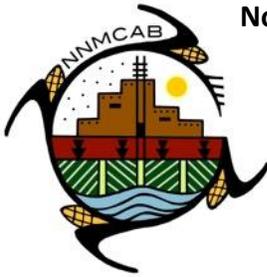


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Northern New Mexico Citizens' Advisory Board Meeting

July 29, 2015

1:00 p.m. to 5:15 p.m.

Sagebrush Inn Conference Center

Taos, New Mexico 87571



Minutes

Meeting Attendees

Department of Energy

1. Christine Gelles, Acting Manager, Environmental Management Los Alamos Field Office
2. Lee Bishop, Co-Deputy Designated Federal Officer
3. Michael Gardipe, Co-Deputy Designated Federal Officer
4. David Nickless, Environmental Management Los Alamos
5. Robert Pfaff, Environmental Management Los Alamos

NNMCAB Members

1. Doug Sayre, NNMCAB Chair
2. Irene Tse-Pe, NNMCAB Vice-Chair
3. Nona Girardi
4. Carlos Valdez
5. Mary Friday
6. Angel Quintana
7. Joey Tiano
8. Gerard Martinez
9. Angelica Gurulé
10. Michael Whiting
11. Ashley Sanderson
12. Michael Valerio
13. Stephen Schmelling
14. Mona Varela

NNMCAB Student Liaisons

1. Alyssa Schreiber
 2. Alicia Bowyer
 3. James Valerio
-

1 **NNMCAB Excused Absences**

- 2 1. Joseph Viarrial
 - 3 2. Manuel Pacheco
 - 4 3. Danny Mayfield
 - 5 4. Tessa Jo Mascareñas
 - 6 5. Alex Puglisi
-

8 **NNMCAB Member Absences**

- 9 1. Joshua Madalena
-

11 **NNMCAB Support Staff**

- 12 1. Menice Santistevan, Executive Director
 - 13 2. Bridget Maestas, Administrative Assistant
 - 14 3. William Alexander, Technical Programs and Outreach
-

16 **Guests**

- 17 1. Kathryn Roberts, New Mexico Environmental Department
- 18 2. Frazer Lockhart, SN3
- 19 3. Shannon Farrell, CH2M
- 20 4. Charles Broom, Ares Corp.
- 21 5. Jody Benson, Public
- 22 6. Gil Vigil, Eight Northern Indianan Pueblo Council, Executive Director
- 23 7. Sheri Byington, Public
- 24 8. Peter Alden Hyde, Los Alamos National Security
- 25 9. Kaitlin Martinez, Los Alamos National Security
- 26 10. Lon Burnam, Nuke Watch New Mexico
- 27 11. Scott Kovac, Nuke Watch New Mexico
- 28 12. Andrea Romero, Regional Coalition of LANL Communities
- 29 13. Andrew Gonzales, Town of Taos, Regional Coalition of LANL Communities
- 30 14. MJ Whiteman, Public
- 31 15. Jean Richards, Public
- 32 16. Nithin Akuthota, Wastren Advantage, Inc.
- 33 17. Lisa Cummings, National Nuclear Security Administration
- 34 18. Marilyn Hoff, Public
- 35 19. Margarita Denevan, Public
- 36 20. Jeanne Green, Public
- 37 21. Kelly Canady, Public
- 38 22. Steve Threet, Edgewater
- 39 23. Michele Jacquez-Ortiz, U.S. Senator Tom Udall's Office
- 40 24. David Wardell, Public
- 41 25. Craig Douglass, Los Alamos National Security
- 42 26. Floyd Archuleta, Portage, Inc.

- 1 27. Randy Erickson, Los Alamos National Security
- 2 28. Lindi Douglass, Regional Coalition of LANL Communities

3 ***All NNMCAB meetings are recorded. Audio CD's and Video DVD's have been placed on file for**
4 **review at the NNMCAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written**
5 **minutes are intended as a synopsis of the meeting.**

1 **Minutes**

2 **I. Call to Order**

3 The bi-monthly meeting of the Northern New Mexico Citizens' Advisory Board
4 (NNMCAB) was held on July 29, 2015 at Sagebrush Inn Conference Center, Taos, New
5 Mexico. Mr. Lee Bishop, Co-Deputy Designated Federal Officer (CDDFO) stated that on
6 behalf of the Department of Energy (DOE) the meeting of the NNMCAB was called to order
7 at 1:05 p.m.

