

Northern New Mexico Citizens' Advisory Board Meeting Minutes

**Holiday Inn
Taos, New Mexico**

Board Meeting Minutes

June 28, 2000

I. OPENING

A. Call to Order

MJ Byrne, Deputy Designated Federal Official called the meeting to order at 6:12 p.m. The following Board and Ex-Officio members were present:

<p>Board Members Present:</p> <p>Menice S. Manzanares, Chair James Alarid John Alejandro Anthony Armijo Fran Berting George Chandler Patrick Feehan Sara Galpin Janet Gerwin Tim Gallegos Jim Johnston Domingo Martinez</p>	<p>Board Members Absent:</p> <p>Joe Field James Leach Evelyn Maruska Elmer Torres Angelina Valdez Agustin Garcia</p>
<p>Ex-Officio Members Present:</p> <p>Michael P. Baker, LANL/ER MJ Byrne, DOE/DDFO Joe Vozella, DOE/LAAO</p>	<p>Ex-Officio Members Absent:</p> <p>James Bearzi, NMED Rich Mayer, EPA</p>
<p>Staff:</p> <p>Ray Armenta, Consultant Ann DuBois, PWT</p>	<p>Guest:</p> <p>Julie Canepa, ER/LANL Allen Chang, EPA Ted Taylor, DOE/LAAO</p>

B. Opening Remarks

Menice S. Manzanares welcomed members of the audience and Board members to the meeting. She explained the Mission of the Board is to focus on the Environmental Restoration Program at the Los Alamos National Laboratory. Ms. Manzanares asked Board members to introduce themselves.

C. Approval of Agenda as amended

The Board questioned the adoption of the April minutes before the report from Betty Romero. The Board decided that the minutes could be adopted before the report as it was an historical record. Sara Galpin moved that the agenda be accepted as amended. The motion was passed by consensus.

D. Approval of April Minutes

John Alejandro asked that approval of the minutes be deferred until after the presentation about procurement. Mr. Alejandro wondered if some items were in the minutes. He felt that the conversation about the contractor's contract was appropriate because the discussion was about the contract and not about performance. He wanted to be sure that the minutes accurately reflected the views of the various Board members.

Fran Berting moved, seconded by Sara Galpin that the Board approve the April minutes.

George Chandler said that what happened in April was an attempt to get information from the Board on the consultant's contract. He felt that the DOE should keep the contract in place until the Board members can make up their minds about what staffing they want. The Committees are looking at what they need to be done. What is being discussed is whether the liaison/outreach function is being performed well. He said that the function was necessary for the Board and was being performed very well by the present consultant.

Mr. Chandler suggested in his two letters to the Board that nothing was stated in the Board's bylaws about the Board's role in hiring and firing. DOE has to provide the staff to meet the Board's need's. The Board describes its need for staff and then DOE must fulfill this need. Mr. Chandler asked that the staff that the Board now has be kept until the procurement process is completed. He felt that this was a more humane way to proceed. He felt that DOE should fix this problem.

Ms. Manzanares replied that this is why Betty Romero is here tonight. The Board would like Ms. Romero to provide the Board Members with a better understanding of the federal procurement process, and then the Board can ask her questions. The Board wants to be within its purview and legal constraints.

Dr. Berting suggested that the Board approve the April minutes, hear Betty

Romero's presentation, do the Board's business and then hold the discussion about the consultant's contract at the end of the meeting.

Ms. Manzanares said that she took responsibility for the actions taken by the Board at the April meeting. She was not at the meeting to provide more background information to the Board, because she was in the hospital with pneumonia. She said she had asked the CAB's Vice Chairperson, Mr. Elmer Torres to chair the meeting in her absence. She had asked Mr. Torres to distribute the statement of work for the consultant to the Board to the members and ask them to review it and to call her with their recommended changes if they had any.

At the May meeting, the discussion focused on the Cerro Grande fire. This meeting was the first opportunity that the Board had to further discuss the consultant's contract.

The Board approved by consensus the April 26 Board minutes.

E. Approval of May 24 minutes

John Alejandro moved, seconded by James Alarid, to approve the May 24 Board minutes. There was no discussion.

The Board approved by consensus the May 24 Board minutes.

II. Public Comment

Connie Martinez, State Director of LULAC, P. O. Box 5067, Albuquerque, NM 87185

Ms. Martinez said that LULAC is one of the oldest Hispanic organization in the nation. There are twelve chapters in New Mexico

Ms. Martinez read a letter to the Board and gave copies to Ms. Menice Manzanares, Ms. Romero, Ms. Osheim, and Ms. MJ Byrne.

Max Martinez, LULAC, P. O. Box 5067, Albuquerque, NM 87185

Mr. Martinez was concerned about the consultant's contract. He said that it appears that DOE orchestrated the handling of this contract to frustrate Board members and stakeholders. The Board should not be in the position of making decisions about people's livelihood. This decision is not in the Board's mission.

