
39 ferret to help with the feedback challenges of using multiple microphones hooked to one  
40 main sound system. As noted by the Board, the PA system, during this meeting has  
41 performed flawlessly.

42 Mrs. Manzanares stated that letters have been sent to Ed Wilmot requesting  
43 Director Pete Nanos speak to the Board. Letters have also been sent to Governor  
44 Richardson and Senator Domenici.

45 The exit survey and feedback form for the board has been completed and has been  
46 sent to board members that have departed within the last two years. So far the CAB has

1 received exit feedback forms from Don Jordan and Gil Sanchez. The Executive  
2 Committee will review the feedback forms and any apparent trends will be analyzed and  
3 brought before the full Board.

4  
5 Tours and trips to facilities are to be announced.

6  
7 **e. Consideration and Action on Proposed Fiscal Year 2005 Budget**

8 The current FY'04 budget for the CAB is 380,000 dollars with the addition of a  
9 FY'03 surplus of 10,000 dollars, for a total amount of 390,000 dollars. Mr. Taylor  
10 announced that the DOE wants to have authority over how much the Site Specific  
11 Advisory Boards (SSAB) get in funding and that he won't get the final numbers from  
12 headquarters for a couple of months. Mr. Brannon asked if the CAB budget over-runs  
13 would affect DOE's amount to the CAB? Mr. Taylor stated that Sandra Waisley has  
14 submitted a FY'05 budget request for the CAB with 'no increase' from FY'04. The CAB  
15 only asked for increases regarding contractual amounts. Mr. DeLong provided a  
16 cautionary reminder of Mr. Wilmot's statements at the CAB's annual retreat regarding  
17 the 'importance of value added in a world of tight budgets and tough decisions', and 'to  
18 provide proven value for budget and to be fiscally responsible'. In essence, Mr. DeLong  
19 would like to see the CAB stay safely within its budget for next year with no overages. **A**  
20 **motion to approve the FY'05 Budget was made by Mr. Brannon with a second from**  
21 **Mrs. Hoard. As all were in favor, the FY'05 budget was approved as submitted.**  
22

23 **VI. New Business**

24 Mr. Brannon proposed the Board write a letter to Secretary Ron Curry requesting  
25 a more open flow of communication between the NMED and the CAB. Considering the  
26 NMED holds an ex-officio position with the CAB, the Board expects the NMED to  
27 provide advice / council / input regularly and without hesitation. The board looks to the  
28 NMED for insight and feels that the DOE and the NMED could, in the spirit of  
29 cooperation, have a more symbiotic relationship. Mrs. Manzanares informed the board  
30 that a letter has already been sent to Secretary Curry. Mr. Church agreed that a second  
31 letter to the NMED should be drafted addressing their lack of response to the Board.  
32 There was speculation among the board members that perhaps the NMED is reluctant to  
33 make comments until the Consent Order is issued. Mr. Campbell supports a letter to the  
34 NMED that should state the CAB's willingness to rejoin with the NMED cooperatively  
35 after the Consent Order is out. The Board agreed that some type of effort should be made  
36 to increase NMED's cooperation with the CAB. Mr. Taylor suggested a few phone calls  
37 to James Bearzi and Charles Lundstrom, who were both at the CAB retreat, might be  
38 effective. Mr. Fries stated that the CAB's first letter to the NMED requested a list of  
39 priorities. The response received from James Bearzi, during the CAB retreat, indicated  
40 the NMED would 'regulate but not cooperate'. The Board wanted to know if Mr.  
41 Bearzi's position reflected the NMED as a whole. The DOE and the EPA have  
42 responded to the CAB's work plan requests but the CAB is still waiting for the NMED's  
43 input. **Mr. DeLong suggested that Mr. Brannon and Mr. Fries start working on**  
44 **drafting a letter to the NMED requesting more cooperation with the NNM CAB. The**  
45 **letter could refer to the successful Hanford model of participation.**  
46

## **XII. Committee Reports**

### **a. Executive Committee – Chair, Tim DeLong**

- Issues of resigning members, completion of exit feedback survey form.
- September elections announcement.
- Committees need to be proactive / vibrant.

### **b. Waste Management Committee, Jim Brannon**

- Developing FY'05 work plan, received quality feedback from DOE / EPA
- Area G Forum planning can be a cooperative effort between all the committees.
  1. Create forum structure where CAB is the transparent host or co-host for forum.
  2. Program reflects CAB charter—to provide opportunities for public participation, this forum seems to be a perfect fit for the Boards initiatives.
  3. Benefits / Purpose—(1) educate the public; (2) educate the board.
  4. Where, when, who, how & why? —1<sup>st</sup> interest meeting will determine scope.
  5. Completed Draft Expression of Interest Letter to be signed by CAB Chair, Mr. De Long, developing possible distribution list. (A copy of the proposed distribution list is kept with these minutes).

