



Northern New Mexico Citizens' Advisory Board Meeting

May 30, 2012

1:00 p.m. to 7:00 p.m.

Meeting Location: The Lodge

Santa Fe, New Mexico

MINUTES

Meeting Attendees:

Department of Energy:

Ed Worth, Deputy Designated Federal Officer (DDFO)

Lee Bishop, LASO, EPO

NNMCAB Members:

- 1. Ralph Phelps, NNMCAB Chair**
- 2. Carlos Valdez, NNMCAB Vice Chair**
- 3. Doug Sayre, Environmental Monitoring & Remediation (EM&R) Committee Chair**
- 4. Bonnie Lucas**
- 5. Deb Shaw**
- 6. Mike Loya**
- 7. Lawrence Longacre**
- 8. Lawrence Garcia**
- 9. Joey Tiano**
- 10. Nona Girardi**
- 11. Allison Majure**
- 12. Art Mascarenas**
- 13. Robert Villarreal**
- 14. Nick Maestas**
- 15. Nicole Castellano**
- 16. Kyle Harwood**
- 17. Joseph Viarrial**

Excused Absences:

- 1. Manuel Pacheco**
- 2. Brenda Gallegos**
- 3. Adam Duran**

NNMCAB Support Staff:

Menice Santistevan, Executive Director

Grace Roybal, Senior Cost Analyst

Karen Erickson, Technical Writer
Edward Roybal, Sound Technician

Guests:

Stephen Schmelling, Public
Miles Smith, Energy Solutions
Alex Puglisi, City of Santa Fe
John Kieling, NMED
Bruce Schappell, LANS
Lorrie Bonds Lopez, LANS
Colleen Curran, LANS
Candyce O'Donnell, Videographer

MINUTES

I. Call to Order

The regular bi-monthly meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) meeting was held on May 30, 2012 at The Lodge in Santa Fe, New Mexico. Mr. Ed Worth, Deputy Designated Federal Officer (DDFO), stated that on behalf of the Department of Energy (DOE), the regular bi-monthly meeting of the NNMCAB was called to order at 1:00 p.m.

Mr. Worth recognized Mr. Ralph Phelps as NNMCAB Chair. The Chair presided at the meeting.

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

II. Establishment of a Quorum (11 needed)

A. Roll Call

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

B. Excused Absences

Ms. Erickson recorded that Brenda Gallegos, Adam Duran, and Manuel Pacheco had excused absences for this meeting.

III. Welcome and Introductions

Mr. Phelps welcomed everyone to the meeting. He asked for introductions from the members and guests in attendance.

IV. Approval of Agenda

The board reviewed the May 30, 2012 NNMCAB meeting agenda. The board would hear two presentations on the State of Los Alamos National Laboratory, and an update on the 3706 TRU Waste Campaign.

Mr. Sayre moved to approve the agenda and Ms. Shaw seconded the motion. Mr. Longacre expressed concern about the lack of recommendations and action on public comment. He suggested removing the public comment period from NNMCAB meetings. Mr. Phelps explained that a public comment period is a requirement of all FACA boards. The meeting agenda was unanimously approved.

V. Approval of Minutes of March 28, 2012

The board reviewed the minutes from the March 28, 2012 NNMCAB meeting. By ongoing instructions from DOE Headquarters, the minutes were previously reviewed and certified by the NNMCAB Chair, Mr. Ralph Phelps. Mr. Phelps stated that the March 28 minutes were included in the board packets and presented at this meeting for board approval.

Mr. Valdez moved to approve the minutes as presented. Mr. Harwood seconded the motion. The minutes were unanimously approved.

VI. Public Comment Period

Mr. Phelps announced the first public comment period. No one signed up for the first public comment period.

Mr. Phelps further addressed Mr. Longacre's statement about public comment periods, explaining that public comment periods are a FACA requirement, but such comments may not be in line with our charter. Discussion ensued on the importance of public comment periods for educating the NNM CAB on the public's concerns; providing a venue for citizens to present concerns to LANL/NSA personnel, press, and elected officials; and keeping issues in the forefront of the minds of individuals who heard them.

VII. Old Business

A. Written Reports

1. Report on Spring Chairs' Meeting

A printed copy of the Spring Chairs' Meeting Report by Carlos Valdez was included in the meeting packet and a copy may be obtained by request from the NNM CAB office at (505) 989-1662. The report features a description of a tour of the Paducah Uranium Enrichment/Gaseous Diffusion Plant, which separates and enriches uranium for use as fuel for nuclear power plants around the country, as well as other issues and accomplishments of other SSABs.