He had several questions for the Board:

Has the Board updated or revised its Statement of Work?

Has the DOE prepared a new Statement of Work?

3. Who has the authority to sign this contract?

How does the Board get staffing services?

How will the contract be placed?

He planned to contact DOE Headquarters about the handling of the consultant's contract.

Holland Shepherd, 2527 Calle De Bireon Bonito, Santa Fe, NM 87505

Mr. Shepherd said that he was interested in the Cerro Grande fire and the resulting Environmental Restoration work. He looked at the information provided by the DOE and LANL. He was pleased to see the good work being done in this area. He wanted to hear the waste disposal reports and what actions will be taken to address this problem.

Allen Chang, EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202

Mr. Chang said that he brought for the Board copies of maps showing the EPA air monitoring stations that were operational during the Cerro Grande fire. He was interested in hearing the Board's responses to the reports on the Environmental Restoration work done as a result of the fire.

III. REPORTS

A. Procurement Process

Betty Romero, Assistant Area Manager for the Business Office at the DOE Los Alamos Area Office, described the procurement process used by DOE to secure consulting services. If the contract is below \$100,000, the Los Alamos Area Office issues it. If above \$100,000, the contract is issued by the Albuquerque Operations Office. Albuquerque will issue this contract.

Ms. Romero distributed a handout describing the procurement process. The methods for contracting are competition, non-competition or sole source, and a small business or 8(A) contract with a firm that is 51% owned by a socially disadvantaged firm. Mr. Garcia asked about she what meant by "disadvantaged".

Ms. Romero explained that these firms were just getting started and did not have to compete against the larger more established firms.

Ms. Romero described the status of CAB support service contract. The Program Manager extended the existing contract through June 30. If the contract were extended beyond two months, then it would be beyond scope. The present contract cannot be extended beyond June 30. The original intent of the contract determines if it is within or out of scope. The contract can be amended if it is within the original scope and intent. If these procedures are not followed, another contractor could protest the process. The draft procurement request package has been prepared. Work continues on the Statement of Work. The Albuquerque Operations Office will process the procurement of consulting services.

Mr. Garcia asked for the documentation that he requested at the April meeting. He asked Ms. Byrne for a description of the process used to extend the consultant's contract. Ms. Romero said that the Department must follow the Federal Acquisition Regulations that are supplemented by the Department of Energy Acquisition Regulations. The criteria for granting a sole source contract are:

- There is only one responsible source and no other supplies/services will satisfy agency requirements.
- There is an unusual and compelling urgency.
- There is an industry mobilization, engineering development, research or expert services.
- International agreement.
- Authorized by or required by statute, national security or public interest.

An "8A contractor" refers to the 8A Section of the Small Business Act. This act allows the Federal government to contract on a sole source basis with firms that are certified by the Small Business Administration as a contractor firm that is owned 51% by a social disadvantage individual.

Ms. Byrne said that since December, she has discussed with Board members the Statement of Work and asked what services would the Board wanted in the next year. In an effort to include the Board in making this decision, she approached the Chair and Committee Chairs. She asked the Chair and Committee Chairs to poll their members and send her what types of services they felt they were going to need in order to continue the analysis and review of environmental activities at the Laboratory. Ms. Byrne said that she regretted not being at the April Board meeting. She asked Ms. DuBois to check with the Department's contract staff and legal council before the April Board meeting and cleared the distribution of the statement of work. She asked Ms. DuBois to be sure that the statement of work was given only to the Board Members and they be asked to provide their feedback to either the Board Chair, Ms. Manzanares, or their respective committee chairs. She also asked that the Members be encouraged to call her if they had any questions. Ms. Byrne said that she wanted to protect the confidentiality of the person whose contract was to be discussed.

Dr. Feehan said that the vote to extend the consultant's contract for a year that taken at the April meeting was passed 9 to 3. He was angry that the Board has to deal with this matter.

Domingo Martinez moved, seconded by Mr. Alarid that the Board ask DOE to extend the consultant's contract until the Board can deal with the Statement of Work and go through the procurement process to select the next consultant.

Dr. Berting objected to this continuing discussion. Ms. Manzanares said that an extension to the existing contract is not legal. Ms. Romero said that another new contract would have to be issued. Beth Osheim, attorney for the DOE/Los Alamos Area Office, said that it was not appropriate to talk about this matter at this time. She asked to defer this discussion to another time.

Mr. Chandler asked to amend the motion on the floor. He proposed that the motion be "Ask the DOE to continue the services received under the present service contract until the Board can put together a Statement of Work for a new support service contract."

Ms. Manzanares said that it is not in the purview of the Board to discuss the contract. The Board should not have voted in April.