Mr. DeLong asked Mr. Brannon to briefly describe to the Board what are some of the issues at Area G?

A completed Area G / TA 54 Issues letter, compiled by Mr. Fries and Mr. Brannon, will be ready in one week, see list of broad topics to be addressed below:

- What's really at Area G?
- Address concerns for the longevity of the waste containers. Mr. Fries pointed out the containers were originally designed for 10,000 years; now there are some concerns that the containers need to hold their contents for perhaps a million years.
- Potential of groundwater infiltration / contamination into the aquifer – a very big public concern.
- DOE proposed expansion plan, pits are filling up, only one remains open considering the continuing production of LLW at the Laboratory and the fact that the waste has to be placed somewhere.
- Final remedy / disposition for closing Area G—and where is that in the process, who's involved in making the decisions? -- There's a bit of a controversy as to what will be the final disposition of the Area – whether to cap, cover and monitor or dig it up and haul away, or 'wished out of existence' – other alternatives?
- Who's involved? Addressing the concerns of the people that live in the area.
- Investigation work plan for Area G
- What parts of Area G are covered under the Consent Order?
- Area G and TA 54 have mixed waste, which falls under the state's purview and there is believed to be some "hot" waste, as well as transuranic waste, and LLW but with 30 year old underground waste it is difficult to determine exactly what is there.
- Which regulatory agency has authority?
- What does the public currently know about Area G?

1 There is an existing remedy proposal put together by the DOE but the Board was not  
2 sure where this proposal is in the process. Mr. Taylor stated that an investigation work  
3 plan for Area G has been submitted by the DOE and some parts of Area G he suspects  
4 will be covered in the consent order. Mr. Brannon hopes the forum will provide a way to  
5 unravel and sort and start to gain an understanding of the complex issues surrounding  
6 Area G so that the Board can make informed recommendations.

7 Mr. Taylor commented on the DOE presentation given to the Waste Management  
8 Committee by James Nunz on its proposal to expand Area G. (The presentation is  
9 available at the CAB office.)  
10

# **1. Introduction of Recommendation 2004-3, authored by Jim Brannon:**

## **“Regarding DOE’s Commitment to Public Participation”**

### **Background**

15 “The Waste Management (WM) Committee of the Northern New Mexico  
16 Citizens’ Advisory Board (NNMCAB; or the Board) was advised that a major  
17 realignment of U.S. Department of Energy (DOE) functions is being negotiated between  
18 DOE’s Office of Environmental Management (EM) and the National Nuclear Security  
19 Administration (NNSA). We understand that some programmatic EM work (including  
20 mission, personnel, and budget) currently funded by EM would transfer to the NNSA.  
21 This directly affects the environmental restoration and waste management programs at  
22 Los Alamos National Laboratory (LANL). The planned transfer is proposed to take  
23 effect in Fiscal Year 2006 (October 1, 2005). The Board was also recently advised that  
24 NNSA has not yet expressed an opinion nor proffered a local policy on how, or if, they  
25 will seek to engage in public participation at the Los Alamos Site Office (LASO). A  
26 recent DOE action tangent to this was allowing funding to lapse for the Environmental  
27 Evaluation Group (EEG) that previously over-watched the Waste Isolation Pilot Plant  
28 (WIPP), the only independent, publicly accountable oversight group exclusively  
29 dedicated to WIPP plans and operations.”  
30

### **Comments and Observations**

32 “The Board has long enjoyed the full, active, and dedicated commitment of  
33 DOE’s Office of Environmental Management to public participation regarding advice  
34 and recommendations to the DOE on environmental restoration and waste management  
35 issues. The EM Site Specific Advisory Board (SSAB) Charter has been renewed  
36 biannually for more than a decade. And, recently, this Board was adequately and firmly  
37 reassured of EM’s commitment to the Boards and their processes.

38 The Board observes that DOE published Policy Number 141.2 (DOE P 141.2)  
39 addressing Public Participation and Community Relations. This policy was published  
40 May 2, 2003. The Board notes that LASO has not formalized this policy locally. The  
41 Board sees in this policy a blanket affirmation of our role. But our current Charter limits  
42 the Board to issues solely associated with EM’s roles and responsibilities at LANL and  
43 the Board has been regularly advised to avoid over-stepping our Charter to delve into  
44 other concerns (even if environmentally associated) that fall under the purview of the  
45 NNSA.



