



**Northern New Mexico Citizens' Advisory Board Meeting  
Minutes  
November 17, 2004  
Cities of Gold Hotel  
Pojoaque, New Mexico**

**Members in  
Attendance**

Timothy A. DeLong  
Jim Brannon  
Christopher Timm  
Grace I. Perez  
James R. Janis  
Fran Berting  
Dorothy Hoard  
Erlinda S. Gonzales  
David A. Church  
J. D. Campbell  
Jay Fries  
Katherine Guidry  
Sammy J. Quintana  
Barbara Gonzales  
Raymond Loretto

**Members  
Excused**

Raye Byford

**Members Absent**

John Gonzales

**Ex-Officio Members**

James Bearzi, NMED  
Ken Hargis, LANL  
John Ordaz, DOE  
Ted Taylor, DDFO

**CAB Member Nominees**

Stephen L. Gilbert  
Ken Riordan  
Marvin Rowe  
Jon Rudnick  
Pamela A. Henline  
Philip Cantu  
Darlene Montoya

**Guests in  
Attendance**

Joni Arends, CCNS  
Chris Mechel, Public  
Donivan Porterfield, Public  
Gabriela M. Lopez Escobedo, LANL  
Kevin J. Buckley, LANL / ENV / WQH  
Ralph Ford Schmidt, NMED / DOE / OB  
Gene Turner, NNSA / LASO  
Catherine H. Smith, LANL / ENV / WQH  
Deborah Apodaca, Rio Grande Eng.  
Phil Wardwill, LANL / LC  
Carmen Rodriguez, LANL / ENV / ECR  
Veronica Rodriguez, Sen. Domenici  
Doug Stavert, LANL, ENV  
Ellen Louderbough, LANL  
Steve Rae, WQH / LANL  
Mike Saladen, LANL  
Steve Veenis, LANL

**NNMCAB Staff:**

Menice Manzanares, Executive Director  
Lorelei Novak, Technical Writer / Community Outreach Specialist  
Grace Roybal, Administrative Assistant  
Eddie Roybal, Sound Technician

---

**Agenda Items Covered in Section I:**

- 1. Call to Order by Ted Taylor, DDFO**
- 2. Establishment of a Quorum**
- 3. Welcome and Introductions by Chairman Tim DeLong**
- 4. Approval of Agenda**
- 5. Approval of Minutes from September 29, 2004**

**Section I.**

**1. Ted Taylor, Deputy Designated Federal Officer (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.

**2. Mr. Taylor stated to the membership that the members in attendance accounted for a two-thirds majority quorum, which established a Board quorum for voting and passing bylaw amendments as well as conducting Board business.** The meeting was open to the public and posted in the Federal Register in accordance with the Federal Advisory Committee Act. Roll call established sixteen members present at the start of the meeting. Mr. Taylor then turned the proceedings over to the NNMCAB Chair, Timothy A. DeLong.

**3. Welcome and Introductions by Timothy A. DeLong, Chair. Mr. DeLong welcomed members and guests to the Northern New Mexico Citizens' Advisory Board (CAB) meeting. Mr. DeLong expressed his gratefulness for the large turn out of the Board members as well as the new board nominees. Mr. DeLong called for introductions around the table. (Please see CAB Members and CAB Member Nominees Biographies located in the appendix section of these minutes.)**

**4. Mr. DeLong called for approval of the agenda for the meeting. Mr. Timm made a motion to approve the agenda with a second from Dr. Berting. As all were in favor, the agenda was approved unanimously.**

**5. Mr. DeLong then asked the Board to approve the draft minutes from the 9-29-04 CAB meeting prepared by Ms. Novak. With few minor editorial changes, Mrs. Hoard moved that the Board approve the 9-29-04 CAB minutes as amended. Mr. Timm seconded the motion and as all were in favor the minutes were accepted as final.**

---

**Agenda Items in Section II**

- 1. Board Business**
- 2. New Business**

**3. Committee Reports****4. Comments from Ex-Officio Members****Section II.****1. Board Business****a. Recruitment / Membership Update, Menice S. Manzanares**

Mrs. Manzanares reported that the membership recruitment was very successful. The CAB has no current openings for appointment. Membership packets have been sent to the DOE for appointment of the eight new member nominees. The member nominees have also been assigned to experienced board members who function as mentors. The actual appointments may take a little longer than they have in the past due the current changes in the DOE with respect to Secretary Abraham's resignation and the resulting staff changes. Nominees are welcome to attend all Board meetings and functions, and travel expenses to those meetings and functions are reimbursable.