8 Mr. Bishop recognized Mr. Doug Sayre, the NNMCAB Chair. The Mr. Sayre presided at
9 the meeting.

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

12 **II. Establishment of a Quorum (10 Needed)**

13 **a. Roll Call**

14 Mr. William Alexander conducted roll call as the members arrived. At the call to
15 order, 13 members were present. Ms. Tse-Pe arrived at 1:20 p.m. and Ms. Friday arrived
16 at 1:15 p.m.
17

18 **b. Excused Absences**

19 Mr. Alexander recorded that the following members had excused absences: Mr.
20 Joseph Viarrial, Mr. Manuel Pacheco, Mr. Danny Mayfield, Mr. Alex Puglisi, and Ms.
21 Tessa Jo Mascareñas.
22

23 **c. Absences**

24 Mr. Alexander recorded that Mr. Joshua Madalena was absent.
25

26 **III. Welcome and Introductions**

27 Mr. Sayre welcomed the members and the public to the meeting. He asked for
28 introductions from the board members.
29

30 Taos Council Member Mr. Andrew Gonzales also welcomed the NNMCAB members to
31 Taos. He stated that Taos was happy to welcome the NNMCAB meeting and he looked
32 forward to a good and productive meeting for its members.
33

34 **IV. Approval of Agenda**

35 The board reviewed the agenda for the July 29, 2015 meeting, Mr. Sayre opened the
36 floor for questions or comments.
37

38 Mr. Martinez made a motion to approve the agenda as presented; Ms. Varela seconded
39 the motion. The motion to approve the agenda as presented was unanimously passed.
40

41 **V. Approval of Minutes**

42 The board reviewed the minutes from the May 20, 2015 meeting. By ongoing instruction
43 from DOE Headquarters, the minutes were previously reviewed and certified by the
44 NNMCAB Chair. Mr. Sayre opened the floor for questions or comments.
45

46 Mr. Valdez made a motion to approve the minutes as presented; Mr. Tiano seconded
47 the motion. The motion to approve the minutes as presented was unanimously passed.
48

1
2 **VI. Old Business**

3 **a. Written Reports**

4 Mr. Sayre opened the floor for questions on the written reports. Mr. Sayre gave a
5 brief overview of the chairs written report. He noted that the members should also
6 review the Executive Director's report for important dates of upcoming meetings and
7 events, in addition to an update on the membership.
8

9 **b. Other Items**

10 Mr. Sayre opened the floor for discussion on old business that the members might
11 have.
12

13 Mr. Schmelling asked where the \$73 million for the Supplemental Environmental
14 Projects was coming from.
15

16 Ms. Gelles responded that the funding was coming from the fee that was not
17 awarded to the Los Alamos National Security (LANS) contractor, and a portion was
18 coming from future budget set asides.
19

20 With no additional old business to discuss, Mr. Sayre moved to the next item on the
21 agenda.
22

23 **VII. New Business**

24 **a. Report from Nominating Committee.**

25 Mr. Sayre asked Mr. Whiting from the nominating committee for an update on the
26 nominees for the officer elections.
27

28 Mr. Whiting stated that Ms. Sanderson and himself had polled the members and
29 that the following members had been nominated for chair: Mr. Carlos Valdez, Mr.
30 Joey Tiano, and Mr. Douglas Sayre. He stated that the following members had been
31 nominated for Vice-Chair: Mr. Gerard Martinez, Ms. Ashley Sanderson, and Mr. Joey
32 Tiano.
33

34 Mr. Valdez and Mr. Tiano stated that they were declining their nominations.
35

36 Leaving the list of nominees as Mr. Sayre for Chair, and Ms. Sanderson and Mr.
37 Martinez for the Vice-Chair position.
38

39 **b. Other Items**

40 With no additional items to discuss Mr. Sayre move onto the DDFO update.
41

42 **VIII. Update from the Deputy Designated Federal Officer**

43 Mr. Bishop noted that the liaisons today would be providing an update on the EM-LA
44 office. He noted that there were a few events coming up that the members should be aware

1 of. Mr. Bishop stated that the week of September 8, 2015, Mr. Schmelling and Mr. Sayre
2 would be attending the Rad Waste Summit in Nevada.

3 Mr. Bishop stated that there was not an exact date, but EM-LA is planning to publish an
4 environmental assessment (EA) on the Chromium Project. He noted that EM-LA is planning
5 to have at least one public meeting on the EA to provide the NNMCAB with an opportunity
6 to provide comments on the EA. Additionally, Mr. Bishop noted that the Environmental
7 Impact Statement on Greater Than Class C Waste is close to being published. He stated that
8 there is a recommendation being drafted by the Nuclear Regulatory Commission that
9 requests a deferral of the commission's assignment, to the State of Texas.

10
11 Mr. Valdez asked what had become of the remainder of the 3706 Campaign TRU waste.
12

13 Mr. Bishop noted that at this time, work in Area G is on hold and in a safe condition,
14 pending the remediation of the nitrate salt drums.
15

16 Mr. Valdez asked about the creation of temporary storage at the Waste Isolation Pilot
17 Plant (WIPP) and if that request has been looked at.
18

19 Ms. Roberts responded that the short answer is no. Additionally stating that the
20 Principal of Agreement signed at the end of April, allows the NMED to consider that request;
21 however, that request has not been made.
22

23 Dr. Girardi asked as far as WIPP receiving above ground storage space, would that
24 require legislation or a modification to the permit.
25

26 Ms. Roberts responded that it would require a modification to the permit but not a
27 change to the legislation.
28

29 **IX. Presentations**

30 **a. LANL TRU Waste Update**

31 Mr. David Nickless, EM-LA, Manager Legacy Waste Group gave a presentation to the
32 NNMCAB members "Los Alamos National Laboratory TRU Waste Update." An
33 electronic copy of the presentation may be obtained from the NNMCAB website;
34 <http://www.nmccab.energy.gov/7-presentations/presentations.htm>. Video of the
35 presentation is also available on the NNMCAB's YouTube Channel (NNMCAB).
36