Mr. Martinez and Dr. Alarid accepted this amendment to the motion. Mr. Martinez asked if DOE could grant an extension. Ms. Osheim said that she could not tell what DOE will do if the Board takes this action. Ms. Manzanares asked if this could be a specific contract for a specific time. Ms. Osheim said that the advice given to DOE about this contract must be in writing.

The motion passed 11 to 2.

Mr. Anthony Armijo said that this motion is a request and not a mandate that DOE to extend the contractor's contract. He asked who would sign the letter. Ms. Manzanares said that as Chair she would sign the letter.

B. Effects of Cerro Grande Fire on LANL's Environmental Restoration Program

Ted Taylor, Department of Energy, Los Alamos Area Office, announced the public meetings of the Emergency Rehabilitation Team to be held each Friday at 10 AM at the Department of Energy's Los Alamos Area office, 528 35th Street, Los Alamos. These

meetings give the public an opportunity to receive updates on emergency rehabilitation efforts and to ask questions about the efforts to rehabilitate LANL property and structures. The next Public Availability Session with the Environmental Restoration Program staff will be on July 19 from 4:00 to 8:00 p.m. at the Los Alamos Area Office. Mr. Taylor described the impacts on the scheduled cleanup of LANL's historical waste sites. The focus is on the canyons to reduce the possible movement of sediments and to prevent contamination moving off LANL property.

Julie Canepa, Program Manager of LANL's Environmental Restoration Program, described the extensive evaluation given to the Potential Release Sites. LANL is required by regulatory authority to protect these sites at all times to minimize release of potential contaminants in the surface water if there is a rain or flood event. The fire burned 308 of these sites that were above the ground surface. Of the 308, 91 sites needed Best Management Practices such as installing straw wattles, log silt barriers and rock gabions to reduce sediment movement. Of the 91 Potential Release Sites, sixteen have been stabilized, and work continues on the remaining 75. These sites are located in the flood planes of the canyons. The majority of these sites are in Los Alamos and Pajarito Canyons. These 75 sites included outfalls, storm drains, septic systems, a decontaminated Reactor Facility and the canyons themselves.

Crews have excavated approximately 50 truckloads, or about 700 cubic meters of contaminated sediment from Los Alamos Canyon. The removed sediment is being taken to the Laboratory's waste disposal area located at TA-54.

Dr. Canepa described the accelerated remediation at Material Disposal Area-R. This area was LANL's high explosives Burning Ground between 1945 and 1950. High explosive residues and burned debris were disposed of on the canyon's edge. During the fire, material within the MDA -R began smoldering. On June 2, LANL began emergency fire suppression activity at MDA-R. A robotic excavator was used to remove burning debris such as tree stumps, and buried cable and the waste was then doused by firefighters. The fire was completely extinguished on June 13. Site restoration and Best Management Practices including removal of 1500 cubic yards of soil and debris were completed by June 26. Hand-held radiation detection instruments were used to survey for the presence of radionuclides. None were detected.

Dr. Feehan asked about the plutonium in the canyons. Dr. Canepa replied that Acid, Pueblo and DP canyons have plutonium, americium, strontium 90, and cesium. The fuel rods in the reactor were removed years ago. Dr. Canepa **clarified** that the New Mexico Environment Department and San Ildefonso are splitting samples with LANL or watching the collection of the samples. She said that five members of the San Ildefonso Pueblo are on the BAER Team, including the CAB's Vice Chair. Mr. Elmer Torres.

Mr. Armijo asked if the sampling plans could be shared with the Board? Dr. Canepa agreed to share this data with the Monitoring and Surveillance Committee. Mr. Armijo asked about how the monitoring stations were handling the expected flood events. Dr. Canepa said that LANL had replaced the damaged equipment with larger monitoring stations. Mr. Armijo asked about the how the storm events would be monitored. Dr. Canepa said that there is some automated monitoring and some sample splits with the New Mexico Environment Department.

Mr. Armijo asked about how the Board could get more information. Dr. Canepa suggested that he contact Ken Mullen. Mr. Mat Johansen, DOE who also served on the BAER's management team is available to brief the Board or the committees at their request.

BOARD BUSINESS

A. Chair Report

Ms. Manzanares said that the SSAB Common Values paper would be approved finally at the SSAB Chairs meeting August 3-5 at Pentax. She invited Board members to attend the Chairs meeting. Ms. Manzanares asked Board members to tell Ann DuBois or her if they are interested in attending.

Ms. Manzanares announced that Jim Johnston is the new Chair of Community Outreach Committee. New Committee members are needed. Ms. Manzanares encouraged Board members to choose Committee assignments. All Board members are expected to serve on Committees as well as attend Board meetings.

Ms. Manzanares said that Elmer Torres is serving on the BAER Team. He will continue to serve as Vice Chair until October.