**b. Report from Chair, Tim DeLong**

The Chair pointed out to the Board the significant amount of recent press the CAB has received recently, which he felt was a positive occurrence. The CAB has been in the news surrounding the Federal Facilities Compliance Agreement (FFCA) issue, the SSAB's Chairs Meeting held in Hanford resulting in a letter, (**see Mr. DeLong's Chair's Report located in the appendix section of these minutes**), this CAB meeting, and an article regarding the CAB's upcoming Area G Forum, all of which the Chair felt was encouraging. Regarding the SSAB Chairs meeting, Mr. DeLong informed the Board how the Chairs from all the nine site-specific advisory boards met and discussed their top "wastes of concern" and the interdependencies among the sites. Many of the sites rely on each other to handle different classifications of waste. For example, all of the sites with Transuranic (TRU) Waste rely on the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico. The WIPP currently is the only facility in the US designed to handle and dispose TRU waste. The SSAB Chairs meeting resulted in a letter, signed by all the Chairs, asking headquarters to establish a nationwide forum where all the sites will have an opportunity to plead with the DOE to take a 'big picture' look at all the waste and determine a nationwide approach to dealing with legacy waste and newly generated waste. One of the major problems seems to be where to put the waste. Often, the sites that generate waste want to ship their waste to other locations and the other locations don't want to receive waste that is not generated in their state. The Chairs of all the sites agreed that a nationwide forum with the DOE might be one way of developing a solution to the independencies between sites issue.

Mr. DeLong mentioned the new and existing administrative procedures which cover travel procedures (which are reimbursable), email procedures, etc. and the Chair asked the Board and CAB nominees to look at the procedures located in their CAB tool kits and to become familiar with them. Mr. DeLong also reminded the Board to please voluntarily pay five dollars per month for the CAB flowers and coffee fund.

**c. Report from DOE, Ted Taylor, DDFO**

(Mr. Taylor's report is located in the appendix section of these minutes.) Mr. Taylor asked the members to check their biographical information contained in his report and to submit any corrections to him. Mr. Taylor mentioned the possibility of the Board taking a tour of the WIPP facility in Carlsbad. Mr. Janis asked Mr. Taylor to elaborate on the General Counsel review of new member packages mentioned in his report. Mr. Taylor stated that the General Counsel is now looking at the process in which members get nominated with more scrutiny. Mr. Taylor described the NNM CAB's process for nominating new board members and he considers this Board to be a very good example of how to nominate a member correctly and consistently with all the requirements set in place by Secretary Richardson, when he was the Secretary of Energy.

**d. Report from Executive Director, Menice S. Manzanares**  
(The Executive Director's report is located in the appendix section of these minutes.) Mrs. Manzanares asked the Board to look at the current budget expenses for fiscal year 2005. The fiscal year for the CAB begins in October 1<sup>st</sup> running through September. She explained that the CAB's budget has not been formally approved for fiscal year '05, and that it is her understanding that we are to keep expenses level with last year. She mentioned that we are trying to cut expenses in every way possible. For example: for advertising meetings, which previously has been very expensive to place ads in the area newspaper, now the CAB is advertising in the 'free of charge section' for organizations and utilizing the website and the newsletter for advertisements. Mrs. Manzanares informed the Board of the 2005 meeting schedule with dates approved at the May 2004 CAB meeting.

Mr. Timm thanked Mrs. Manzanares for her good fiscal stewardship as he points out a ten thousand dollar carry over from fiscal '04 to fiscal '05. Mrs. Manzanares thanked Mr. Timm for his compliment and then she thanked her staff for their good work and fiscal responsibility.

## 2. New Business

### **Federal Facility Compliance Agreement (FFCA), Chris Timm**

Mr. DeLong called on Mr. Timm, Environmental Monitoring, Surveillance and Remediation (EMS&R) Committee Chairman, to bring up this item of new business regarding the FFCA. Mr. DeLong asked the Board to recall the last meeting where, based on an Ad Hoc Committee proposal, the Board approved sending a letter to the EPA, asking them to allow the FFCA to be released for public comment before the draft document was to be approved as final. The EPA responded positively, thanks in part to the CAB's efforts and the efforts of the independent citizens' group, Concerned Citizens for Nuclear Safety (CCNS), and the support of the NMED, making the draft agreement available for public comment. The EMS&R Committee designated a subcommittee to review the draft FFCA and compose a response / questions letter to the EPA. The Ad Hoc Committee was composed of CAB members: Dorothy Hoard, J. D. Campbell, Chris Timm, and Donivan Porterfield; other comments were submitted by CAB nominee, Marvin Rowe. Mr. Timm was pleased with the diversity of the comments received by the members and considers the CAB's review of the FFCA to be very comprehensive. The FFCA in general