37 **b. Questions**

38 Mr. Valdez asked if the waste containers still in storage had the same ingredients as
39 the breached drum at WIPP.
40

1 Mr. Nickless responded that though the drums come from the same waste stream
2 they are not all exactly the same. He noted that if they were exactly the same there
3 would likely have been 60 breached drums rather than one.
4

5 Ms. Friday asked if there was a chance that if the drums were not under the cooling
6 system would there be a possibility of a breach.
7

8 Mr. Nickless stated that DOE does not believe that to be the case based on data that
9 it currently has on the drums.
10

11 Ms. Gurulé asked what the timeline is for reprocessing of the nitrate salt drums.
12

13 Mr. Nickless responded that the timeline has the waste being reprocessed in fiscal
14 year 2017.
15

16 Mr. Schmelling asked why it was taking so long to reprocess the waste with the
17 current level of knowledge of the drums.
18

19 Mr. Nickless responded that the short answer is that DOE still has work to do. DOE
20 wants to make sure that it is only done once with a high level of review and that it is
21 done safely and efficiently.
22

23 Mr. Valdez noted that it does not seem to him that Los Alamos is totally to blame
24 for what happened. He asked what quality controls were being put into place to
25 ensure that this doesn't happen again.
26

27 Mr. Nickless responded that DOE is working to incorporate the Judgements of Need
28 that were identified in the Accident Investigation Board Report. He noted that there
29 would be a broader look at how the waste is processed before it is repackaged.
30

31 **c. Overview of EM-LA Projects**

32 Mr. Bob Pfaff, EM-LA, gave a presentation to the NNMCAB members "Overview of
33 EM-LA Projects and Planning." An electronic copy of the presentation may be
34 obtained from the NNMCAB website; [http://www.nnmcab.energy.gov/7-](http://www.nnmcab.energy.gov/7-presentations/presentations.htm)
35 [presentations/presentations.htm](http://www.nnmcab.energy.gov/7-presentations/presentations.htm). Video of the presentation is also available on the
36 NNMCAB's YouTube Channel (NNMCAB).
37

38 **d. Questions**

39 Ms. Gurulé asked what the Bridge Contract is.
40

1 Mr. Pfaff responded that the Bridge Contract will be used as a bridge between the
2 new EM contracts that will be used to separate the EM cleanup work from the LANS
3 NNSA scope.

4
5 Mr. Valdez asked what the 2015 budget looks like.

6
7 Mr. Pfaff responded that the budget for FY'15 was \$188.6 million.

8
9 Mr. Valdez asked about sequestration.

10
11 Mr. Pfaff responded that on September 30, 2015 the two year period for
12 sequestration expires. If no budget is passed then sequestration re-evokes on October
13 1, 2015.

14
15 Mr. Valdez noted that none of the FY'16 budget numbers have funding for the
16 Bridge Contract.

17
18 Ms. Gelles stated that EM-LA is in the process of negotiating the Bridge Contract
19 with LANS. She noted that the contract is planned to bridge the FY'16 and FY'17 years
20 so that the new EM contracts can be put into place for FY'18.

21
22 Mr. Sayre asked if the new well on San Ildefonso land would be in place before the
23 end of the calendar year.

24
25 Mr. Pfaff noted that the well is planned to be completed before December 31, 2015.

26
27 Mr. Valdez asked if TA-16 was where the bomb testing was done and if similar
28 activities had occurred in TA-49.

29
30 Mr. Craig Douglass, Division Leader for the Environmental Remediation Program Soil
31 and Water, noted that TA-49 contains Material Disposal Area AB and is adjacent to TA-
32 16 RDX work.

33
34 Mr. Sayre asked when EM-LA expects to complete the NEPA assessment for 33
35 Shafts.

36
37 Mr. Pfaff stated that it is currently on the schedule for FY'17.

38
39 Ms. Gurulé asked if the NEPA Assessment was already under way for the 33 Shafts.
40

1 Mr. Nickless stated that the NEPA review has not been started, he noted that the
2 work that Neptune is working on will be a feeder into the NEPA Assessment for the 33
3 Shafts.

4
5 Mr. Schmelling asked if the activities that are further out would require a larger
6 level of funding.

7
8 Mr. Pfaff stated that due to the sensitivity of information he couldn't go into
9 specifics; however, EM-LA has put together a plan to a funding target and laid out the
10 work to completion.

11
12 Dr. Girardi asked when it is permissible to discuss the budget request in more detail.

13
14 Mr. Pfaff responded that the information should be available in the next few
15 months, possibly late October.

16
17 Mr. Sayre asked if the NEPA Assessment on the 33 Shafts would be open for public
18 comment.

19
20 Mr. Nickless responded that NEPA is a public process and has public comment built
21 into the process.

22
23 Mr. Schmelling asked about the Corrective Measures Evaluation for Material
24 Disposal Area G and what has happened with the report.

