



**Northern New Mexico Citizens' Advisory Board Meeting Minutes
September 29, 2004
Cities of Gold Hotel
Pojoaque, New Mexico**

<u>Members in Attendance</u>	<u>Members Excused</u>
Timothy A. DeLong	Grace I. Perez
Jim Brannon	
Fran Berting	<u>Members Absent</u>
Jay Fries	John Gonzales
Katherine Guidry	Raymond Loretto
Christopher Timm	
Dorothy Hoard	<u>Ex- Officio Members</u>
Erlinda S. Gonzales	James Bearzi, NMED
David A. Church	
J. D. Campbell	
Sammy Quintana	
Barbara Gonzales	
James R. Janis	
Raye Byford	
<u>CAB Nominees in Attendance</u>	
Mathew Deller	
Darlene Montoya	
Steven Gilbert	
Ken Riordan	
<u>Deputy Designated Federal Officer</u>	
Ted Taylor	
<u>Staff:</u>	
Lorelei Novak, Community Outreach Specialist	
Grace Roybal, Administrator	
Eddie Roybal, Sound Technician	

1 **MINUTES:**

2
3 **I. Welcome and Introductions by Deputy Designated Federal Officer (DDFO)**
4 **and Timothy A. DeLong, Chair.**

5 **Ted Taylor, DDFO, called the meeting to order at 1 PM.** Dr. Taylor stated on
6 behalf of the Department of Energy (DOE), the Northern New Mexico Citizens'
7 Advisory Board (NNMCAB) Meeting was called to order. Dr. Taylor stated to the
8 membership that we do have a quorum, one new member and three nominees. He then
9 turned the proceedings over to the NNMCAB Chair, Timothy A. DeLong. The meeting
10 was open to the public and posted in the Federal Register in accordance with the Federal
11 Advisory Committee Act. Roll call established fourteen members present at the start of
12 the meeting. The members in attendance accounted for a two-thirds majority quorum,
13 which gave the Board a quorum for voting and passing bylaw amendments as well as
14 conducting board business.

15 **Mr. DeLong welcomed members and guests to the Citizens' Advisory Board**
16 **(CAB) meeting. Mr. DeLong expressed his gratefulness for the large turn out of the**
17 **board members as well as the new board nominees.** The Chair stated that this is the
18 first meeting in six months where the CAB has a two-thirds majority quorum. The Chair
19 recognized the many members and new member nominees present.

20 Introductions started with Mathew Deller, a new CAB member nominee who is
21 celebrating the birth of his new baby boy. Mr. Deller is from Albuquerque and currently
22 works for Chickasaw Nations Industries based out of Oklahoma City. Mr. Deller is a
23 Program Analyst with the Office of Special Trustee for American Indians. Before that he
24 was a Personnel Security Specialist with the DOE doing background clearances. He has
25 been interested in the CAB for six months now and this is his third board meeting. He
26 looks forward to serving the CAB to the best of his abilities.

27 Steven Gilbert, another CAB nominee, was also introduced. Mr. Gilbert stated
28 that this was his first board meeting. He holds a degree in chemistry and has worked
29 mostly in the semi-conductor business for companies like Intel and IBM doing ultra trace
30 analysis. Mr. Gilbert also has extensive grant writing experience.

31 Deputy Chief Raye Byford of the Santa Fe Police Department was reintroduced to
32 the full Board. He stated that he has been very busy this summer and his meeting
33 attendance has been 'hit and miss' but he intends to be here as often as he can.

34 Sammy Quintana was introduced as a new board member to the CAB. Mr.
35 Quintana is the Executive Director of the New Mexico Schools Insurance Authority. He
36 resides in Pojoaque and he was actually born about a quarter of a mile from where the
37 meeting is being held today. He stated his profession to be as an attorney. Mr. Quintana
38 has a notable record of public service including time on the Pojoaque Valley Board of
39 Education and tenure as President of the New Mexico School Boards Association. Mr.
40 Quintana has expressed an interest in serving on the CAB's Community Involvement
41 Committee. He works with the local non-profit group, "Hands Across Cultures" and the
42 national group, "Mothers Against Drunk Driving" (MADD). Mrs. Manzanares stressed
43 to Mr. Quintana that part of the Board's charter is to reflect, with our membership, the
44 cultural and educational diversity inherent to New Mexico. Mr. Quintana expressed that
45 he doesn't consider himself a 'tech' guy, so he feels a little novice on this type of board,
46 but he hopes he can be of service to the Board. Mr. Quintana finds community service

1 personally rewarding. Mrs. Hoard expressed her opinion that all types of individuals,
2 those from a technical background and those not, can be very valuable to the Board.