1 covers the administration of a storm water pollution control and monitoring program  
2 at the Los Alamos National Laboratory (LANL). The CAB's comments review  
3 what's in the document, what the CAB feels should be in the agreement, and  
4 suggestions for more public involvement in the administration and monitoring of the  
5 agreement. **The CAB letter to the EPA will be up for board approval after the**  
6 **public comment period.** Chairman DeLong pointed out to the Board that Mr.  
7 Turner from the DOE and Mr. Veenis from the University of California (UC) will be  
8 giving a presentation of the FFCA later in the program. Mr. DeLong noted that this  
9 information may offer more clarification to the Ad Hoc Committee's comments and  
10 may prompt some changes in the comments before final approval.

11 **Mr. Brannon, NNM CAB Vice-Chair and Waste Management (WM)**  
12 **Committee Chair, spoke about the re-organization of the RRES division and the**  
13 **loss of a significant champion for our board in Dr. Ramsey.** It was 1/2 of 1% of Dr.  
14 Ramsey's budget that provided the CAB with its budget. Dr. Ramsey was noted as  
15 saying that the CAB's expenses were a small price to pay for the type of input that  
16 this Board provides to the DOE. **Mr. Brannon proposed a motion that the Chair,**  
17 **Mr. DeLong, compose a laudatory thank you letter to Dr. Ramsey for her**  
18 **extensive involvement and service with this Board from the CAB to be sent to**  
19 **the senior managers at the DOE and LANL. He further requested that the**  
20 **Board authorize a plaque to be obtained by the CAB professional staff suitable**  
21 **for hanging which formally expresses the CAB's gratitude for Dr. Ramsey's**  
22 **service with this Board. Mrs. Hoard seconded the motion.** She stated her  
23 appreciation of Ken Hargis, the new Ex-Officio member, but she also noted that Dr.  
24 Ramsey would be sorely missed. Mr. Brannon formally thanked Mr. Hargis for  
25 coming and welcomed his participation with this Board. **As all in favor, the motion**  
26 **passed to draft a letter of thanks and order a plaque commemorating Dr.**  
27 **Ramsey's service to the CAB.**  
28

### 29 3. Committee Reports

30

#### 31 a. Executive Committee, Tim DeLong

32 Mr. DeLong stated that next Executive Committee meeting will be held on  
33 January 4<sup>th</sup> and the next full board meeting will be on January 19, 2005.

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

35 Waste management has been focused on a carry over project that began in the  
36 middle of fiscal '04, which is the organization, implementation and hosting of a  
37 community-wide educational forum on Material Disposal Area (MDA) G located in  
38 Technical Area (TA) 54 at LANL. The preliminary planning work in cooperation with  
39 the Community Involvement (CI) Committee has been completed. The WM Committee  
40 has held an organizational meeting with many of the regulating agencies and other  
41 interested parties to determine the scope and outline for the forum. The date has been  
42 tentatively scheduled for March of 2005 but the WM Committee is prepared to move that  
43 date up to April if necessary to complete all the arrangements for a very successful and  
44 educational forum, one that will enlighten the public and this Board. Mr. Brannon  
45 encouraged the Board and guests to peruse the CAB's website where the WM Committee  
46 has posted its FY'05 Work Plan and minutes of the last committee meeting. The next

1 WM Committee meeting is scheduled for December 15, 2004. The meeting agenda will  
2 focus on the continued planning of the Area G Forum.