1 In the absence of a clear, locally adopted policy initiative for public participation,  
2 the Board is concerned that negotiations between EM and NNSA pose a risk to this  
3 Board and to the public's expectation of free, open, and unbiased input into DOE  
4 decision making that affects the public, their families, their property, and their  
5 environment. The loss of EEG reinforces the doubt expressed by some that DOE no  
6 longer needs or desires such public input. The Board disagrees with this notion and has  
7 formally expressed our concern regarding EEG.

8 Last year (Spring/Summer 2003), a DOE EM initiative proposed transferring  
9 control and programmatic responsibilities for the Northern New Mexico Citizens'  
10 Advisory Board (NNMCAB) and the Community Advisory Board for Nevada Test Site  
11 Programs (NTS CAB) over to the NNSA. The initiative was withdrawn, apparently for  
12 lack of support by NNSA.

13 It is not clear today which portions or what elements of EM's functions will  
14 successfully transfer over to NNSA. This includes that part of the estimated \$ 2.6  
15 Million identified in the EM SSAB Charter that funds the SSAB program for LASO. The  
16 current NNMCAB budget is approximately \$ 375,000, funded from both WM and ER  
17 dollars. The Board was told last year by the Division Leader of the Risk Reduction and  
18 Environmental Stewardship (RRES) Division that ½ of 1% of their budget is a bargain  
19 price for the advice, counsel, and public participation mechanism represented by the  
20 Board. Further, the Board was advised at our May 2004 retreat that without EM SSAB  
21 funds transferring from EM to NNSA, the LASO office might be forced to make some  
22 tough trade-off decision between the Board and the DOE Oversight Bureau (DOE OB).  
23 The LASO Manager stated future funding decisions might be decided by answering this  
24 question: "Should we fund a group like the CAB or should we fund the Oversight  
25 Bureau?;" and, he went on to state that: "Those are the sort of hard trade-offs we will be  
26 seeing in the future. I don't think we will have to answer that question this year but in  
27 '06 that's the sort of question we will be answering." We find this relative comparison of  
28 values rather disheartening.

29 Finally, the Board notes that some have suggested that with the EM to NNSA  
30 transfer, a superb opportunity exists to use the foundation built by the Board as a natural  
31 transition point to potentially evolve the Board's role to serve the wider needs of LANL,  
32 LASO, and the community. Using existing structures, policies and procedures, the  
33 Citizens' Advisory Board concept, which is an effective mechanism already in place can  
34 assist LASO in full and prompt implementation of DOE Policy 141.2. Provided that a  
35 sufficiently broad Charter is established, the current values are honored, and a sure "fire-  
36 wall" of independence mechanisms are formalized, the Board offers the LASO a ready  
37 platform to launch an effective, efficient, and economical tool to sustain, maintain, and  
38 broaden public participation and thus strengthen community relations."

39  
40 **The NNMCAB recommends that:**

41  
42 (1) "The U.S. Department of Energy not proceed to reassign or move  
43 Environmental Management programs to the National Nuclear Security Administration  
44 unless it can be firmly, clearly, and publicly established that the NNSA holds an equally  
45 high commitment to public participation and oversight, especially in the area of

1 environmental remediation, waste management, and long-term environmental  
2 stewardship; and,

3  
4 (2) The U.S. Department of Energy confer regularly, openly, and candidly with  
5 this Board, and all the SSABs, on the progress of negotiations relative to the transfer of  
6 ER and WM programs now under the purview of the EM SSABs; and, that this Board,  
7 and all others, be permitted to engage in dialogue with those decision-makers and  
8 negotiators as their decisions affect the potential loss of funding for this Board, and  
9 possibly others; and,

10  
11 (3) The Los Alamos Site Office publicly affirm in writing its commitment to  
12 public participation and to positive, active, open and transparent community relations as  
13 typified by the actions and processes of this Board, and that the LASO keep this Board  
14 promptly informed of negotiations, plans, or policy initiatives (nationally or locally) as  
15 they may affect funding for this Board; and,

16  
17 (4) The Los Alamos Site Office adopt this Board as a proven and effective  
18 existing platform appropriate to broadening public input and locally implementing DOE  
19 Policy 141.2.”