3 The Board welcomed back CAB member Barbara Gonzales who has been in
4 Washington for the grand opening of the National Museum of the American Indian. Ms.
5 Gonzales is a well-known educator and clay artist. She is a member of the San Ildefonso
6 Pueblo and she is a Tewa Tribal member. She has her own business. She considers her
7 time on the board to have been a very interesting experience, mind boggling even to think
8 of all the details and all the things that come up. She is very interested in what's going
9 on, just becoming aware of what has been going on in Los Alamos has been an eye
10 opener for her. *"Although living on the reservation and we border the Los Alamos*
11 *County it (the CAB) just gives you a new awareness of what happens on the hill because*
12 *I feel that the two communities are very distinct and need to be at a point where they, the*
13 *local area Los Alamos residents, can know what is going on in Los Alamos and be*
14 *influential in the decisions that are being made there because it affects us all."*

15 Darlene Montoya, another NNM CAB nominee, is a native of New Mexico, born
16 in Pojoaque, and currently resides in Albuquerque. Ms. Montoya is a new member of the
17 Community Involvement Committee of the NNM CAB. Ms. Montoya gained an
18 appreciation for environmental concerns when she was with Tetra Tech, an
19 environmental monitoring company. At Tetra Tech she organized blood drives and
20 community events. As an administrative specialist and a facilities manager she has
21 researched and implemented security systems and developed company recycling
22 programs. Ms. Montoya talked with conviction about her four children and her two
23 grandbabies and how her environmental interests stems from her devotion to her children
24 and her desire to help their future. She is concerned that her children and children's
25 children have fresh air to breath and clean water to drink. As a parent she is very
26 concerned about the legacy of what we leave today for tomorrow. Ms. Montoya is from
27 Pojoaque and grew up in this area. If she had told her great grandmother many years ago
28 that we would be buying bottled water to drink today —she felt her Great Grandmother
29 would have been shocked.

30 Kenn Riordan, last of the current packet of new CAB nominees, joined the group.
31 The Chair asked to him speak briefly to the Board about his background and what he
32 brings to the table. Mr. Riordan stated that the government has spent a lot of time and
33 energy training him and now he wants to bring his experience to the CAB to help benefit
34 the Board and to do his civic duty. He has an extensive background in nuclear
35 technology and nuclear weapons proliferation, international relations, and diplomacy.
36 His experience includes various command and staff positions with the US Army,
37 cooperation with the US Combined Forces and United Nations Command as a joint
38 forces planner in South Korea. He has spent time reviewing weapons systems test plans
39 for the Pentagon including the Patriot Missile. He also worked in the Office of the
40 Secretary of Defense as an advisor to senior decision makers at Presidential and National
41 Security Council level on proliferation policy.

42 Tim DeLong introduced himself and then introductions continued around the
43 table for the remaining members. (Note: See Members and New Member Nominees'
44 Updated Biographies in the appendix section of these minutes.)

1 **II. Approval of Agenda**

2 Dr. Berting requested that the vote on the Ad Hoc Committee's letter to the
3 NMED be moved up in the Agenda. The Chair suggested instead to try to accelerate the
4 current agenda to accommodate Dr. Berting. **A motion to approve the current agenda**
5 **was made by Mr. Brannon and seconded by Dr. Berting. The motion passed and the**
6 **agenda was adopted as final.**
7

8 **III. Approval of Minutes of July 28, 2004**

9 The July 28, 2004 Minutes were placed before the Board for approval. Dr.
10 Berting and Dr. Taylor submitted minor changes, which were submitted to Ms. Novak.
11 **With the pending revisions noted, Mr. Timm made a motion to adopt the revised**
12 **minutes. Mr. Brannon seconded the motion. The motion Passed and the July 28,**
13 **2004 NNM CAB minutes were approved as revised and accepted as final.**
14

15 **IV. Public Comment Period**

16 The Chair noted that no one had registered for public comment.
17

18 **V. Consideration and Action of Proposed Bylaws Amendment No. 5, as per**
19 **Section XII, page 13, of the NNM CAB Bylaws. (Tabled on 3-31-04).**

20 Mr. Brannon explained to the CAB nominees and to the Board that Bylaws
21 Amendment No. 5 is an administrative date change for the formal CAB report. **Mr.**
22 **Brannon moved for its adoption and Dr. Berting seconded the motion. The Chair**
23 **requested a show of hands because the bylaws amendment does require a two-thirds**
24 **majority vote. The Board unanimously voted to pass the bylaw amendment.**
25

26 **VI. Consideration and Action of Proposed Bylaws Amendment No. 6, (Tabled on**
27 **5-22-04).**

28 Mr. Brannon explained to the CAB nominees and to the Board that the purpose of
29 this amendment to Bylaws is to ensure consistency in language for use with CAB
30 members when communicating with administrative, legislative, and other interest groups.
31 The method for this consistent approach in language is outlined in proposed bylaw
32 amendment No. 6. The CAB members that speak for the Board are meant to represent
33 the opinions of the Board as a whole and not to 'editorialize' or state individual opinions
34 while representing the CAB. The Speaker's Bureau presentation has been designed as a
35 tool for presentations and is available for board member's use and represents the Boards'
36 collective considered opinion. **Mr. Brannon moved for its adoption and Mrs. Hoard**
37 **seconded the motion. The Chair requested a show of hands because the bylaws**
38 **amendment does require a two-thirds majority vote. The Board unanimously voted**
39 **to pass the bylaws amendment No. 6.** Mrs. Hoard wanted to commend Mr. Brannon
40 for his work on 'word-smithing' these bylaw amendments. The Chair as well thanked Mr.
41 Brannon for his good work.
42