3  
4 **c. Environmental Monitoring, Surveillance and Remediation Committee,**  
5 **Chris Timm, Introduction of Recommendation 2004-5**  
6

7 The next meeting on the EMS&R Committee is scheduled for December 8, 2004.  
8 **Mr. Timm outlined the top three issues that the EMS&R Committee is currently**  
9 **working on, (1) review of the FFCA, (2) the ongoing issue of the representational**  
10 **nature of the data derived from the regional groundwater wells, initially brought to**  
11 **the CAB's attention by the Robert Gilkeson report dated July 12, 2004, and (3) the**  
12 **introduction of the recommendation 2004-05 authored by Jay Fries with input from**  
13 **J. D. Campbell regarding the public involvement plan for corrective measures at the**  
14 **260 Outfall at the LANL.**

15 Mr. Timm asked Dr. Fries to expand upon the Recommendation 2004-05, which  
16 will be submitted to the Board later in the program for approval. Dr. Fries explained that  
17 the 260 Outfall is the result of explosive machining operations. The LAB essentially  
18 dumped the cooling water, which was loaded with explosive chemicals, into the canyon.  
19 The High Explosives (HE) that was closest to the surface ground has been dug up and  
20 disposed of, but as Dr. Fries explained, there is still a lot of HE left at the 260 Outfall.  
21 The Lab has proposed some methods to clean up the area entirely and the Lab has  
22 proposed these methods to the NMED. The Lab made these proposals to NMED in the  
23 form of a Corrective Measures Study Report (CMSR) and contained in this CMSR was a  
24 public involvement plan that committed the Lab to a series of public hearings and other  
25 information exchanges including semi-annual public meetings and a website. However,  
26 none of those public involvement opportunities specified in the CMSR have taken place  
27 to date. The CAB understands the Lab has been very busy negotiating the Consent Order  
28 with the NMED but the CAB also feels that LANL has lost an excellent opportunity to  
29 involve the public in the CMSR for the 260 Outfall. As a result, the EMS&R Committee  
30 felt it would be appropriate to generate this recommendation to the DOE. The draft  
31 recommendation asked that the DOE implement this public involvement commitment.  
32 The DOE has now announced that they are going to have a public participation meeting  
33 regarding the 260 Outfall in January. Mr. DeLong asked Dr. Fries if this announcement  
34 might induce the Board to modify this recommendation? Dr. Fries felt, even in light of  
35 the DOE's recent announcement, that this recommendation could still go through the  
36 system. The CAB wants to let the DOE know that they could have handled this situation  
37 better and that they missed some important public involvement opportunities. Mr. Ken  
38 Hargis replied on behalf on the LANL that he did agree that there has been an  
39 opportunity lost and he also stated that the CMSR may have not been thoroughly  
40 approved and may still have been considered a draft. Mr. Hargis went on to state that  
41 they do intend to implement this CMSR on the 260 Outfall and that the public meeting in  
42 January is a first step.

43 The other issue Mr. Hargis addressed is the posting of information on the World  
44 Wide Web, which has security issues involved that may preclude the issuance of certain  
45 types of information on the web such as maps and location information. The National  
46 Nuclear Security Administration (NNSA) has drafted policy that could be interpreted to

1 prohibit the LANL from posting location information on the web. The LANL is working  
2 on ways to mitigate this situation and come to some compromise about giving the public  
3 access to information without compromising security. Mr. Rich Mayer, from the EPA,  
4 spoke about the 260 Outfall, and encouraged the technical committees within the CAB to  
5 continue monitoring the LANL. He stated that our input and recommendations help to  
6 keep the Lab accountable for what it promises.

7  
8 Mr. Hargis noted to the Board that Lorrie Bonds Lopez is developing a public  
9 involvement plan for the LANL that will involve public meetings regarding clean up and  
10 remediation at the LANL. Mr. Brannon asked Mr. Hargis, in light of the  
11 recommendation that is being proposed today, where is Ms. Lopez today? Mr. Hargis  
12 stated that she is not in attendance today due to other commitments.

13 Mr. Taylor stated that this current recommendation is not the first public  
14 involvement recommendation sent to the DOE. He stated that the first of several  
15 recommendations to the DOE regarding the need for more public involvement was sent  
16 out over two years ago. The response from the DOE was not acceptable to the CAB and  
17 the CAB rejected the response. After working with Paul Schumann on a public relations  
18 plan, the RRES Division adopted a public involvement plan in November of 2003. That  
19 plan did require a vigorous set of public involvement activities. The Corrective Measures  
20 study for the 260 Outfall was a product of this process. The initial recommendation the  
21 EMS&R Committee was considering was more detailed than the one currently before the  
22 Board. The committee has noted many missed public involvement opportunities by the  
23 DOE and the LANL with the exception of the plan for the 260 Outfall. When that  
24 defined plan missed deadlines and nothing came of it, that's when the EMS&R  
25 Committee decided to focus on the 260 Outfall. Mr. Taylor also noted that this Board  
26 passed two recommendations in May and July of 2004 on DOE's need for public  
27 involvement that have yet to be responded to by the DOE. The SSAB's federal charter  
28 states that the DOE is required to respond to SSAB's recommendations.