20  
21 “The intent of this recommendation is to encourage the LASO to formally express its  
22 commitment to public participation and support for the Board and, when appropriate, to  
23 adopt the Citizens’ Advisory Board concept as a model platform to broaden their public  
24 participation efforts. The Board hopes that in the transfer of EM functions to the NNSA  
25 sufficient programmatic funding is also transferred in order to continue to operate the  
26 Board and all other SSABs.  
27 By voting in favor of this recommendation the Board will be asking DOE and the LASO  
28 to make a formal public participation policy commitment, to both the public and the  
29 Board, with the desired outcome being the continuing public service of the Board to the  
30 DOE and the LASO, to LANL, and to the communities affected by on-going laboratory  
31 operations and legacy waste cleanup.”

## 32 33 **2. Board Discussion of Proposed Recommendation 2004-03:**

34 The Board discussed the recommendation before entertaining public comment  
35 later in the program. Some concerns were raised as to whether the recommendation  
36 would be valid regardless of Environmental Management (EM) structure? Dr. Berting  
37 wondered if the recommendation is premature and if EM does not transfer whether the  
38 recommendation would still have any validity. EM and WM functions could be  
39 expanded under the public participation model of this board. Mr. Brannon views the  
40 CAB structure as a model of public participation that extends beyond the scope of EM.  
41 He hopes the recommendation will solicit a formal expression of commitment to the  
42 citizen’s advisory board model from the DOE. Mr. Timm asked for clarification  
43 regarding the chain of command in reference to the DOE, NNSA, and EM. Mr. Brannon  
44 suggested referring to DOE Policy 141.2 for further clarification regarding DOE  
45 standards for public participation. The crux of this recommendation is to provide the  
46 DOE with a ‘heads up’ saying, ‘if you want public participation then you already have an

1 existing functioning model in the CAB.’ ‘Why reinvent the wheel?’ Mr. Brannon stated  
2 this is a possible window of opportunity to expand the footprint of our board’s scope.  
3 Mr. Brannon believes there will be, even after clean up and remediation efforts at the Los  
4 Alamos site are complete, a need for a public participation in relation to a national  
5 nuclear site. The public needs our help to demystify what happens on the hill. Mr. Fries  
6 supports the recommendation and considers it to still be timely.

7 Mr. DeLong recognized Governor Loretto from Jemez Pueblo. He gave his  
8 greetings from the Pueblo of Jemez. Dr. Loretto stated his concerns regarding legacy  
9 waste which are an issue to the tribes surrounding the Los Alamos site. He represents  
10 Jemez Pueblo, although further down the hill, he knows things migrate down and will  
11 eventually reach the water, soil, vegetation, air, or the game that the people harvest on  
12 Jemez Pueblo. It has taken some time to get someone to sit on this board. But he feels it  
13 is important for the pueblos to participate.

14 Governor Loretto described his education for the Board that included a bachelors in  
15 animal science and a masters in animal nutrition. He then became a doctor of veterinary  
16 medicine. He has served for the past two years as the Governor of Jemez Pueblo. He is  
17 now back with his veterinary practice in San Ysidro. He maintains there is no color  
18 barrier when it comes to our land—our heritage -- but that we all need to work together,  
19 to be the ‘watch-dogs’ as our logo says. Mr. Loretto went on to say he learned a lot about  
20 our state and our government when he was the Governor. He was able to meet with  
21 many important politicians. He felt this would be an important board to be a part of,  
22 however, at this time, he did not feel comfortable with voting on this recommendation but  
23 did want to take the time to make a brief statement. He does want to see the LANL and  
24 the DOE held accountable for their actions. Mr. DeLong thanked Mr. Loretto for his  
25 participation with this board and stated that the CAB greatly valued his input and his  
26 attendance. The combination of the NMED, the Pueblos, and this board can provide  
27 good oversight to the DOE.

28  
29 **3. The Vote came later after the second public comment period. At which time the**  
30 **Board voted unanimously to approve Recommendation 2004-03.**

31  
32 **c. Environmental Monitoring, Surveillance and Remediation Committee, Tim**  
33 **DeLong**

34 Summary by Dr. Berting and Mrs. Hoard:

- 35 - EMS&R received Mr. Gilkeson’s report on possible contamination of the  
36 Regional Aquifer below Los Alamos. His report questions whether the public is  
37 being presented with accurate information. The report states that the way the  
38 wells were drilled, specifically in their casing, would affect the samples taken  
39 from the wells. Therefore, the samples that came out of the well would not show  
40 the true state of the groundwater and these are very serious charges. Incorrect  
41 results from the monitoring wells negate their original purpose. The purpose of  
42 the wells is to monitor groundwater, a very important program. The basic  
43 accusation is that the use of certain muds and bentonite clay in the drilling process  
44 alters the chemistry of the monitoring wells and affects the accuracy of the  
45 samples. At the committee’s June meeting representatives from the LANL came  
46 to hear Gilkeson’s presentation to the CAB. They are currently preparing a

1 response to the ‘accusations’ in his report and plan to make a presentation to the  
2 CAB in October. The EMS&R committee has been getting some independent  
3 reports as a response to Mr. Gilkeson’s report, and the committee will see if this  
4 warrants a recommendation to the DOE. The CAB’s main interest in this report is  
5 whether the public is receiving accurate information or not? If data is  
6 compromised in any way the DOE has a responsibility to inform the public.