43 **Board Business**

44 **1. Elections for Chair and Vice Chair**

45 Jim Brannon stated it was his privilege and honor to nominate Tim DeLong as the
46 Chair of the NNM CAB for FY'05. Mr. DeLong in turn nominated Jim Brannon as Vice

1 Chair of the NNM CAB for FY'05. Mrs. Hoard campaigned for Mr. DeLong stating he
2 always ends the CAB's meetings on time. Mr. DeLong accepted the nomination and
3 stated his confidence in staff support and other board member's support to assist him with
4 his duties as Chair. Since the nominations do not require a second, Dr. Fries **moved that**
5 **the slate be closed and the nominations be approved by acclamation. Mr. Timm**
6 **seconded the motion to close the slate and approve the nominations by acclamation.**
7 **As all board members present were in favor, the slate of Tim DeLong as NNM CAB**
8 **Chair and Jim Brannon as NNM CAB Vice Chair was approved by acclamation.** The
9 Chair thanked the Board for their vote of confidence. Mr. Brannon stated this was his
10 last year with the Board. Mr. DeLong thanked Mr. Brannon for his assistance and
11 mentioned that he is looking for a board member to assume the Chairmanship of the
12 EMS&R Committee. Mr. DeLong then mentioned that Mr. Timm has expressed interest
13 in this leadership position.

14 **2. Recruitment and Membership Update. Tim DeLong**

15 Mr. DeLong reported to the Board on the Board's recruitment efforts and
16 membership update. Mr. DeLong happily reported that membership has really taken off
17 and he thanked the CAB staff for their excellent efforts in advertising vacancies, talking
18 to interested individuals as well as holding interviews. At the time of this meeting the
19 CAB had four new nominees, one new member and three more interviews to hold with
20 interested citizens. **Dr. Taylor informed the Board that a nomination packet with**
21 **four new nominees has been sent to the DOE for appointment.** He also commented
22 his approval that all four new member nominees were in attendance at the board meeting
23 today: Mr. Deller, Ms. Montoya, Mr. Gilbert and Mr. Riordan. **The Chair announced**
24 **that Abad Sandoval tendered his resignation and that Sammy Quintana received his**
25 **interim appointment to the Board. With the next set of interviews occurring in the**
26 **next few weeks, another nomination packet will be sent to the DOE essentially filling**
27 **all open positions on the Board.**

28 **3. Report from the Chair**

29 Mr. DeLong stated that he wanted to thank and commend the staff, Menice, Lorelei,
30 and Grace for the excellent job that was done on the Annual Report and the Newsletter
31 that was recently mailed out within the last month. Mr. DeLong stated that he had
32 received a lot of unsolicited compliments regarding the newsletter. He also commented
33 that the new color printer had been a sound and profitable purchase for the CAB.

34 The Chair wanted to let the Board know that Governor Richardson's office called to
35 state that the Governor could not come to this CAB meeting but possibly he could make
36 it to a meeting in the future. The Chair viewed this as a good sign; at least the CAB
37 garnered a response. Adam Rankin, a reporter from the Albuquerque Journal North,
38 called the Chair expressing some interest about the CAB's plans for the upcoming Area
39 G forum thanks to the Expression of Interest Letter sent out as a collaborative effort
40 between the committees.

41 The Chair also wanted to thank the Ad Hoc Committee for their work on reviewing
42 the NMED's Order on Consent. The Ad Hoc Committee members are: Jay Fries, J. D.
43 Campbell, Dorothy Hoard, Fran Berting, Chris Timm, David Church and Donivan
44 Porterfield. All the hard work was appreciated and the committee put together a very
45 good document that will be discussed later in the program.

1 The Chair announced the upcoming SSAB Chairs meeting to be held at the Hanford
2 facility in Washington State next week. Mr. DeLong, Mr. Brannon, Dr. Taylor and Mrs.
3 Manzanares plan to attend this meeting. The Chair hoped to solicit the Board's help with
4 a "Top Three Issues Sheet", and a "Top Three Interdependencies Among the SSABs
5 Sheet" to be discussed later in the program.