29 Mr. DeLong stated for the benefit of the new members that this Board is  
30 measured by the recommendations that it puts out. So be assured that the CAB will be  
31 monitoring the LANL and the DOE very closely for their adherence to schedules and  
32 commitments among other things as well as closely looking at the implementation of the  
33 Consent Order. Mr. DeLong also noted to the Board that Recommendation 2004-05  
34 would be placed before the Board for approval after the dinner break.

35  
36 **d. Community Involvement Committee, Grace Perez**

37 Ms. Perez, Chair of the CI Committee, stated that with the new nominees' interest  
38 in the CI Committee, the committee would be reforming after the loss of several  
39 members, which temporarily shut this committee down. Ms. Perez stated the importance  
40 of the CI Committee, especially in light of the recent recommendations issued from this  
41 Board all relating to community involvement. Ms. Perez announced the members of this  
42 committee as Erlinda Gonzales, Co-Chair, Darlene Montoya, Katherine Guidry, Sammy  
43 Quintana, Matthew Deller, Stephen Gilbert, and Raymond Loretto. The main issue that  
44 the CI Committee will be working on in the next few months, in cooperation with the  
45 WM Committee, is the Area G Forum planning and implementation. Secondly, the CI

1 Committee will be looking at what the committee members would like to do over the  
2 next year by developing a new charter and mission statement and a work plan for FY'05.

3  
4 **e. Ad Hoc Committee on Bylaws, Tim DeLong**

5  
6 **f. Second Reading and Action on Bylaws Amendment 9 (Tabled 9-29-04).**

7 **The Chair entertained a motion to take Amendment #9 off the table. Mr.**  
8 **Timm made the motion to re-open Amendment #9 with a second from Mr.**  
9 **Quintana. As all were in favor a second reading and action on Bylaws amendment**  
10 **#9 occurred.** Mr. DeLong mentioned that there was an article in today's New Mexican  
11 regarding this particular amendment, which entails the redefinition of the four Accord  
12 Pueblo seats to be re-designated as Ex-Officio members. The Board has at times had  
13 difficulty getting a quorum at meetings and this problem has been increased at times  
14 because of the lack of attendance by the Accord Pueblo members. Another change to the  
15 membership category would be to increase the members at large from 21 to 27 in  
16 response to Mrs. Manzanares' extremely successful membership campaign. Open  
17 discussion was held regarding Amendment #9. Dr. Loretto stated his concerns with this  
18 amendment and his desire to retain the four Accord Pueblo seats as is. Letters were  
19 written to the tribes without response regarding this amendment to the Bylaws. However,  
20 it should be noted no follow-up calls were made to the four Accord Pueblos. Dr. Loretto  
21 would like to see further communication efforts instigated before the decision is made to  
22 change the status of the pueblo seats from regular voting members to Ex-Officio  
23 members. Mrs. Barbara Gonzales pointed out that the Governorship of the pueblos  
24 changes on a yearly basis and what may not be favorable this year may be different with  
25 a new Governor. Mrs. Gonzales was also in favor of leaving the pueblo seats as is and  
26 raising the overall number of the at large board members. Mrs. Gonzales felt that at the  
27 new year, with the new governorship, would be a good time to write another letter  
28 perhaps to the eight northern pueblos of which all four Accord Pueblos have seats, re-  
29 addressing the CAB's invitation for pueblo members to sit on this Board. Mr. Gilbert  
30 stated that the problem of getting a quorum no longer seems to be an issue due to the  
31 large turnout of Board members and the addition of all the new nominees who will, upon  
32 appointment, shortly have full voting rights.

33  
34 After a lengthy discussion, **the Board decided to vote on Bylaws Amendment**  
35 **#9 with the following provisions: the at large membership would increase from 21 to**  
36 **23 and the overall membership from 21 to 27 to account for the new member**  
37 **nominees and the pueblo seats would remain as is.** The slightly amended Amendment  
38 #9 was a good compromise, which allowed for the quorum problem to be negotiated, kept  
39 the four-Accord Pueblo seats intact, and increased the at large membership to  
40 accommodate the new CAB nominees. **Mr. Brannon moved to approve the**  
41 **amendment to the motion to approve Amendment #9 with a second by Mr. Janis.**  
42 **The amended motion to approve Bylaws Amendment #9 carried and passed with 13**  
43 **voting members in favor approving the revised language. A second vote was then**  
44 **taken to approve Amendment #9 as amended at this Board meeting. The Chair**  
45 **called for all board members in favor to raise their hands. The Executive Director**  
46 **counted 14 board members in favor and the motion to approve Amendment #9**



1 passed. (See new Bylaws for full text located in the appendix section of these  
2 minutes).