25
26 Ms. Roberts noted that the report has undergone three revisions and the last
27 revision was submitted to NMED in 2011. She noted that the shift in work from
28 remediation to waste removal at Los Alamos due to the Las Conchas fire effectively
29 put the report review on hold.

30
31 Mr. Valdez asked who the regulator is for radiation components.

32
33 Ms. Gelles responded that it is regulated by the Atomic Energy Act and DOE self-
34 regulated the radiation component of waste.

35
36 Mr. Martinez asked if there was additional information on stormwater controls.

37
38 Mr. Pfaff noted that EM-LA is in the process of updating information posters and
39 that he would make a commitment to get the information to the NNMCAB once the
40 posters are updated and approved.

41
42 **X. Update from Liaisons**

1 **a. Update from the Department of Energy**

2 Ms. Christine Gelles, Acting Manager of the EM-LA Field Office, noted that the EM-
3 LA office was stood up 4 months ago. She stated that the EM-LA office currently has
4 22 employees and that she has proposed 4 additional positions, for which EM-LA is in
5 the process of hiring. Ms. Gelles stated that Mr. Douglas Hintze had been selected as
6 the new permanent Manager for the EM-LA field office, noting that he would be
7 taking over at the end of September.

8 Ms. Gelles stated that the presentations from Mr. Pfaff and Mr. Nickless had
9 covered a great deal of information. She noted that she would like to emphasize the
10 safe storage of the nitrate salts and the joint Federal Corrective Actions Plan that is
11 being drafted to address the findings in the WIPP Accident investigation. Additionally,
12 noting that the plans would be available to the NNMCAB and public once they are
13 approved. Ms. Gelles noted that the monitoring well being installed on San Ildefonso
14 land is not the only well that has been put on Pueblo land; however, it is the first to be
15 installed under the new Memorandum of Understanding. She noted that the
16 Chromium EA that was discussed could possibly be available to the public in the next
17 few weeks to a month. She noted that it is the assessment of the interim measure not
18 the final remedy for the plume. Ms. Gelles stated that there was a problem with the
19 previous airport landfill cover, noting that the design had caused subsidence. She
20 stated that EM-LA is working with NMED to understand what happened and that the
21 new cover will be engineered to keep that subsidence from occurring again.

22 Ms. Gelles noted that there was lots of regulatory coordination going on for
23 discharge permits, permit renewals, and regulatory requirements. She noted that
24 there are many dynamic factors that have to come together for the budget process
25 and that EM-LA is committed to producing a quality product. She noted that there
26 would not be any public information available for FY'17 until February 2016.

27 Ms. Gelles noted that she had signed off on the NNMCAB membership package. She
28 stated that she had read all the resumes and bios and congratulated the NNMCAB on
29 its diversity both geographic and representation and background. She thanked the
30 members for their hard work.

31
32 Dr. Girardi asked (1.) Are laboratory scientists separate from management at LANS
33 and would they be staying on at the Lab after the contract shift. (2.) Can you say
34 anything about the possibility of LANS getting the Follow On Contract? (3.) Will LANS
35 keep the NNSA M&O contract also?

36
37 Ms. Gelles responded that it is up to LANS to decide what happens to the personnel
38 currently working at LANS. She noted that EM is not removing the incumbent
39 contractor but simply removing a portion of the scope that LANS has. She noted that
40 LANS exists as a corporate entity and that there is not currently any reason to
41 preclude them from competing for the Follow On Contract. Ms. Gelles noted that she
42 could not comment on the NNSA portion of the contract.

1
2 Mr. Schmelling asked if LANS would have a separate division under the Bridge
3 Contract to support the EM-LA activities.
4

5 Mr. Randy Erickson responded that it will be a little of both, some of the
6 organizations that are in the directorate will be supporting the Bridge Contract and
7 other divisions will be brought in to support as needed.
8

9 Ms. Gurulé asked is TRU waste typically budgeted by EM or does it come out of
10 LANS budget.
11

12 Ms. Gelles responded that TRU waste is a legal term and applies to a type of waste.
13 She noted that EM budgets and manages the legacy wastes and mission waste (newly
14 generated waste) is covered by the NNSA/LANS budget.
15

16 Mr. Sayre asked who would be in charge of dealing with Buckman.
17

18 Ms. Gelles responded that it is a DOE function that will continue as an EM-LA
19 function.
20

21 **b. Update from Los Alamos National Laboratory**

22 Mr. Randy Erickson, LANS Associate Directorate for Environmental Programs, stated
23 that the Bridge Contract phase of the work shift is an important step in understating
24 the complexities in what will be needed for EM-LA and LANS to work together under
25 the Follow On Contract. Mr. Erickson stated that the mercury clean-up project by the
26 Smith's Market Place was completed successfully and ahead of schedule. Mr. Erickson
27 noted that there is a technical concept for how to manage the nitrate salts waste;
28 however, it is awaiting approval that it is the appropriate path to take.
29