- 7 - Response reports to Mr. Gilkeson's received: Mr. Shanahan, Mr. Porterfield, Mr.  
8 Timm, and DOE response due sometime in September or October '04.
- 9 - TA 260 Outfall tour, and area from which the Lab discharged large of amounts of  
10 high explosives and this is the clean-up project that the EMS&R is interested in  
11 touring
- 12 - Tour of Drilling facility at LANL, one of the monitoring wells—is available  
13 because drilling company is a subcontractor through the DOE and not the  
14 University of California. So Mr. Taylor may be able to arrange this tour with no  
15 significant delay perhaps within a month or so. Mrs. Hoard points out that all  
16 tours are open to all members of the CAB regardless of committee membership.

17  
18 **1. Introduction of Recommendation 2004-04, authored by Donovan Porterfield:**  
19 **“Regarding DOE’s Quality Assurance Program”**  
20

21 **Introduction:**

22 “This recommendation involves preserving a DOE quality assurance program that  
23 monitors data. Mr. Porterfield, public citizen of Los Alamos—expert chemist and full  
24 member of the EMS&R Committee, stated his interest in writing this recommendation as  
25 a member of the public for this board was to maintain a quality assurance program for the  
26 lab. Dr. Ramsey’s office gets a lot of numbers from samples and decisions have to be  
27 made from those numbers—important decisions. The Quality Assurance Program (QAP)  
28 is one of the ways the public is assured that these numbers are good. The QAP program  
29 was started in 1976 to help assure the quality of that data that is used to make important  
30 decisions for soils and waters and such matrixes. Results are available within a few days  
31 from the EML laboratory, which runs the QAP program, reports are then available on the  
32 web for soil water and vegetation and they the program grades the results. The results are  
33 available to everyone on the web. The QAP program offers an even playing field for all  
34 the Labs. In March of this year the Department of Homeland Security, where the QAP  
35 program was transferred from the DOE, determined that were going to cancel this  
36 program because it was not in the mission of ‘homeland security’. DOE did try to merge  
37 this program with another Quality program that mainly focused on waste and not  
38 environment. DOE should respond to the status of the transition by the October  
39 timeframe. If this program were to completely go away Mr. Porterfield feels it would be  
40 more difficult for DOE to access their Laboratories and the public would lose by not  
41 having a good independent assessment of the labs performance. Soil water vegetation  
42 standards for radioactive materials it is a DOE function to have this type of QAP  
43 program. Some wordsmithing took place with the recommendation by the board  
44 members to Mr. Porterfield’s satisfaction. The recommendation was edited briefly and  
45 will be available for public comment and voting later in the program.”  
46

**Background**

“The Department of Energy Environmental Management Program makes extensive use of commercial and internal laboratories to analyze environmental media samples for radionuclides from sites with suspect contamination. The analytical results from the analysis of those environmental media samples are used to determine what environmental restoration activities may be necessary. In recognition of the importance of the quality of radionuclide analytical results a Quality Assurance Program (QAP) was initiated in 1976 by the DOE Environmental Measurements Laboratory (EML) in New York City.

QAP provides air filter, soil, vegetation, and/or water samples to participating laboratories in each study with two studies conducted each year. The samples within each study contain consistent amounts of several radionuclides of interest to DOE-EM. While only DOE EML personnel know the exact amounts of the radionuclides being analyzed the participating laboratories do know the origin and purpose of these samples. Participating laboratories are given 90 days to analyze the received samples and report their results to the DOE EML. Upon conclusion of each study the known amounts are made available to participating laboratories within a few days of the reporting deadline. A publicly available report is made available within 30 days providing an analysis of the results of each participating laboratory. These reports can be used by those in the DOE Complex who utilize these commercial and internal laboratories to monitor their quality and take appropriate actions where necessary. These same reports can also be used by stakeholders to assure themselves of the quality of the analytical results being provided by these analytical laboratories.