3  
4 **g. Second Reading and Action on Bylaws Amendment 12 (Absentee Voting  
5 on Bylaws).**

6 The Chair noted a few minor typographical errors to the Board, then introduced  
7 the second reading of Bylaws amendment #12, which would allow for absentee voting on  
8 Bylaws changes only. **Mr. Brannon moves for the adoption of Bylaws Amendment  
9 #12 to allow for absentee voting on the issue on Bylaw amendments only. Dr.  
10 Berting seconded the motion. The chair called for a count of all those members in  
11 favor. The Executive Director, Mrs. Manzanares counts 13 members in favor and  
12 one opposed. Thus, the amendment was approved.** Mrs. Hoard would like her  
13 opposition to the Bylaws Amendment #12 to be noted for the record in these minutes. To  
14 explain her reason for opposing the amendment, Mrs. Hoard stated that without the  
15 discussion regarding Bylaws Amendment #9 the vote, from an absentee standpoint, may  
16 have been much different without the benefit of hearing member's opinions at the actual  
17 meeting.

18  
19 **4. Comments from Ex-Officio Members**

20 Mr. Mayer, Ex-Officio member from the EPA, spoke about the Consent Order  
21 and how certain Solid Waste Management Units (SWMU) previously permitted would  
22 need to be revisited to possibly include certain Areas of Concern (AOC). The EPA has  
23 also been talking to the state about human exposure limits to be controlled at the LANL.  
24 Governments Reports Performance Act (GRPA) is a goal that the EPA has to meet  
25 nationwide at all the high priority sites, of which LANL is an example. LANL must meet  
26 the goal of controlling human exposure limits by September of 2005.

27 Mr. Hargis, CAB Ex-Officio member from LANL, introduced Doug Stavert who  
28 is Mr. Hargis' deputy and will sit in Mr. Hargis' absence.  
29

30  
31 

---

**Agenda Items Covered in Section III:**

- 32  
33 **1. Presentation on TRU Waste Management Program at LANL**  
34 **2. Presentation on Proposed Federal Facility Compliance Agreement**  
35 **3. Public Comment Period**  
36

37 **Section III.**

- 38  
39 **1. Presentation on TRU Waste Management Program at LANL, John Ordaz**  
40 **(See Full Text of PowerPoint Presentation on the TRU Waste Program at LANL by**  
41 **James Nunz in the Appendix Section of these minutes. Also recorded transcription**  
42 **of presentation is available at the CAB office).**

43 Mr. DeLong briefed the Board on the reasons the CAB requested a presentation  
44 on TRU Waste from the DOE. The TRU waste program at the LANL sends TRU Waste  
45 to the WIPP in Carlsbad. DOE officials had halted the shipments in July after  
46 discovering that some of the waste being sent to WIPP had not been properly tested. The

Board is curious about the current status of the program. Is the program currently operating? Are there shipments ready to go to WIPP? Will Hanford let the LANL in line? Mr. Nunz, DOE's Waste Management Packaging Manager and Packaging and Transportation Manager for LASO, updated the Board on the status of the LANL TRU Waste Program. The main points of Mr. Nunz' presentation are a historical overview of the TRU Waste Program in FY'04 and describing current plans for FY'05. Gilbert Montoya, Waste Management Leader for the UC was also present to answer any questions the Board may have regarding Waste Management at the LASO. Mr. Nunz stated that David Christianson is the main point of contact for the TRU Waste Program at the LANL.

**An overview of Mr. Nunz's presentation is outlined as follows:**

**Definition of Transuranic Waste:**

Transuranic Waste is radioactive waste containing more than 100 nanocuries of alpha-emitting transuranic isotopes per gram of waste, with half lives greater than 20 years, except for: (1) High Level Radioactive Waste, (2) waste that the Secretary of Energy has determined, in concurrence with the Administrator of the EPA, DOE's not need the degree of isolation CFR disposal regulations, (3) waste that the Nuclear Regulatory Commission has approved for disposal on a case by case basis. Reference: DOE M 435.1-1.