30 **c. Update from New Mexico Environment Department.**

31 Ms. Katie Roberts, Director, NMED Resource Protection Division provided the
32 update for NMED. She noted that she would be briefly talking about the Settlement
33 Agreement and the Consent Order. Ms. Roberts noted that the Supplemental
34 Environmental Projects (SEPs) was in part due to the NNM CAB's recommendation.
35 She noted that there would be a settlement agreement for LANL and one for WIPP,
36 targeted to be signed at the end of August.
37

38 Mr. Valdez asked if NMED would be overseeing the implementation of the SEPs.
39

40 Ms. Roberts noted that yes, NMED would be overseeing the implementation of the
41 SEPs projects at both LANL and WIPP.
42

1 Ms. Roberts noted that many lessons had been learned about the Consent Order.
2 She noted that there are a lot of great things about the document and some not so
3 great things. Ms. Roberts stated that signature on the Settlement Agreements needs
4 to be completed before NMED can move forward with the reworking of the Consent
5 Order. Additionally, she noted that there is information in the Consent Order that
6 defines what is necessary for the termination of the order; however, there is not
7 actually an end date associated with the Consent Order. Ms. Roberts noted that the
8 original document was released for public comment for 30 days; however NMED
9 wants to release the new document for a 60 day comment period. Ms. Roberts stated
10 that NMED would like to use the NNMCAB as part of the public outreach for the
11 Consent Order changes. Lastly, she stated that the tables at the back of the current
12 Consent Order need to be completely reworked as they are grievously out of date. She
13 noted that for the new Consent Order, NMED was looking into the possibility of using
14 a model like the one used at the Savanna River Site.
15

16 Dr. Girardi asked what we can do as a board since we can't lobby congress. She
17 asked do you have any political strategies or recommendations.
18

19 Ms. Roberts noted that NMED does not have a political strategy per say. She noted
20 that the board getting the information out to the public is one process that it can use
21 to accomplish this goal.
22

23 Mr. Valdez stated "that there is less than half a year to go on a Consent Order that is
24 10 years old and now we are finding out it does not have an end date, which is hard to
25 believe." Mr. Valdez asked do we know what is left in the Consent Order and is it
26 possible to use a campaign approach in the reworked Consent Order.
27

28 Ms. Gelles responded that we do know what is left of the Consent Order work and
29 EM-LA is working on updating the information that was used for the announcement of
30 the possible campaign approach two years ago. She noted that the prioritization of
31 the Life Cycle Baseline will be used to incorporate some of that information and
32 prepare EM-LA to have the Consent Order discussions.
33

34 Ms. Roberts stated that even though the current Consent Order does not have a
35 termination date, which does not mean that it goes away. The current Consent Order
36 will stay in place and govern the cleanup at LANL until a new Consent Order is put into
37 place.
38

39 Mr. Schmelling asked do you see the Consent Order as a valid document and will the
40 rework of the document be a minor change or a major change.
41

1 Ms. Roberts responded that her staff would not be starting from scratch on
2 rewriting the Consent Order. She noted that the existing document would be used;
3 however, there would be major modifications to the document such as the schedule
4 tables and some of the legal documentation in the document.

5
6 Ms. Friday asked about the prioritization of the funding that the NNM CAB had
7 completed at its Combined Committee meeting, and how far that would get on the
8 prioritization.

9
10 Mr. Bishop responded that the work that had been done at the committee meeting
11 was for FY'16 and FY'17 budget input. He noted that was a great precursor to the
12 work that would need to be completed for the reworking of the Consent Order, which
13 looks at a much broader timeline.

14
15 Mr. Martinez asked for clarification on the expiration language in the Consent
16 Order.

17
18 Ms. Roberts responded that it is a difficult question as it is subject to interpretation;
19 however, based on NMED's legal review it is not specifically called out as December
20 15, 2015 being the termination date of the Consent Order.

21
22 Mr. Martinez asked if it was worth looking at drafting a new document. He noted
23 that he was glad to see the participation of all parties. He asked that the new
24 document also have contingencies in the document not just consent order deadlines.

25
26 Ms. Varela asked where does the enforcement on the milestones come from and
27 what are the repercussions of not meeting those milestones. Additionally, would
28 there be a public comment on the Consent Order revision.

29
30 Ms. Roberts responded that the milestones are enforceable through the use of
31 stipulated penalties. She noted that the format for enforcement may be different
32 depending on the model that is chosen for the Consent Order document. She noted
33 that the first year would have a number of milestones and a milestone date; if the
34 document is not submitted by that date, enforcement action can be taken by NMED.
35 She noted that NMED can use Administrative Orders, Notice of Violations, or
36 Stipulated Penalties. Ms. Roberts stated that a 60 day comment period is proposed for
37 the review of the Consent Order document. She noted that as it stands right now
38 there will not be an opportunity for a public hearing, only a public comment period
39 with responses to the public comments.

40
41 Mr. James Valerio asked about drum 68660 and what the material of the glove in
42 the drum was.

1
2 Mr. Nickless responded that it is a bismuth tungsten lined glove, with a polymer
3 outer shell.

4
5 Mr. James Valerio asked what the temperature of the drum was at the time the
6 drum ruptured.