2. NNM CAB Chair's Report

A printed copy of the Chair's Report was included in the meeting packet and a copy may be obtained by request from the NNM CAB office at (505) 989-1662. The Chair's report includes the following highlights:

a. Routine Chair Activities since last NNM CAB meeting on March 28, 2012 included the following:

1. Executive Committee met on 4-25-2012 and reported on the Paducah, Kentucky Chairs' meeting and discussed plans and agendas for the 5-16-2012 Open House and 5-30-2012 NNM CAB meeting; discussed Acting EM Deputy Assistant Secretary Dave Huizenga's query to the NNM CAB on its position on storing higher-level waste at WIPP; discussed new committee work plans; and welcomed two new members from Pojoaque Pueblo.

2. Executive Committee met on 5-16-2012 and discussed recommendations from the SSAB Chairs' meeting; decided to draft a letter responding to Sec. Huizenga's request for NNM CAB input on use of WIPP; finalized the 5-30-2012 NNM CAB meeting agenda; and announced upcoming tours of Sandia National Laboratories and Rocky Flats.

3. Supported Combined Waste Management (WM) and Environmental Monitoring and Remediation (EM&R) Committee meetings on 4-25-2012, which included presentations by Ed Worth on

the budget for 2014 and a water sampling tour, and 5-16-2012, which included a presentation by Lee Bishop on the "3706 TRU Waste Program."

b. Site-Specific Advisory Board (SSAB) Related Chair Activities since last NNMCAB meeting on March 28, 2012 included the semi-annual SSAB Chairs meeting in Paducah, including a tour of the Paducah uranium separation plant.

c. Other Related Chair Activities included the attendance of the Chair, Vice Chair, and several members and former members at the new NNMCAB office Open House on May 16, 2012, at which many dignitaries were present including LANL and DOE leaders, a representative of Senator Tom Udall's office, a representative of the Pojoaque Pueblo Governor, and other community representatives.

3. NNMCAB Support Staff Executive Director's Report

A printed copy of Ms. Santistevan's report was included in the meeting packet and a copy may be obtained by request from the NNMCAB office at (505) 989-1662. Ms. Santistevan's report included:

a. Board Membership Update

The NNMCAB is currently comprised of 20 members, with two individuals from Pojoaque Pueblo appointed on May 19.

b. Executive Committee Meetings

The committee met on 4-25-2012 and 5-16-2012. The committee heard reports from the Chair, Committee Chairs, DDFO, and Executive Director. The committee finalized the agenda for this meeting and discussed presentation requests, recommendation ideas, and possible tours of Sandia National Laboratories and Rocky Flats.

c. Board Meeting Preparations

Ms. Santistevan prepared and submitted the agenda for the May 30 meeting and submitted notice to **The Federal Register**, in compliance with **The Federal Advisory Committee Act**, and NNMCAB staff made all arrangements for the meeting.

d. Outreach:

Ms. Erickson and Ms. Santistevan set up an outreach table at the Earth Day Festival in Los Alamos on April 21, speaking to many and distributing information about the NNMCAB. Portions of the March 28, 2012 NNMCAB meeting have been telecast several times on YouTube and public access channels.

e. NNMCAB Open House

About 50 people joined DOE and LANL officials and NNMCAB members at the Open House May 16. Highlights include original artwork by Pueblo of Pojoaque artists and Pojoaque Middle School student photography.

f. Important Upcoming Dates

June 13, 2012, combined WM/EM&R committee meetings at the

NNMCAB office; July 11, 2012, possible tour of Sandia National Laboratories; July 25, regular bi-monthly NNMCAB meeting in Los Alamos.

VIII. New Business

A. Chairs' Recommendation from Paducah SSAB Chairs' Meeting

Mr. Phelps presented a SSAB-wide recommendation from the Spring Chairs' Meeting in Paducah, Kentucky, for the NNMCAB to vote on, recommending that if there are budget cuts, SSAB support funding should not be targeted.

Mr. Tiano moved to approve the recommendation. Mr. Loya seconded the motion. The motion passed unanimously. Ms. Santistevan stated that the recommendation is expected to be sent on to EM-1 by the end of June if approved.

B. Response Letter from NNMCAB to Sec. Huizenga

Mr. Phelps presented a draft letter to Dave Huizenga to respond to his request for the NNMCAB's position on using WIPP for higher-level waste, despite the fact that future use of WIPP is not directly under the NNMCAB's charter.