**Any waste below 100 nanocuries of alpha emitting particles per gram of waste is considered Low Level Waste (LLW) and is currently buried in shallow pits at TA 54 at MDA G. The waste is defense generated waste and not commercially generated waste.**

**TRU Waste Program Objectives:**

1. To treat, characterize, and ship all legacy TRU waste (45,700 Drum Equivalents) by September 2010.
2. To treat, characterize and ship newly generated TRU waste within 12 months.

**Program Goals:**

1. To resume partial characterization activities in November 2004.
2. To resume full characterization operations by January 2005.
3. Characterize and certify 2000 drums.
4. To resume TRU waste shipments to WIPP in May 2005.

**Program Concerns:**

1. To secure funding for the entire program.
2. To secure facilities and needed equipment.
3. Compliance with Consent Order schedule.
4. Closure of Area G in 2015.

**2. Presentation on Proposed Federal Facility Compliance Agreement Between EPA and DOE, Gene Turner / Steve Veenis.**

**(See Full Text of PowerPoint Presentation on the FFCA by Steve Veenis in the Appendix Section of these minutes).**

1 Mr. Veenis provided the CAB with a presentation on how the LANL intends to  
2 implement the FFCA. The FFCA is a bridge document that will allow the Lab time to  
3 transition from the current permit, a multi sector general permit, to an individual permit  
4 to allow the Lab to discharge storm water from certain industrial activities, including  
5 SWMUs. The LANL's current multi sector general permit went into effect in 2000 and  
6 will expire in December 2005. The Consent Order contains language that requires the  
7 Lab to monitor storm run-off from the SMWUs. The Lab is pursuing an individual  
8 permit under the Clean Water Act. The expectation is that the FFCA will go into affect  
9 in January of 2005. The FFCA primarily deals with monitoring, corrective action, and  
10 reporting. In good faith the LANL has already been implementing the terms set out in  
11 the FFCA, as if the EPA had already signed off on the agreement. One of the  
12 requirements of the FFCA is to develop work plans. One of these work plans is the  
13 Storm Water Monitoring Plan, which covers the watershed scale monitoring that is  
14 telemetry based and based on gauging stations located at the major areas of confluences  
15 and major drainages downstream from the SMWUs of concern. The LANL has 61  
16 gauging stations that have been identified. The analyte list the Lab is testing for is based  
17 on the Consent Order, which was based on historic activities at the Lab. The Lab is using  
18 the analyte list found in EPA document at 40CFR, Part-136. The Lab is required to  
19 report their findings to the NMED and the EPA on a monthly, quarterly, and yearly basis.  
20

### 21 **3. Public Comment Period**

22 Chris Mechel signed up for public comment period. Mr. Michel wanted to state  
23 his opinion that he felt that there is a conflict of interest in the Board's make-up.  
24 Specifically, that he felt there are too many people with ties to the LANL on this Board.  
25 He stated that many of the Board members are listed in the LANL phone directory.  
26 (Upon investigation, the CAB determined that whenever a Visitor Badge is issued to an  
27 individual that their phone number is generated in a directory list. Most of our CAB  
28 members have been issued visitor badges for the purpose of site tours.) After getting a  
29 show of hands from the membership, the Chair determined that only two members  
30 actually had a current affiliation with the LANL, as employees of subcontractors.

31 Mr. Mechel would like to see more technical opinions requested from the Board  
32 that are not generated by technical staff at the LANL. Mr. Mechel would like to see more  
33 public outreach coming from this Board that is primarily generated to educate the public  
34 first and foremost and not just for the sake of educating this Board.

35 Mr. Mechel's last point was in regard to LANL's 'openness' or lack thereof. He  
36 stated when one tries to look at the LANL's website that it is very confusing and difficult  
37 to get any public information without a password. As a member of the public he felt it  
38 was his duty to state his opinions in the public comment period of this meeting.

39 On a positive note, Mr. Mechel appreciated the consistency the CAB has with  
40 holding its meetings regularly in Pojoaque. However, he would like to see the committee  
41 meetings held later in the evening to accommodate the public.