On March 1, 2003 with the creation of the Department of Homeland Security the Environmental Measurements Laboratory transitioned to the Science & Technology Directorate of that new Department. On March 1, 2004 it was announced that the Environmental Measurements Laboratory would terminate the QAP as it does not fall within its Department of Homeland Security mission.

A June 8, 2004 memo from DOE EH-3, Office of Corporate Performance Assessment, advises of an expansion of the Mixed Analyte Performance Evaluation Program (MAPEP) conducted by the DOE Radiological and Environmental Sciences Laboratory (RESL). The purpose of the MAPEP expansion is to address the loss of the QAP.

MAPEP currently deals with organic and inorganic analytes in addition to the radionuclide analytes that only the QAP addressed. However, MAPEP has only previously addressed soil and water matrices while the QAP also addressed vegetation and air filter matrices. So in due course MAPEP would be adding those two additional matrices.

An important distinction between QAP and MAPEP is that QAP results have been available via their web site for anyone interested. In contrast MAPEP does not make available the same information in the same direct manner.

1 Many of the participants in the QAP have not directly provided analytical laboratory  
2 services to current DOE programs. However, some of the QAP participants in this  
3 category may eventually provide such support and their current participation serves to  
4 establish a long-term view of the performance. For other participants in this category  
5 their performance can serve as a basis of comparison to that of participants who currently  
6 support DOE. This comparison is useful to the public perception of environmental data  
7 quality.”

#### 8 9 Recommendations

- 10  
11 1. “That the Department of Energy advise the Board on the policy for  
12 disclosure of MAPEP results for any participant to any interested person. In  
13 addition, if MAPEP has any plans for making participant study results  
14 available to the public in the same manner as the QAP has using their web  
15 site.  
16  
17 2. That the Department of Energy look favorably on the request from former  
18 QAP participants whose work doesn’t directly support DOE if their  
19 participation would provide a good benchmark and performance baseline to  
20 those participants whose work directly supports DOE. That the Department  
21 of Energy also look favorably on the request from former QAP participants  
22 whose work doesn’t directly support DOE but for which it is likely that they  
23 will do so at a later date.  
24  
25 3. That the Department of Energy report to the Board in the October 2004 time  
26 frame on the status of the transition of QAP participants to MAPEP  
27 participation.”  
28

#### 29 Intent

30 “The intent of this recommendation is to bring attention to the need for the DOE  
31 Environmental Management Program to address how the important mission of the DOE-  
32 EML QAP will be transitioned to the on-going MAPEP.”  
33

#### 34 Effect

35 “Properly addressing the transition of participants in the terminated DOE EML QAP will  
36 insure that stakeholders will have continued confidence in the radionuclide analytical  
37 results for environmental media samples that are used to make important environmental  
38 restoration decisions.”  
39

40 **2. The Vote came later after the public comment period. At which time the Board**  
41 **voted unanimously to approve Recommendation 2004-04.**  
42

43 **3. NNM CAB Acceptance of DOE Response to Recommendation 2003-08, Dorothy**  
44 **Hoard:**  
45

1 Mrs. Hoard discussed the letter written under Mr. DeLong's signature accepting  
2 DOE's response to Recommendation 2003-08. This letter reflects the CAB's new  
3 policy to evaluate the responses that the DOE sends out to let them know if the CAB  
4 finds their response valid or appropriate. The DOE is under no obligation to reply to  
5 these response letters. This particular recommendation had to do with the DOE /EM  
6 requesting Risk Based End State Vision reports from the sites while only giving them  
7 three weeks to prepare such a complex report. The CAB felt this was simply not  
8 enough time. The DOE responded positively to the CAB's recommendation and  
9 provided more time for the preparation of the reports. The intent of the CAB  
10 recommendation was met and there is no further action required on the part of the  
11 CAB. But Mrs. Hoard pointed out that the public is still very interested in Risk Based  
12 End State Vision. Public awareness as to the status of these programs at varying sites  
13 is critical. Dr. Berting pointed out that in a recent meeting of the Energy  
14 Communities Alliance (an organization of all the communities who are next to or  
15 affected by government laboratories) RBESV was a topic on the agenda. Long-term  
16 environmental stewardship and Risk Based End State Vision are of primary concern  
17 to this alliance. **The Chair entertained a motion to accept the response letter**  
18 **addressed to Mr. Wilmot. Mrs. Hoard made a motion to accept response letter**  
19 **and Mr. Fries seconded the motion. The letter was approved as written**  
20 **unanimously by the Board.**  
21