6 **4. Report from Ted Taylor, DDFO**

- 7 • Dr. Taylor mentioned that he has placed a handout in front of all the Board
8 members and nominees. He reported that the LANL is going through a
9 resumption process to get back up to full operation status. Therefore, he
10 did not have time to prepare his formal report from the DDFO because of
11 the long hours and "full time" work of the resumption process. First, Dr.
12 Taylor pointed out the handout on board membership status and
13 demographics. He then stated the Chair has previously covered the
14 membership issue. He wanted to ask members, however, to check over
15 his statistics such as demographic locations, etc. for accuracy. The
16 accuracy of the demographic information is important so that the Board's
17 composition is correctly represented to the DOE. The second topic,
18 'multicultural awareness' for the benefit of the new members and
19 nominees is something that the staff and Dr. Taylor have been working on
20 promoting within the Board. We realize that Northern New Mexico is a
21 very multicultural area and so that is the reason that the staff and Dr.
22 Taylor have been trying to provide materials for the Board to review so
23 that the Board can get to know each other and the different cultures a bit
24 better. He stated that all of the board members and nominees have
25 received the Tony Hillerman book, "The Great Taos Bank Robbery and
26 Other Stories", which does a great job of describing Northern New
27 Mexico. He also wanted to point out the flyer in the today's packet about
28 the Tewa Oral History Presentation Series to be held at the Santa Clara
29 Pueblo Library. The programs occur on Fridays and Dr. Taylor wanted to
30 especially reference the presentation on the 1680 Pueblo Revolt occurring
31 on October 15. **(Flyer for the Tewa Oral History Presentation Series is**
32 **referenced in the Appendix Section of these minutes.)**
- 33 • **Dr. Taylor has not heard the final decision on the Fiscal '05 Budget.**
34 **He stated to the Board that he has requested \$390,000 to support this**
35 **Board for FY'05.** He understands that there will be a continuing
36 resolution passed. He will get an update from DOE Headquarters at the
37 SSAB Chairs meeting next week in Hanford and will have a report on the
38 status of the CAB budget by the next CAB meeting in November. He is
39 confident that the board will be able to operate on the same par as last year
40 where the budget was \$375,000.
- 41 • **Dr. Taylor suggested that the Board, at their leisure, take a look at the**
42 **handout, "Excerpts from the Department of Energy Site Specific**
43 **Advisory Board Guidance."** He explained that this document outlines
44 what the CAB can expect from the DOE in terms of assistance, guidance,
45 responsibilities, etc. The document defines what the DOE 'must' do and

the bottom third of the document defines what Dr. Taylor, as the CAB's DDFO, 'must' do.

5. Executive Director's Report was made by CAB Community Outreach Specialist, Lorelei Novak, as requested by the Chair due to the excused absence of Executive Director, Menice Manzanares

Firstly, it was pointed out the Mrs. Manzanares has included a written report in the board members packets for their reference. Secondly, the Chair asked if Ms. Novak had any additional comments. Ms. Novak commented on the Committee's completed Work Plans for FY'05 and indicated that an updated EMS&R FY'05 Work Plan had been provided as a handout. Ms. Novak mentioned that Erlinda Gonzales, the CIC Vice- Chair, planned to speak on behalf of the CIC Committee regarding the committee's path forward. Ms. Novak mentioned the current work of the Ad Hoc Committee to review the Order on Consent and compose a thoughtful letter to the NMED regarding their findings. She stated the planning for the Area G Forum is under way. Ms. Novak referred the Board's attention to Mrs. Manzanares report and the upcoming SSAB Chairs meeting. Regarding the newsletter, Ms. Novak encouraged the members to submit any article ideas to her for the fall edition. She expressed her intention to make the newsletter a viable, interesting and engaging source of information. She felt the summer newsletter was successful and thanked the committees and members for their input. In the Fall Newsletter, Ms. Novak plans to have an educational segment, perhaps a continuation or 'part two' of the Tutorial on Radioactive Waste with a concentration on TRU waste. The Chair asked if Ms. Novak would be expecting a report from the committees for the fall newsletter. Ms. Novak replied that articles might be formed from committee reports and or minutes to make the publication more of an 'attention grabber' so that when people find the CAB Newsletter in their mailboxes it jumps out as something they want to read and feel they need to read. The Chair suggested the new membership might also be a topic for inclusion in the Newsletter.

The Chair was questioned about when and how the committee could schedule 'windshield tours' of the facilities, including the LANL and the WIPP. The Chair suggested that after the resumption program that tours of the facilities would be more easily scheduled. Also, the Chair mentioned having the folks from LANL and the DOE make new member orientation presentations for new members. Mr. Brannon directed the members and nominees who are interested in a site tour and or an orientation presentation to contact Mrs. Manzanares, Executive Director, at their earliest convenience. He stated that the tours are very valuable especially for board members. Dr. Taylor arranges the tours through the DOE. The professional staff at the CAB will be arranging the orientation for the new members and the date is to be announced. Also, Mrs. Manzanares will be assigning senior CAB members as mentors to new members to help orient the new CAB members.

6. Consideration and Action on Proposed Fiscal Year 2005 Committee Work Plans
Waste Management Committee Submits FY'05 Work Plan.

1 Mr. Brannon introduced Waste Management Work Plan to the Board. He
2 recommended the document be submitted to the Department of Energy for adoption as
3 the formal work plan for the committee.

4 **Environmental Monitoring Remediation and Surveillance Committee Submits**
5 **FY'05 Work Plan**

6 Mr. DeLong presented the EMS&R Committees' FY'05 Work Plan before the
7 full board for adoption. He mentioned that the work plans are not set in stone. They can
8 be changed as evolving situations necessitate. Dr. Taylor submits the work plans to DOE
9 Headquarters for information only. Mrs. Hoard talked about the Ready for Reuse
10 Covenants Bill. The Order describes the difference between industrial standards verses
11 residential standards. Mrs. Hoard supported the differentiation of the two clean-up
12 procedures. She explained that sometimes it is not always necessary to clean to
13 residential standards especially when, for example, the land is to be used as a parking lot
14 and not a residence with children and this distinction could save the tax payers money.
15 Mrs. Hoard also noted a slight change in the EMS&R Committee's work plan language.
16 Upon approval of the NMED Order on Consent, she noted, the committee should change
17 the wording in the work plan from "permit" to "Order on Consent", considering the
18 'Order' will vacate the 'permit'. The Chair, Mr. DeLong, agreed and Ms. Novak will
19 make the noted revision to the committees' work plan.