Discussion ensued regarding the wording of the letter, how specific it should be, and what the intentions of the NNMCAB members are regarding WIPP. Mr. Valdez, Mr. Sayre, Mr. Villarreal, and Mr. Tiano formed an ad-hoc committee to edit the letter over the dinner break.

C. Nominating Committee for September Elections

Ms. Shaw announced the need for nominations for the election of NNMCAB officers coming up in September. She reported that collecting nominations via email and informal polling has worked well in the past. Ms. Santistevan clarified that we need to have a slate of nominees by the meeting before the election meeting, which means we need to have nominees by the July NNMCAB meeting. Ms. Shaw and Ms. Castellano volunteered to serve as the nominating committee, so members were advised to submit nominees for NNMCAB Chair and Vice Chair to them before the July meeting. Nominations will be taken up to the time of the election in September.

D. Upcoming Tours

Ms. Santistevan is working on arrangements for two tours, one of Sandia National Laboratories and the other of the Rocky Flats site, and requested firm commitments from those interested in participating. Tentative dates were set, July 11 for the SNL tour and August 7-9 for the Rocky Flats tour.

IX. Items from DDFO

A. MDA-C

Mr. Worth announced that MDA-C will submit a Corrective Measures Evaluation (CME) to NMED soon, articulating DOE's suggested remedy for that site. He added that a presentation about that subject would be good for a future NNMCAB meeting.

B. Contaminant Information

Mr. Worth presented information about chromium, supporting his remarks with a handout from the Agency for Toxic Substances and Disease Registry (ATSDR). He described a fairly significant hexavalent chromium ground water plume in Sandia Canyon caused by a cooling fluid that infiltrated the vadose zone. The level detected is approximately 1000 parts per billion (ppb), with the federal standard being 100 ppb and the state standard being 50 ppb. He stated that it is not currently affecting any drinking water wells, but that there are some wells nearby. Mr. Worth stated that a presentation on this issue is planned for the September NNMCAB meeting.

X. Presentation: "RCRA, the Los Alamos National Laboratory Hazardous Waste Facility Permit and Consent Order," John Kieling, NMED

A printed copy of the presentation notes may be obtained by request from the NNMCAB office at (505) 989-1662.

Hazardous Waste Bureau (HWB) Chief John Kieling presented information from the New Mexico Environment Department regarding its work with and around LANL. Highlights included:

- Definition and permitting processes of the Resource Conservation & Recovery Act (RCRA) and how they apply to LANL
- What the current permit covers, including hazardous waste storage and treatment, corrective actions, remedies for noncompliance, and public participation
- Exceptions to what the permit covers (radionuclides, air emissions and water discharges, testing, and weapons development not involving hazardous waste)
- The structure of the permit, including Part 1, General Permit Conditions; Part 2, General Facility Conditions; Part 3, Storage in Containers; Part 4, Storage & Treatment in Tanks; Part 9, Closure; Part 10, Post-Closure Care; and Part 11, Corrective Action.
- How the Permit and the Consent Order integrate together
- How the NNMCAB is involved in the process, including remedy selections and closure plans, public comment opportunities, and stakeholder participation.

Mr. Kieling directed NNMCAB members and guests to visit the NMED webpage (<http://www.nmenv.state.nm.us/hwb/lanlperm.html>) and the LANL Electronic Reading Room (<http://eprr.lanl.gov>) for more information on the RCRA permit and other activities of the HWB at LANL. Mr. Kieling explained that the HWB is working with LANL to accelerate cleanup and minimize fines, as fines take money away from cleanup projects. He also explained that 33

recent deadline extensions were recently granted for generally minor considerations around characterization work, periodic monitoring reports, and other activities.

XI. Presentation: "State of the Laboratory," Ed Worth and Bruce Schappell

Mr. Worth and Mr. Schappell presented an overview and update of environmental programs at LANL. Highlights included:

- An overview of staffing at DOE's Los Alamos Site Office, and specifically the Environmental Projects Office; an overview of Los Alamos National Security, and specifically its Environmental Programs staff
- EM's cleanup approach and goals
- An overview of progress to date nationwide, with an emphasis that the toughest challenges still lie ahead, including processing liquid tank waste and decommissioning several facilities
- The Consent Order and progress to date on cleaning up items within it
- Accelerated progress provided by American Recovery and Reinvestment Act (ARRA) funding
- Reprioritization of waste cleanup following the Las Conchas Fire in 2011
- The Framework Agreement with NMED and its new goals and deadlines for waste cleanup
- Plans based on likely budget amounts over the next six years
- Surface water protection efforts and environmental stewardship plans for the next 50 years

Questions from NNM CAB members included how decisions are made about how many years to plan for; Mr. Bishop and Mr. Worth clarified that 50 years is a manageable amount of time for general sites, but for disposal sites, plans are made for 10,000 years. Mr. Worth stated that Kevin Smith will give a comprehensive overview of the 50-year plan at the July NNM CAB meeting. Recent staff reductions at LANL were also discussed; Mr. Schappell explained that while some contractors have shifted, no reduction has taken place in cleanup staffing.