7
8 Mr. Nickless responded that there is a current requirement within the isolation plan
9 to maintain the temperature below 90 degrees Fahrenheit. He noted that the
10 temperature at WIPP at the time of the breach was nominally 70 degrees Fahrenheit.

11
12 **XI. Public Comment Period**

13 Mr. Sayre opened the floor for public comment at 4:47 p.m. He invited Mr. Lon
14 Burnam from Nuke Watch New Mexico (NWNM) to address the board.

15
16 Mr. Burnam stated that he had worked with the Texas Legislature for 18 years and
17 had worked on issues related to the Waste Control Specialists Facility (WCS). He
18 stated that the maps for the facility had been changed such that the facility no longer
19 appears to be over the aquifer. He noted that he would like to warn the NNM CAB that
20 State Government is not always what it should be. Mr. Burnam stated that 3 whistle
21 blowers had quit the agency over the incident and one person was transferred that
22 was trying to hold WCS accountable to the Law. Mr. Burnam noted that where the
23 money goes is where your values are. He stated that the NNM CAB members seem to
24 be very polite and understated in expressing their frustrations. Mr. Burnam stated
25 that some still think that the production and activity that goes on at LANL is relevant
26 to our national security mission; or national security mission needs to shift. He noted
27 that it is about protecting the safety, health, and welfare of the citizens. He stated
28 that neither DOE nor the State of New Mexico has had that as its priority. Mr. Burnam
29 noted that he would urge the NNM CAB to be more direct and succinct and tell the
30 NMED that it is doing an inadequate job of protecting the safety, health, and welfare
31 of the citizens. Additionally, stating that the NNM CAB should tell DOE that a mission
32 that was created over 70 years ago is no longer relevant to our national security, in
33 fact it is interfering with our national security.

34
35 Mr. Sayre asked Mr. Kovac from NWNM to address the board.

36
37 Mr. Scott Kovac from NWNM stated that the Consent Order is based on
38 deliverables, noting that, "in my personal opinion the Consent order ends when the
39 last deliverable is due." He stated that the Consent order ends on December 6, 2015
40 based on Schedule 7-3 in the Consent Order tables. Mr. Kovac stated that \$180 million
41 is not enough for the cleanup at Los Alamos, we need to spend based on the work to
42 be done not base the work on the amount to be spent. He stated that we are still

1 waiting to see the Life Cycle Baseline and we need that as soon as possible. Mr. Kovac
2 noted that the suspect drums that had been the subject of discussion today represent
3 about 10% of what was left in the 3706 Campaign or about 400 cubic meters of TRU
4 waste. Mr. Kovac asked if the Life Cycle Baseline that is coming up includes the 47,000
5 cubic meters from pits one through eight. He stated that it is mostly mixed TRU waste
6 and needs to be characterized at the very least. The 47,000 cubic meters is LANL's
7 own estimate, this is basically 100 times the amount of TRU waste that we are talking
8 about cleanup with the nitrate salt drums. "I appreciate that we are working to clean
9 up the nitrate salts, but we need to address the real problem the 47,000 cubic meters
10 buried at MDA G." He stated that MDA G is labeled as a Low Level Waste Cell at the
11 convenience of DOE. It allows them to address and only estimate the effects for 1,000
12 years. Mr. Kovac noted that the waste at MDA G is 65 feet deep; the waste at WIPP is
13 2000 feet deep, yet WIPP has to be compliant to 10,000 years. Where is our
14 compliance date for TRU waste at MDA G, we have knocked it down to 1,000 years
15 and called it good, that cannot be. "Just because it is a DOE rule that they don't have
16 to address waste before 1988 and certainly before 1971, it just does not exist except
17 that it is really out there. Since DOE is making the rules they can make a rule to deal
18 with this." Mr. Kovac noted that MDA G is not a Low Level Waste Dump.

19 Mr. Kovac stated that for the Consent Order, we expect a full Class III Permit
20 Modification request before the end compliance date. He noted that, "we have asked
21 for this before and it's in the RCRA regulations and there is an end compliance date
22 with all due respect."

23
24 Mr. Valdez asked what NWNM would consider an appropriate clean up budget for
25 LANL.

26
27 Mr. Kovac responded that at least \$250 million; however, it should be closer to \$400
28 million.

29 Mr. Sayre invited any other members of the public to come forward and address the
30 board if they would like.

31
32 Ms. Jeanne Green thanked everyone for being here and stated that she hoped the
33 NNMCAB recommendations are listened to. Ms. Green noted that she had four
34 different questions that she would like to ask. One on the mitigation of chromium
35 contamination in San Ildefonso aquifer; however, how do you do that, pay them
36 money for poisoning their water, or sucking contaminants out, or blocking the
37 progress of contaminants.

38
39 Mr. Bishop noted that there were several presentations on the chromium project on
40 the NNMCAB web site. Additionally, he responded that DOE/LANL is looking at an
41 experimental pump and treat to extract the chromium.