20 **Mr. DeLong asked if there are no objections, he entertained a motion for the**
21 **Board to approve the committees work plans.** Mr. Timm asked Dr. Taylor if it was in
22 the CABs purview to comment on organization changes within the LANL such as
23 changes with the University of California's contract with LANL and the Environmental
24 Management structural changes programs. Dr. Taylor replied that it was definitely within
25 this board's scope, especially when the changes affect efficiency in EM programs and
26 implementation. Mr. DeLong stated that the work plans set up the basic structure of
27 workflow for the committee but that they are not set in stone and are subject to change.
28 Mr. Timm made a motion to move to approve the committee's work plans with a second
29 from Dr. Berting. **The motion passed unanimously to adopt the committees' FY'05**
30 **work plans and to submit them to the DOE.**

31
32 **7. New Business**

33 **Mr. Timm mentioned the Federal Facilities Compliance Agreement (FFCA)**
34 **issue, with EPA having no intent for public comment.** The Board wants to have
35 comment opportunities and considered creating an Ad Hoc committee to write a letter to
36 the EPA requesting public involvement. The FFCA is an agreement between the EPA
37 Region 6 and the DOE that will cover surface discharges and clean up for the LANL with
38 regards to water discharges. Surface water run off is a very key issue and one that is tied
39 to the Consent Order. Secretary Ron Curry has stated that he won't sign off on the
40 Consent Order until an agreement on this issue is reached. Mr. Timm stated that since
41 both agreements (the Order and the FFCA) are so integrally tied together that both should
42 be given the same public scrutiny. Ms. Novak informed the Board that Senator
43 Bingaman's office called the CAB on 9-28-04 asking what our opinion about this matter
44 was and forwarded Joni Arends' letter to the EPA Region 6 to the CAB for review and
45 comment. Ms. Novak let the Senator's office know that this matter would be brought up
46 as new business at today's meeting. In a letter from Joni Arends, Concerned Citizens' for

1 Nuclear Safety, she requested a 60-day public comment period for the FFCA. Ms.
2 Arends stated in her letter to the EPA that there is precedence for this request. It is not
3 unusual for agreements of this nature to go out for public comment, Dr. Taylor stated, in
4 this case however the EPA Region 6 in Dallas is refusing public comment. Putting the
5 document out for public comment is within the discretion of the EPA; but it is worth
6 noting that both the NMED and the DOE are in favor of public comment. **(See Article,**
7 **“Closed Door Water Talks Worry State” located in the Appendix of these minutes)**
8 Mr. Brannon recommended the Board send a short letter to the EPA considering one of
9 our Ex-Officio members, Rich Mayer, is out of Region 6 in Dallas.

10 **The Board (Ad Hoc Committee) was established to draft a letter to EPA**
11 **Region 6, supporting efforts for a 60-day public comment period.** Mr. DeLong asked
12 Mr. Timm and Mr. Brannon to work on this letter during the dinner break. Ms. Hoard
13 stated that the ‘run-off’ from the LANL is a ‘big deal’ and should be available for public
14 comment. Mr. DeLong wanted to know what’s included in the agreement such as
15 monitoring sites, data sampling, etc. Mr. Timm stated there is precedence around the
16 DOE complex for public hearings. Dr. Fries added that this FFCA still holds the LANL
17 to the EPA standards but instead of the EPA monitoring the surface water standards that
18 responsibility would be transferred over to the NMED. Secretary Curry has stated that if
19 this FFCA is not reached to the satisfaction of the NMED that in effect the Consent Order
20 will be vacated. Dr. Campbell recommended that the CAB draft a letter consistent with
21 the previously drafted letter to NMED regarding in part public participation opportunities
22 in the Consent Order. Dr. Taylor stated that the CAB can appropriately, under its current
23 charter, make recommendations to the EPA as well the DOE. The Chair appointed an Ad
24 Hoc Committee to draft a letter during today’s Board meeting. The Ad Hoc Committee
25 members are: J.D. Campbell, Chris Timm, Jim Brannon, Jay Fries and Jim Janis. **The**
26 **Ad Hoc Committee agreed to work a draft letter to the EPA regarding public**
27 **involvement opportunities with the FFCA.**
28

29 **Committee Reports:**

30 **(a) Ad Hoc Committee on Bylaws, Jim Brannon, second reading and action on**
31 **amendments 7 through 11.**

32 Mr. Brannon asked the Chair to modify the agenda to accommodate Board member’s
33 schedule and to utilize the 2/3-majority quorum of the Board to move up the second
34 reading on the bylaws amendments No. 7 through No. 11. **(See two letters to the Board**
35 **regarding bylaws modifications and Bylaws changes in editor’s mode in the**
36 **appendix to these minutes, wording changes have been noted by Ms. Novak)**