---

### 42 **Agenda Items Covered in Section IV:**

43 **1. Consideration and Action on Board Recommendations or Resolutions.**

44 **2. Briefing on Implementation of NMED Order on Consent during FY 2005-06,**

45 **John Ordaz**  
46

1 **3. Closing Comments from Board Members and Recap of Meeting**

2 **4. Adjournment**

3  
4 **Section IV.**

5  
6 **1. Consideration and Action on Board Recommendations or Resolutions.**

7 **1. Recommendation 2004-05 was presented before the Board for approval. Dr.**  
8 **Fries made a motion to approve Recommendation 2004-05 and Dr. Berting**  
9 **seconded the motion. The motion passed unanimously to approve**  
10 **Recommendation 2004-05.**

11 **2. Board letter to EPA with comments regarding the FFCA passed with minor**  
12 **editorial changes noted. Mr. Timm made a motion to accept the letter with**  
13 **editorial changes noted and Dr. Campbell seconded the motion. As all were**  
14 **in favor, the letter was approved as amended. (Ms. Novak will complete the**  
15 **Board's editorial changes and the letter will be sent to the EPA, Region 6**  
16 **under the CAB Chair's signature.)**

17  
18 **2. Briefing on Implementation of NMED Order on Consent during FY 2005-06,**  
19 **John Ordaz, Assistant Manager for Environmental Management, LASO**  
20 **(See PowerPoint Presentation on the Implementation of the NMED Order on**  
21 **Consent by, John Ordaz located in the Appendix Section of theses minutes).**

22 Mr. Ordaz briefed the Board on the status of the Consent Order and reviewed the  
23 time tables for deliverable in fiscal years. Mr. Ordaz stated the progress on implementing  
24 and finalizing the Order is coming along. Regarding timetables and deliverables that  
25 have been already set in the Order, Mr. Ordaz stated these dates would be adjusted on a  
26 case-by-case basis depending on when the Consent Order is made final.

27 **Mr. Ordaz's presentation is briefly outlined as follows:**

- 28 • **FY 2004 and FY 2005 Regulatory Milestones under the Order.**
- 29 • **Budgets to implement that are contained in the Order.**
- 30 • **Public involvement under the Order, documents and specific**
- 31 **activities that provide public involvement opportunities.**
- 32 • **Work Plans contained in the Order.**
- 33 • **Investigation Reports.**
- 34 • **CMI Plans, deliverables from General Requirements in the**
- 35 **Order, and deliverables subject to specific penalties.**

36  
37 Mr. Ordaz was previously with DOE Headquarters and Environmental  
38 Management (EM) before his move to become the new Assistant Manager for  
39 Environmental Management at LASO. He stated that with new management in place at  
40 the LASO the CAB would see a stronger public outreach program from the LANL. He  
41 reported that the DOE was somewhat behind in responding to the CAB's recent  
42 recommendations and asked the CAB give the DOE a month or two to work through the  
43 transition period before they could get to responding to our recent recommendations.

44  
45 **3. Comments from Board Members and Recap of Meeting:**

General comments from the Board reflected a good and productive meeting.

#### 4. Adjournment

With no further business, the Chair entertained a motion for adjournment. Mr. Brannon made a motion to adjourn and Dr. Fries seconded the motion. As all were in favor, the NNM CAB meeting was adjourned at 8:00 pm.

Respectfully submitted,



Timothy A. DeLong, CAB Chair

#### Appendixes:

1. Final November 17, 2004 NNM CAB Meeting Agenda
2. Members and New Member Nominees Updated Biographies
3. NNM CAB Chair's Report
4. Report from Ted Taylor, DDFO
5. Report from Menice Manzanares, NNM CAB Executive Director
6. Newspaper Articles with References to NNM CAB
7. NNM CAB Letter to EPA
8. NNM CAB Chair's Letter to Director Nanos.
9. NNM CAB New Bylaws
10. NNM CAB Recommendation 2004-05
11. PowerPoint Presentation on the TRU Waste Program at LANL by James Nunz
12. Handout on the Proposed FFCA Agreement between the EPA and the DOE, by Gene Turner and Steve Veenis
13. PowerPoint Presentation on the Implementation of the NMED Order on Consent for LANL by, John Ordaz

#### Public Notice:

1. All NNM CAB meetings are recorded in accordance to the Federal Advisory Committee Act. Audiotapes are available for public review at the NNM CAB office in Santa Fe, New Mexico.
2. Reference documents listed in the appendix section of these minutes are available for review at the CAB office in Santa Fe.
3. For more information regarding audio transcription or any information referenced to or contained here in these minutes, please call the CAB office at (505)-989-1662.