22 **d. Community Involvement Committee, Grace Perez, chair (absent)**

23 Mrs. Manzanres stated that the WM Committee covered most of what took place  
24 in the last CIC meeting, as it was a joint committee meeting. The main topic of the last  
25 CIC meeting was the planning of the Area G Forum. Mr. DeLong pointed out that the  
26 Speaker's Bureau Presentation has been completed. Ms. Novak has taken over  
27 production of the Newsletter and Annual Report. So the Chair agreed with Mrs.  
28 Manzanres in her statement that the primary goal of the CIC right now is to assist in the  
29 planning of the Area G Forum. Erlinda Gonzales, the Vice Chair of the CIC, stated that  
30 her committee is getting reorganized and primarily focusing on the planning of the Area  
31 G Forum. But Mrs. Gonzales also sees the committee becoming more directed and  
32 focused towards community outreach.

33 **e. Ad Hoc Committee on Bylaws, Jim Brannon**

34 The Chair briefed the board on the proposed bylaw amendments authored by Jim  
35 Brannon. (See proposed bylaw amendments kept with these minutes). Over the last few  
36 months there have been some issues regarding the CAB's bylaws. Some sensitive issues  
37 came up and the bylaws had no provisions for dealing with certain types of situations.  
38 Mr. Brannon used other sites in the DOE complex (Savannah and Oak Ridge) as a model  
39 for the proposed revisions. The Board heard a first reading of the proposed bylaw  
40 amendments. The revisions that are kept with these minutes are prepared in editor's red  
41 strike mode so that the Board can see how the bylaws were and exactly what are the  
42 proposed changes. The board was asked to review the changes prior to the next full Board  
43 meeting in September where the bylaw amendments will be put to a vote.

44 The board also considered, at Dr. Berting's suggestion, to allow the Chair to  
45 collect proxy votes from members in absentia. **The Board was in favor of adding the**

1 **ability to vote by proxy into the bylaws. The Board wanted to make sure the**  
2 **appropriate clarification was made between proxy voting and absentee ballot.**

3  
4 **f. Ad Hoc Committee on Constituency Seats**

5 **There is a proposed amendment to make the four Accord Pueblo seats on the**  
6 **Board ex-officio seats,** to allow the seat holder more flexibility in sending an alternate to  
7 sit in his or her place. The Chair asked Mr. Loretto to give his advice. Dr. Loretto  
8 commented that out of respect to the absent constituency seat members he felt the Board  
9 should contact them directly and get their opinion before putting the issue to a vote  
10 before the Board. **The constituency seats amendment was tabled until the seat**  
11 **holders can be contacted.**

12  
13 **VIII. Public Comment**

14 Mr. Porterfield signed up for public comment regarding Recommendation 2004-  
15 03 authored by Jim Brannon chair of the WM Committee.

16 Mr. Porterfield had two points to make regarding this recommendation:

- 17 1. He wanted the Board to note that the Carlsbad Environmental Monitoring  
18 Research Center was another existing oversight group funded by the DOE and run  
19 by New Mexico State University.
- 20 2. He cautioned the Board to use care in requesting too large of a scope or  
21 broadening its' current scope. He stated the 'old board' was like that and it was  
22 spread too thin and didn't accomplish much.

23  
24 **IX. Mr. Brannon delivered first reading of bylaws amendments for the Board.**

25 **NNMCAB Bylaws Section XII states that when amending the Bylaws:**

26 "The Board shall have the power to alter, amend, and repeal these bylaws  
27 in ways consistent with the Amended Charter of the Environmental Management  
28 Site-Specific Advisory Board, the Office of Environmental Management for the  
29 Site-Specific Advisory Board Guidance and other applicable laws, regulations and  
30 guidelines. Any member of the public, the Board, or one of the Agencies may  
31 propose an amendment to the bylaws. However, to be considered by this Board  
32 the proposed amendment must be sponsored by a Board member. The Board may  
33 consider and take action on the amendment to the bylaws at the meeting following  
34 the introduction of the proposed amendment. Amendments require the affirmative  
35 vote of two-thirds majority of the membership of the Board."