37 **Mr. Brannon called for a motion to approve proposed amendment No. 7 (Topic:**
38 **Membership Responsibilities) as written. Dr. Berting seconded the motion. Motion**
39 **to amend Bylaw No. 7 is approved unanimously by a show of hands.**
40

1 **Mr. Brannon called for a motion to approve proposed amendment No. 8 (Topic:**
2 **Removal from Membership). Dr. Berting seconded the motion. Motion to amend**
3 **bylaw No. 8 is approved unanimously by a show of hands.**

- 4 1. (Noted: Mr. Deller's suggestion to change line #160 to read "three consecutive
5 regularly scheduled committee meetings".)
- 6 2. (Noted: At this time an excused absence is granted only to those members who
7 contact Ted Taylor in writing.)
- 8 3. (Noted: Mr. Gilbert and Dr. Campbell suggested striking lines 237 to 244 with
9 regards to gross felony misconduct as the wording was considered redundant.
10 Dr. Taylor suggested that on line 207 he would take out the phrase 'one of' and
11 replace it with "the DDFO depending on the seriousness, etc do "the following"
12 as required, number one being counseled and on line 211 Dr. Taylor suggested
13 saying, "if counseling is not effective, then (2) refer the matter". Dr. Taylor
14 prefers the approach of talking about matters stating a lot of situations arise out
15 of misunderstandings and that talking about an issue would be the first step.)
- 16 4. (Noted: Mrs. Guidry wanted to make sure the Board considered the depth of the
17 emotions because this board does deal with highly charged emotional issues.)
- 18 5. Dr. Berting stated that she wished the Board at least be informed of a member's
19 removal for extraordinary cause to which the Board agreed will be inserted after
20 line 230 "the DDFO shall brief the Board of the 'immediate action' removal for
21 cause at the next regularly scheduled CAB meeting".)
- 22 6. Ms. Novak noted the changes to the proposed Bylaws amendment and the
23 changes will be corrected in the final version.)

24
25 **Mr. Brannon calls for a motion to approve proposed amendment No. 9. (Topic:**
26 **Constituency Seats to Ex-Officio Seats.) Amendment #9 was tabled until Mrs.**
27 **Manzanares and Dr. Taylor draft and send letters to the current constituency seat**
28 **holders to gather their opinions.** Dr. Fries suggested putting a positive spin on the
29 letter focusing on what the member gains from becoming an Ex-Officio member rather
30 than from the viewpoint of taking something away, in essence it permits the Pueblos to
31 'speak their mind in a non attributional fashion.' Dr. Berting was also in favor of tabling
32 this amendment until the pueblos are given a reasonable amount of time to respond. Dr.
33 Loretto sent a message through Ms. Novak encouraging the Board to wait on this
34 amendment until the Constituency Seat members could be contacted. Mr. DeLong
35 agreed and referred to Dr. Loretto's comments from the last meeting. The Board
36 consensus was to table this amendment to honor Dr. Loretto's wishes and contact the
37 Pueblo members directly before making a final decision. Barbara Gonzales was in favor
38 of stating our intentions in the letter, coming out strong and not offering them a choice
39 just stating our intentions with an explanation that this new arrangement is actually more
40 advantageous to the pueblo members and a more prestigious board appointment although
41 they do lose a vote. Mr. Gilbert said if we approved this Bylaws amendment without the
42 Pueblo's knowledge that it could be viewed as punitive because they are losing voting
43 stature.

44 **Mr. Brannon called for a motion to approve proposed amendment No. 10**
45 **(Topic: Board Structure and Removal and Replacement of Officers) No. 1 section H**
46 **(amended by Mr. Janis) reads as follows: "an officer of the Board may be removed from**

1 their office for misconduct or neglect of their office upon a 2/3 vote of the board upon the
2 recommendation of the Executive Committee, the recommendation of the DDFO, or a
3 duly authorized motion (under Roberts Rules of Order) tendered by a board member at a
4 regularly scheduled board meeting.” **Dr. Berting seconded the motion. Motion to**
5 **approve Bylaws Amendment No. 10 is approved unanimously by a show of hands.**

6 **Mr. Brannon informed the Board that proposed amendment No. 11 has been**
7 **withdrawn.**

8 **Mr. Brannon called for a motion to approve proposed amendment No. 12**
9 **(Topic: Clarification of Executive Committee Duties and Authority). With minor**
10 **language changes noted, Dr. Berting seconded the motion. Motion No. 12 was**
11 **approved unanimously by a show of hands.** Mr. Janis formally thanked Mr. Brannon
12 and the Ad Hoc Committee for their work on the Bylaws Amendments.
13