1 Ms. Roberts responded that a final remedy would be selected to address the
2 chromium plume, stating that it will likely contain multiple solutions. She noted that
3 Kirtland Air force Base just brought on their first extraction well for the cleanup of the
4 fuel spill there and it is working very well.
5

6 Ms. Gelles stated that there are two phases, the Interim Measure which is the pump
7 and treat that EM-LA is working to implement as quickly as possible. The interim
8 measure will hopefully decrease the concentration and pull the plume back onto the
9 DOE boundary. The second phase is to characterize the plume to inform the remedy
10 proposal, which will decide the final remedy or remedies that will be used to
11 remediate the plume completely.
12

13 Ms. Green asked how many drums like 68660 are still above ground at LANL and
14 how are they protected from wild fires.
15

16 Mr. Erickson responded that there are 60 drums at LANL that are currently being
17 protected. He stated that the permacon has environmental and radiological controls
18 in place, in addition to the wildland fire mitigation and vegetation control around the
19 facility. Mr. Erickson noted that ember transport could be a concern; however LANL
20 has taken steps to address the issue.
21

22 Ms. Green stated that at Rocky Flats, land was given away or sold and to her
23 understating that is occurring at LANL. She asked what testing is done on the land that
24 is given away or sold, how deep do you test the soil, and how many acres have already
25 been dispersed.
26

27 DOE responded that, The Department of Energy/National Nuclear Security Agency
28 transfers the property by Public Law 105-119, the "Departments of Commerce,
29 Justice, and State, the Judiciary, and Related Agencies Appropriations Act," 1998,
30 which directed the Department to convey or transfer parcels of DOE land in the
31 vicinity of LANL to the Incorporated County of Los Alamos, New Mexico, and the
32 Secretary of the Interior, in trust for the Pueblo of San Ildefonso. The Act sets forth
33 the criteria, processes, and dates by which the tracts where selected, titles to the
34 tracts reviewed, environmental issues evaluated, and decisions made as to the
35 allocation of the tracts between the two recipients defined in the Act. Ultimately, the
36 lands were divided between the Los Alamos County and the San Ildefonso Pueblo by
37 mutual agreement.
38

39 Ms. Green sated that she was really appalled to see that Cap and Cover of MDA
40 G/TA-54 is still on the table. She asked, "NNMCAB please protect us we need you to
41 help us. The Regional Coalition of LANL Communities is not protecting us. They are a
42 lobbying group for LANL weapons production. So we need for you to keep your eyes

1 open, do not accept Cap and Cover as a solution; this is not a disposal site. There are
2 major earth quake faults, we cannot leave the waste in the soil, cover it up and
3 pretend it is not there.”
4

5 Ms. Margarita Denevan stated that Ms. Gelles made a comment that one of the
6 things that was going to be very important for this body to do is to clear up the
7 situation, so that Los Alamos can get back to its core mission. She noted that to her,
8 the core mission is more production of nuclear waste. Ms. Denevan stated that
9 DOE/LANL has not been able to solve the problem of the waste that you already have.
10 She noted that Mr. Kovac pointed out to you the magnitude and the seriousness of
11 cleaning up what has already been produced. Ms. Denevan stated “I think that what
12 this body really needs to consider is national security. I don’t think the issues of
13 national security is possibility of nuclear attack by another country, the whole world
14 knows that the United State has the greatest number of nuclear weapons available
15 right now. Also I think we understand that nobody wins in a nuclear war, so who is
16 going to take the responsibility for firing the first nuclear weapon. I think your real
17 concern is clearing up the nuclear waste that exists right now and secondly, see to it
18 that this country, that this entire world does not produce any more. We are so
19 concerned with Iran getting a nuclear bomb, yet you’re actually considering producing
20 more. You do not call them bombs you call them plutonium pits, but they are bombs.
21 Please think about what our national security really is.”
22

23 Ms. Marilyn Hoff stated that there is a huge amount of government bureaucracy
24 behind the manufacture of nuclear weapons. We see people representing the State of
25 New Mexico and the Department of Energy. It is a prime example of a self-
26 perpetuating bureaucracy devoted to the manufacture of something that must never
27 be used. “You are never going to get rid of the cesspool until you get rid of the
28 outhouse.”
29

30 Mr. Sayre closed public comment at 5:13 p.m.

31
32 **XII. Wrap-up Comments from NNM CAB Members**

33 Mr. Sayre opened the floor for comments from the members.
34

35 Mr. Martinez thanked the staff for the great meeting. He noted that as a point of
36 order, the public comment portion is just that, a comment period. It is not typical that
37 we entertain so many questions, maybe there is a way that the public can address
38 questions after the meeting. He thanked Ms. Gelles for her service at the EM-LA
39 office.
40

41 Mr. Tiano thanked Ms. Roberts for coming out to the meeting and addressing the
42 questions so effectively.

1
2 Ms. Quintana noted that it was an informative meeting and that she was happy to
3 listen to the comments from the public.
4

5 Mr. James Valerio agreed that it was an informative meeting and he was glad to be
6 a part of it.
7

8 Ms. Friday thanked the members of the public for their comments. She noted that
9 she appreciated the information exchange and the time devoted to the meeting.
10 Additionally, she noted that she would not like a more forceful board as she likes the
11 way that the board respects everyone's opinion.
12