The presenters described the transparency of the findings of monitoring well samples and general cleanup work through audits by NMED and NNSA, the Defense Nuclear Safety Board (DNSB), and the Office of the Inspector General. Although specific plans were not available, Mr. Bishop stated that DOE has a plan for future consideration of new types of classified waste, while noting that no location has been identified yet for Greater Than Class C (GTCC) waste.

XII. Information from Environmental Protection Agency (EPA)

Mr. Worth presented information from EPA on behalf of Rich Mayer.

A. WIPP Update

Mr. Mayer reported some updated information on WIPP, specifically:

1. Background information on permitting, specifying that federally, the Office of Radiation and Indoor Air (ORIA) certifies the facility can contain radiation

adequately under the 1992 Land Withdrawal Act. ORIA's certification was last renewed in 2010. The State of New Mexico last renewed its permit with WIPP also in 2010. Current permitting should last until the facility closes under the current operational plan; if the facility expands, another permit renewal will occur.

2. WIPP has accepted and emplaced 10,5000 shipments of waste nationwide from DOE facilities, making up a total volume of 81,633 cubic meters as of May 23, 2012.

3. The 1992 Land Withdrawal Act requires a Biennial Environmental Compliance Report (BECR) to EPA which confirms WIPP is in compliance with applicable regulations. The last BECR was submitted October 2010. The next BECR will be submitted October 2012.

B. Other Permits Information

1. Mr. Mayer reported information from the National Pollutant Discharge Elimination System (NPDES) permit reapplication Feb 2, 2012, including: 11 outfalls remaining in the new application; LANL requesting deletion of the congener method for PCBs analysis in outfall sampling; 4 outfall locations to be deleted; and future significant reduction in flow for locations 001, 03A027, and 03A160.

2. Mr. Mayer reported that when the Individual Solid Waste Management Unit (SWMU) stormwater permit was issued by EPA, the Federal Facility Compliance Agreement pertaining to stormwater runoff became null. The permit is now the regulatory mechanism for stormwater compliance from SWMUs at LANL.

3. Mr. Mayer reported that LANL is in discussion with EPA for potential modifications to the existing individual SWMU stormwater permit. Issues include potential SMU boundary changes, potential sample location moves, target analytes list (TAL) exceedance notifications (verbal or via email) to EPA, and expiration date.

XIII. Public Comment Period

No one signed up for the second public comment period.

XIV. Presentation: "3706 TRU Waste Campaign Update," Lee Bishop, Federal Project Director, LASO

A printed copy of Mr. Bishop's presentation may be obtained by request from the NNMCAB office at (505) 989-1662.

Mr. Bishop presented on the 3706 TRU Waste Campaign to remove above-ground stored waste at Area G following last year's Las Conchas Fire. Highlights included:

- Provisions and requirements of the Framework Agreement announced on January 5, 2012
- Specific information provided on quarterly reports to NMED, including amounts of waste removed (reported in volume, drum equivalents, and radioactivity) and projections for the next quarter
- Amount of waste planned to be removed over time, versus the amount of waste actually removed, with emphasis on the fact that the program is currently ahead of schedule

- A labeled map of Area G showing where and how waste is stored, processed, and shipped

Questions centered on how it is determined what is contained in a drum or box, with Mr. Bishop explaining that a radiography system evaluates what is inside, and if it is found to contain too much radioactivity, it may need to be opened and repackaged into several other drums to meet WIPP's shipment standards. Mr. Bishop also explained that small deviations on the shipment progress graph can be explained by new box lines, processing of difficult-to-process packages, etc.

XV. Ad-Hoc Committee Report on Letter to Sec. Huizenga

Mr. Valdez reported on the ad-hoc committee's work on editing the letter from the NNMCAB to Sec. Huizenga on the NNMCAB's position on future uses of WIPP. Changes to the letter reflected more specific language on the type of waste discussed by the NNMCAB under its current workscope (radioactive wastes that are the legacy of the nuclear weapons program), and that the NNMCAB would encourage DOE to consider WIPP for higher level wastes, with the input of the communities that would be directly affected.