14 • **(b) Executive Committee Tim DeLong**

- 15 1. Mr. DeLong stated that a new administrative procedures guideline had
16 been passed by the Executive Committee regarding the appropriate use of
17 email. This administrative procedure requires the CAB members to follow
18 the administrative rules for the use of email for board business. **(See**
19 **Appendix section of these minutes for a copy the new CAB email**
20 **procedure.)**
- 21 2. Finalized budget for 2005 and submitted to the DOE
- 22 3. Arrangements were made CAB Chair, Vice Chair, Mrs. Manzanares and
23 Dr. Taylor to attend the SSAB’s Chairs meeting in Hanford. Top Three
24 Waste of Concern Issues for each Site and Top Three Interdependency
25 Issues Between Sites are the focus of this year’s meeting. Mr. DeLong
26 will pass out the issue sheets to each board member to gather their
27 opinions later in the program. Issues sheets are due by Friday, October 1st.
- 28 4. Signed and sent an invitation for the Governor to attend *any* CAB meeting
- 29 5. Successful membership campaign has placed four nominations for
30 appointment with three more scheduled interviews due to take place
31 within the next few weeks.
- 32 6. Mr. DeLong mentioned to the new members and nominees that their
33 participation is welcome and needed in the various CAB committees. He
34 said that’s where the work really gets accomplished.
35

36 • **(c) Waste Management Committee, Jim Brannon**

37 The WM Committee as has submitted its FY ’05 work plan to the DOE.
38 The biggest news for the WM Committee is the planning of a citizen’s forum on
39 Area G located at TA-54 at the LANL. Mr. Brannon referred the Board to the
40 Expression of Interest (EOI) Letter and Issue Sheet on Area G. **(See EOI Letter**
41 **for Area G Forum and Issues on Area G Sheet located in the Appendix of**
42 **these minutes.)** The purpose of the proposed forum will fulfill two major
43 objectives in the Boards Charter, (1) to hear from and educate the public, and (2)
44 to educate the board. Mr. Brannon stated when it comes to Area G it is difficult
45 to get five people to agree on something as basic as ‘how big is it?’. The initial
46 planning and investigation of the proposed forum has been a collaborative effort

1 between the committees. The EMS&R Committee helped to organize and
2 categorize the Issues Sheet and the CI Committee helped the WM Committee
3 with the initial legwork and the EOI letter. Mr. Brannon wanted to thank everyone
4 for the efforts. At this point, however, the WM Committee is steering the forum
5 due to the CI Committee undergoing some organizational and membership
6 changes. Follow up calls to specific individuals and organizations will be made
7 after the due date of the EOI Letter has past. Mrs. Guidry complimented the Area
8 G Issues Sheet as being thorough and well done. Mr. DeLong mentioned he has
9 already received a call from Adam Rankin of the Journal North and that he
10 planned to be at today's meeting for the later portion. Mr. DeLong, as Chair,
11 commended everyone's effort on the forum thus far. This forum really 'dovetails'
12 with our mission of involving and informing the public.

13 • **(d) Environmental Monitoring, Remediation, and Surveillance Committee,**
14 **Tim DeLong**

15 Mr. DeLong referred to Mr. Gilkeson's monitoring well report. A few
16 issues have delayed the CAB and the LANL on finalizing their review of Mr.
17 Gilkeson's report, (1) the resumption program at the LANL has delayed the
18 LANL representative from making a 'rebuttal' presentation, and (2) the NMED
19 issued the Order on Consent for LANL which shifted this board's attention to the
20 Order due to the short (30-day) comment period. Mr. DeLong stated that the
21 EMS&R Committee will resume its review of Gilkeson's report and hopefully
22 will be able to schedule the LANL for their 'rebuttal' presentation at the
23 November or at the latest the December meeting. The EMS&R September
24 committee meeting was to be turned over to the Ad Hoc Committee, which was
25 formed to study the NMED Order on Consent.

26 • **(e) Community Involvement Committee, Erlinda Gonzales-path forward for**
27 **the CI Committee**

28 The Executive Committee has been discussing the currently ongoing
29 process of reformatting the CI Committee; some of the duties have been turned
30 over to the professional staff such as the newsletter, annual report, and the
31 website. Erlinda Gonzales stated that with only a few members on the committee
32 the first thing to do would be to build up the membership base and from there
33 determine the scope and work plan for the committee. Ms. Gonzales invited the
34 new members and nominees to express their interest in the CI Committee. Ms.
35 Gonzales expressed her interest in becoming more involved with the Area G
36 Forum. Ms. Guidry mentioned the Speaker's Bureau Presentation and asked Ms.
37 Novak if that had been utilized. Ms. Novak replied that Mr. DeLong had used the
38 Presentation materials for a talk he gave to the Radioactive Waste and Hazardous
39 Materials Committee of the State Legislature and Dr. Berting will be using the
40 Speaker's Bureau Presentation for the Saroff Group and Sister Cities Program.
41 Ms. Novak also mentioned the presentation is available for any member to use.
42 Mr. DeLong suggested that the new members and nominees with an interest in the
43 CI Committee contact Erlinda during the break.