13 Mr. Valdez noted that it had been a pleasure working with Ms. Gelles. He asked that
14 at the next meeting the board have more discussion on Area G, the 33 Shafts and TA-
15 54. He noted that if we have already submitted three CMEs why are we going back to
16 the drawing board and reinventing the wheel.
17

18 Dr. Girardi stated that she was glad that there was a lot of public comment, she
19 noted that often we don't have very many attendees that are members of the public.
20 She asked if there had been different outreach or if it was the location or timeframe
21 that had allowed for the number of attendees. Dr. Girardi noted that she liked that
22 the public's questions had been answered and that DOE/LANL/NMED had taken the
23 time to direct the public to additional information. She noted that the NNMCAB can
24 only address legacy waste at LANL under DOE EM and that other waste would need to
25 be addressed outside of the NNMCAB.
26

27 Ms. Bowyer stated that the meeting was informational and that the input from the
28 public was very interesting. She thanked everyone for attending the meeting.
29

30 Ms. Tse-Pe thanked everyone for the great meeting. She noted that she respects the
31 strong opinions that the public has. Ms. Tse-Pe noted that she didn't think that the
32 public realizes all of the work that goes on during the committee meetings and
33 executive committee meetings. She noted that there is a lot that we are learning and
34 that there is information that the public may not fully understand.
35

36 Ms. Gurulé thanked the presenters for their participation. She noted that the hard
37 work that they do is appreciated. She thanked the staff for their thoroughness in
38 setting up the meetings. Ms. Gurulé agreed with Dr. Girardi and Ms. Boyer that the
39 public involvement was good; however, it should perhaps be facilitated as Mr.
40 Martinez suggested. She noted that for outreach that the NNMCAB should consider
41 Facebook and social media, stating that is the next generation's platform. Ms. Gurulé

1 noted that as a young professional environmentalist, she felt that Ms. Gelles was
2 admirable, professional, and articulate.

3
4 Mr. Whiting noted that today and been a successful meeting and that he would be
5 attending the NNMCAB tour in August.

6
7 Ms. Sanderson noted that the meeting today had been great. She tanked Ms. Gelles
8 for her thoroughness in her presentation to the NNMCAB.

9
10 Mr. Michael Valerio stated that the meeting was fantastic. He noted that he would
11 like to thank the public for their input. Mr. Valerio stated that the comment about the
12 NNMCAB being the eyes and ears of the public he felt was true. He noted that finding
13 a balance between citizen concerns and government concerns is what we are all
14 striving to do.

15
16 Ms. Schreiber thanked everyone for a great meeting and noted that she was thrilled
17 to still be able to participate. She thanked the speakers for the great presentations.

18
19 Mr. Schmelling noted that he thought that this had been an exceptionally
20 informative meeting. He thanked Ms. Gelles, Mr. Erickson, and Ms. Roberts for their
21 succinct and detailed answers to all questions. He stated that helps in creating
22 dialogue between the public and the NNMCAB. Additionally, he thanked the staff for
23 the well-organized meeting.

24
25 Ms. Varela thanked everyone for the information that had been presented today.
26 She also thanked the staff for the well put together meeting and the NNMCAB
27 members for the donation of their time to the meeting.

28
29 Mr. Sayre noted that it was an informative meeting with great information and
30 feedback from the public. He thanked the staff for the wonderful meeting.

31
32 Mr. Gardipe noted that it was a great meeting and that New Mexico has a great
33 CAB. He stated that he felt the exchange of information today was monumental, that
34 the amount of interaction was good. He noted that he had a sense that the public had
35 their questions answered in a timely and honest way. He thanked the members for
36 the donation of time out of their personal lives and work. Mr. Gardipe thanked the
37 public for attending the meeting and providing comments.

38
39 XIII. Adjournment

40 Mr. Sayre noted that the Chairs meeting would be at La Fonda on September 2,
41 2015 – September 3, 2015. He also noted that the TA-16 tour would be on August 12,
42 2015.

1
2 With no additional business to discuss Mr. Gardipe adjourned the meeting at 5:56
3 p.m.

4
5 **Respectfully Submitted,**

Douglas M. Sayre

6 **Doug Sayre, Chair, NNM CAB**

7 ***Minutes prepared by William Alexander, Technical Programs and Outreach, NNM CAB**

8
9 **Attachments**

- 10 1. **Final NNM CAB Meeting Agenda for 07/29/2015**
11 2. **Final NNM CAB Meeting Minutes for 05/20/2015**
12 3. **Report from the Chair, Doug Sayre**
13 4. **Report from the Executive Director, Menice Santistevan**
14 5. **Agenda for the August 12, 2015 TA-16 Area Tour**
15 6. **Presentation by DOE, David Nickless, "Los Alamos National Laboratory TRU Waste Update"**
16 7. **Presentation by DOE, Bob Pfaff, "U.S. Department of Energy Environmental Management Los**
17 **Alamos Field Office Legacy Cleanup Completion Project"**

18
19 **Public Notice:**

20 ***All NNM CAB meetings are recorded. Audio CD's and Video DVD's have been placed on file for review**
21 **at the NNM CAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are**
22 **intended as a synopsis of the meeting.**