Mr. Sayre moved to send the letter to Sec. Huizenga as amended. Mr. Tiano seconded the motion. The motion passed unanimously.

A copy of the letter as amended and approved may be obtained by request from the NNMCAB office at (505) 989-1662.

XVI. Wrap-Up

Mr. Phelps opened the floor to general comments.

Mr. Villarreal commented that all went very well.

Mr. Longacre stated that recommendations are very important, and requested a compilation of the recommendations of the last two or three years, with responses, to evaluate the efficacy of the NNMCAB. Mr. Worth promised to present that at the July NNMCAB meeting.

Ms. Majure stated that it was a good meeting and she learned a lot.

Ms. Shaw expressed appreciation for the good venue and staff, and also expressed appreciation to Mr. Longacre for his experience and articulate comments. Ms. Shaw also reminded the NNMCAB members to submit their nominations for Chair and Vice Chair.

Mr. Sayre stated that it was a good venue and good meeting, and that though it is not always easy, the process of the NNMCAB is important to getting waste off the hill.

Mr. Valdez thanked the NNMCAB staff and Mr. Worth, and stated that he was happy to hear about the 33 extensions to the Consent Order to ease tension. He also asked members to think about possible presentations on MDA G, H, and L, TA-63, and TA-16, so that we can build on that in the future.

Ms. Santistevan thanked the NNMCAB members for their time and announced that presentations would be posted to the website. She also asked the members about their preferences on having hard copies of presentation notes, and reminded members to send

1 mileage reimbursement information to Ms. Roybal and to clear their calendars for the
2 proposed trips.

3 Mr. Worth thanked the members for their time and lively discussion.

4 Mr. Garcia thanked Mr. Worth for the information on the chromium plume and
5 expressed interest in hearing more about it.

6 Ms. Lucas thanked all for their hard work and said she was happy to hear that Mr.
7 Bishop's project is ahead of schedule.

8 Mr. Viarrial thanked everyone for the warm welcome and said he looks forward to
9 learning more in the future.

10 Mr. Mascarenas stated that the meeting was interesting and informative, and that
11 differences of opinion are healthy.

12 Dr. Girardi thanked the staff for organizing the meeting and presentations, and stated
13 that discussions and questions are important to the NNM CAB's work.

14 Mr. Maestas thanked all for a great meeting.

15 Ms. Erickson offered assistance to any NNM CAB members or guests who have questions
16 or need copies of materials from the meeting, and thanked Ms. O'Donnell for her videography
17 services.

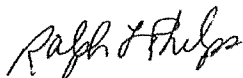
18 Mr. Tiano welcomed Mr. Viarrial from Pojoaque Pueblo and stated that he would like to
19 see representation from other pueblos as well.

20 Mr. Phelps thanked everyone for participating, asked NNM CAB members to get involved
21 with committees and start working on recommendations.

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24 **XXII. Adjournment**

25 With no further business to discuss, Mr. Worth, DDFO, adjourned the meeting at
26 7:14 p.m.

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28 **Respectfully submitted,**



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30 **Ralph Phelps, Chair, NNM CAB**


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32 **Minutes prepared by Karen Erickson, NNM CAB Technical Writer*


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34 **Attachments:**

- 35 1. Final 5-30-2012 NNM CAB Meeting Agenda
36 2. Final 3-28-2012 NNM CAB Meeting Minutes
37 3. Report from Ralph Phelps, NNM CAB Chair
38 4. Report from Menice Santistevan, NNM CAB Executive Director
39 5. Spring 2012 Chairs Meeting Report, Carlos Valdez, NNM CAB Vice Chair
40 6. "Chromium," Division of Toxicology and Environmental Medicine ToxFAQs™ Handout,
41 Agency for Toxic Substances and Disease Registry (ATSDR), September 2008

7. NNM CAB Draft Letter to David Huizenga, May 21, 2012
8. EM SSAB Letter to David Huizenga, April 25, 2012
9. Organizational Chart, Environmental Management, April 3, 2012
10. Organizational Chart, National Nuclear Security Administration, May 2012
11. Letter from New Mexico Governor Susana Martinez to DOE Secretary Steven Chu dated September 1, 2011
12. PowerPoint Presentation, "RCRA, the Los Alamos National Laboratory Hazardous Waste Facility Permit and Consent Order," John Kieling, NMED
13. PowerPoint Presentation, "Environmental Programs at Los Alamos National Laboratory," Ed Worth and Michael Graham, DOE
14. PowerPoint Presentation, "3706 TRU Waste Campaign Update," Lee Bishop, DOE

Public Notice:

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

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