36 **NNMCAB Bylaws Section XIII (adoption of the bylaws) states:**

37 "These bylaws amendments will be effective upon the affirmative vote of  
38 a two-third majority of the Board membership, execution by the Chair and the  
39 approval of DOE."  
40



1 **The NNM CAB Bylaw sections to be voted on for amendment are as follows: (A copy**  
2 **of the bylaws with the proposed amendments in editor's scratch mode are attached**  
3 **to these minutes.)**

4  
5 **Section III. MEMBERSHIP CATEGORIES, REQUIREMENTS, & TERMS,**

6 **Item D. Removal from Membership**

7 **1. DOE's sole authority to remove and appoint members**

8 **2. Ordinary Removal**

9 **3. Extraordinary Removal for Cause**

10 **Item H. Removal of Board Officers**

11 **Item I. Replacement of Officers**

12  
13  
14 **X.** Consideration and Action on Recommendation No 2004-3,  
15 "Regarding DOE's Commitment to Public Participation", Waste Management  
16 Committee. Mr. Fries made a motion to approve Recommendation 2004-4. Mr. Church  
17 seconded the motion. **Recommendation 2004-03 is approved unanimously.**

18  
19  
20 **XI.** Consideration and Action on Recommendation 2004-4, "Regarding DOE's  
21 Quality Assurance Program", EMS&R  
22 Committee. Mrs. Hoard made a motion to approve Recommendation 2004-4. Dr.  
23 Berting seconded the motion. **Recommendation 2004-04 is approved unanimously.**

24  
25 **XII. Presentation on NMED Consent Order, honored guests: Dr. Beverly Ramsey,**  
26 **Joe Vozella, and James Bearzi.**

27  
28 Mr. Bearzi reads his response to the CAB's letter requesting the review period for  
29 the Consent Order be extended from 30 to 60 days. Mr. Bearzi's letter of response  
30 indicated that the NMED was not willing to extend the comment period past 30 days.

31  
32 The Chair recognized Dr. Ramsey who introduced Mr. Vozella. She indicated  
33 that Mr. Vozella would provide a summary of what he could with regards to the issuance  
34 of the Order on Consent.

35 A listing of Mr. Vozella's main points from his presentation are as follows:

- 36 - It's a lengthy order focusing on characterization, clean up, & solid waste
- 37 management.
- 38 - Detailed procedures on how work is to be accomplished.
- 39 - Contains a schedule of deliverables.
- 40 - Contains a series of work plans.
- 41 - Dates of clean up are enforceable.
- 42 - Requires LANL clean up complete by 2015.
- 43 - Endorses ER, EM performance.
- 44 - Does not endorse DOE's performance plan.
- 45 - It is a complete clean-up order – how, what, when, where, & why?
- 46 - It is very similar to Sandia Order on Consent.

- NMED is not likely to change the order once it is released.
- Addresses remedy selection, clean-up methods and future land use.
- Clean-up standards for soil - based on land use.
- Clean-up standards for groundwater determined by maximum allowable contaminants.
- Includes Risk Assessment Plan.
- Includes Dispute Resolution Plan.

The Chair recognized Mr. Bearzi who provided some closing remarks on the order for the Board. Mr. Bearzi's remarks are included in these minutes as follows:

- When the draft order is issued it indicates that all the responsible parties are in concurrence and that the time schedule in Chapter 12 can be agreed to.
- Corrective actions are continuing and have not been delayed due to the order.
- Work has not stopped. (Dr. Ramsey speaks up in agreement with this point.)
- Believes the order will be released in approximately one month.

**The Chair requested volunteers to be on the Ad Hoc committee established to review Order on Consent immediately upon its release. The following board members volunteered to be on the Ad Hoc Committee: Jay Fries, Tim DeLong, Christopher Timm, Dorothy Hoard, David Church, and J.D. Campbell.**

The Board's concerns regarding the Consent Order, in summary:

- The feasibility of a 2015 time schedule.
- What are the requirements for additional testing and will this hinder the accelerated time schedule?
- Will the order include enough budget to implement remedies?
- Can additional budget be requested?
- What can the NNM CAB do assist NMED in getting appropriate / ample funding for initiatives?


### **XIII. Comments from Board Members and Recap of Meeting:**

The Chair wanted to speak for the Board on record with his statement that the CAB has formally requested input from EPA, DOE, LANL, and NMED for the CAB's FY'05 work plan. Mrs. Hoard wanted to thank Dr. Ramsey, Mr. Vozella, and Mr. Bearzi for attending the CAB meeting. Mr. Taylor mentioned that the NMED would be willing to provide the CAB with hard copies and cds of the order when it is released.

### **XIV. Adjournment**

With no further business, the Chair entertained a motion for adjournment. Mr. Brannon made a motion to adjourn and Mr. Fries seconded the motion. As all were in favor, the NNM CAB meeting was adjourned at 7:30 pm.

Respectfully submitted,



**Timothy A. DeLong, Chair**

1