44 • **(f) Ad Hoc Committee on NMED Consent Order, Introduction of Resolution**
45 **Letter from the NNM CAB**

1 Mr. Brannon wanted to commend the committee for this work. This is the highest
2 quality output he has seen from a committee of this board to a state agency in some
3 time. He commended Mr. Bearzi as well because, in his personal judgment, he hasn't
4 seen a state product with as high a quality as this Order on Consent, either. Mr.
5 Brannon submitted a few minor corrections to Ms. Novak and thanked her for her
6 work as well as the committee's work on the letter. Mr. Brannon felt that these seven
7 recommendations made in the letter were 'dead-right-on' and he recommended that
8 the Board permits the Chair to send the letter out 'as is' without any further 'word-
9 smithing'. Dr. Berting seconded Mr. Brannon's motion with the exception of minor
10 'word engineering' on the final page. Ms. Novak noted the changes for the final read
11 through. **(See CAB Letter to NMED in the Appendix of these minutes.)** Mr.
12 DeLong explained the points of the letter and stated to the Board that the Ad Hoc
13 Committee focused on the large issues; public involvement, funding, accessibility of
14 information, etc. rather than 'hang' on the details.

15 • **(f) Comments from Ex-Officio Members**

16 Mr. Bearzi stated he has not received too many comments yet on the Order on
17 Consent. Mr. DeLong asked Mr. Bearzi about the FFCA issue; what is the NMED's
18 stance? Mr. Bearzi replied that the NMED and the DOE as well are solidly for public
19 participation just as in the case of the Consent Order. But he wanted to clarify that
20 this is an agreement between the EPA and the DOE under the Clean Water Act. Mr.
21 Bearzi explained further that if the FFCA issue isn't resolved to Secretary Curry's
22 satisfaction that he won't sign off on the Order on Consent. Mr. Bearzi asked the
23 Board what their opinion was on the Airport Landfill. The plan is to level the landfill
24 to provide an eight-foot berm, and to eventually cap the waste site. Mr. Bearzi and
25 Dr. Berting discussed the issue at length. The Board may want to investigate this
26 further and determine whether it is in our purview. Mr. Bearzi later in the meeting
27 thanked the Board for their comments regarding the Order on Consent. He stated he
28 thought the comments were good ones and well thought out.

29 Dr. Taylor introduced Mr. Ordaz who is present today on behalf of the DOE. Rich
30 Mayer our EPA Ex-Officio member has been dispatched to Louisiana but he will be
31 with the Board in November. The DOE will be selecting a new Ex-Officio member
32 prior to the November Board meeting due to the fact that Dennis Martinez is
33 changing positions within the DOE. Beverly Ramsey is currently working on the
34 LANL resumption board.

35
36 **Public Comment Period**

37 Mrs. Roybal informed the Chair that no one had registered for public comment.
38

39 **The Agenda was amended to include a second reading of Amendment No. 13**
40 **to the Bylaws to consider the use of Absentee Ballots. The motion to approve**
41 **Amendment No. 13 did not receive a 2/3-majority vote. Bylaw Amendment No. 13 is**
42 **tabled until the amendment can be formally written up and will be placed before the**
43 **Board again at the November CAB meeting.**

44
45 **Discussion regarding NMED Order on Consent:**
46

1 **The LANL and the NMED can't implement the CAB's comments for the**
2 **Order without actually changing the Order itself. Which the Board felt was**
3 **unlikely to happen, however, the Board hoped the NMED would still consider the**
4 **CAB's comments seriously. There are other ways to include the CAB's comments**
5 **such as to append the Order. The Board wanted to expand the 'cc' list for the CAB**
6 **letter regarding the Order on Consent. Ms. Novak noted the additional recipients**
7 **for the letter.**

8
9 **Dr. Campbell moved to accept the letter to the NMED as revised and placed**
10 **before the Board at this meeting. Mr. Timm seconded the motion. The CAB's letter**
11 **to the NMED regarding the Order on Consent is approved unanimously.**

12
13 A first reading of the Ad Hoc Committee letter to the EPA regarding the FFCA
14 was presented. The Committee crafted a direct letter over the dinner break supporting
15 public involvement in this process, as there is outstanding precedence, etc. **Mr. Janis**
16 **made a motion to approve the letter to the EPA and Mr. Timm seconded the**
17 **motion. The Board unanimously passed the letter for Mr. DeLong's signature and**
18 **immediate dispatch. (See CAB's Letter to the EPA regarding the FFCA in the**
19 **Appendix of these minutes)**

20
21 **Comments from Board Members and Recap of Meeting:**

22 General comments from the Board reflected a good and productive meeting. Mr.
23 Riordan compared this meeting to many other types of board meetings he has attended in
24 the past and said the level of discourse from this board impressed him.

25
26 **Adjournment**

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

30
31 **Respectfully submitted,**

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37 **Timothy A. DeLong, Chair**

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42 **Appendixes:**

- 43 **1. Members and New Member Nominees Updated Biographies**
44 **2. Flyer for Tewa Oral History Presentation Series**
45 **3. "Closed Door Water Talks Worry State" by, Adam Rankin Reporter for**
46 **Albuquerque Journal North**

1 4. (2) Letters to the Board regarding Bylaws modifications and Bylaws changes
2 in Editor's Mode

3 5. New CAB Email Procedure approved by the CAB Executive Committee.

4 6. EOI Letter for Area G Forum and Issues on Area G Sheet

5 7. CAB's Letter to the EPA regarding the FFCA

6 Note: Appendix documents are available at the CAB office or copies can be
7 requested for review.

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