Ms. Manzanares said that she watched the C-Span coverage on the LANL security hearing involving Secretary Richardson and Dr. Browne. The theme was accountability. Ms. Manzanares said that she reflected on accountability for the Board. Board members need to be at Board and Committee meetings. This is part of the commitment they made prior to their appointment. The Los Alamos Area Office needs to make the Board a higher priority. Ms. Manzanares asked Joe Vozella to request that David Gurulé or Dennis Martinez attend Board meetings. She expressed her appreciation that Joe Vozella attends several committee meetings and many of the monthly Board meetings. Ms. Manzanares said that the Deputy Designated Federal Official should be given more time to give attention to the Board. DOE should consider giving her some staff so she can give more time to the Board. Ms. Manzanares requested a meeting with David Gurulé, Fred Butterfield, and Martha Crosland to discuss giving the Board a higher priority.

Ms. Manzanares requested a tour of the Burned Area at LANL. Dr. Canepa said that Fridays are good days for this tour. Mike Baker announced that Dick Burick holds a meeting every Friday at 10 a.m. at the Los Alamos Area Office. The purpose of the meeting is to describe the progress on the Cerro Grande fire recovery. Ms. Manzanares encouraged the Board members to attend this meeting.

B. Waste Management Committee

Sara Galpin referred to the proposed recommendation on TA-54 that was included in the Board mailing packet. There is a sense of urgency on the TA-54 recommendation. Ms. Manzanares said that the Board discussed this issue at the May meeting.

Ms. Galpin asked Mr. Chandler to speak about the proposed recommendation. Mr. Chandler said that at the May Board meeting, Lee McAfee, Deputy Director of LANL's Environment, Safety and Health Division, gave three factors that went into the decision to evacuate White Rock during the Cerro Grande fire. These factors were 1) fire in the canyon above White Rock, 2) potential contamination if the fire reached TA-54 above White Rock

and 3) Frijoles canyon was closed by fire. The schedule for shipping to WIPP the waste stored at TA-54 has slipped from 2006 because money is not coming to LANL. The funds go to other sites like Rocky Flats because they have compliance agreement with their States that give priority to these sites. The fire was a scare. Nothing burned up at TA-54, but it could have and that could have been a mess. Therefore, the Waste Management Committee drafted this recommendation to accelerate the shipping schedule.

Mr. Chandler moved, seconded by Ms. Galpin, that "The Northern New Mexico Citizens' Advisory Board has become increasingly aware of the hazard posed to White Rock from potential contamination that could be released from TA-54 as a result of fire or other catastrophes, as demonstrated by the decision to evacuate White Rock during the Cerro Grande Fire.

Therefore, the Northern New Mexico Citizens' Advisory Board recommends that the Department of Energy accelerate the schedule for shipments to WIPP from the current projected completion date of 2015 to 2008 to eliminate the above ground storage of legacy TRU waste and to minimize the above ground storage of new waste."

Dr. Berting moved to amend the motion to suspend VI., C., 5., of the Board's By-Laws for the purpose of passing this recommendation. During the discussion about the move to amend the motion, Ms. Byrne was asked about whether the Board could pass a recommendation without it receiving two readings. Ms. Byrne instructed the Board to refer to their By-Laws (section VI. Decision Making, part C., subparts 4. and 5.) She said the By-Laws are the rules by which the Members have voted and agreed to conduct their business. The motion to amend was accepted by Mr. Chandler and Ms. Galpin. The motion to pass the recommendation was defeated by a negative vote from Dr. Alarid, therefore, the recommendation failed and will not be sent to DOE.

C. Monitoring and Surveillance Committee

Mr. Armijo said that the recommendation on groundwater quality was discussed at the March Committee meeting. The Committee was concerned about the potential contamination of the Santa Fe water production wells that are down gradient of Mortandad canyon.

The purpose of the Hydrogeology Workplan is to monitor the movement of the legacy waste toward current and future production wells. Mr. Armijo invited Hank Daneman, who proposed the recommendation, to the Ghost Ranch Annual meeting of the External Advisory Group for the Hydrogeology Workplan to discuss this issue. Mr. Daneman did not attend the meeting.

The Committee was prepared to propose a recommendation at the March Board meeting. However, the March Board meeting was canceled due to snow. At the April meeting, the Committee invited Amy Lewis of the Sangre de Cristo Water Company to talk about the regional water use planning. At a result of Ms. Lewis's presentation, the Committee further refined the recommendation.

The April Board meeting did not have time for Committee reports. The May Committee meeting was canceled due to the Cerro Grande fire. The May Board meeting was dedicated to providing the Board Members with information about the Cerro Grande fire. As a result of the fire, the Committee's priorities have changed. At the July meeting, the Committee

will discuss these priorities and possibly refine the proposed recommendation. The Waste Management Committee's next meeting will be held on July 17 at the CAB's office in Santa Fe at 6:00 p.m.

BOARD COMMENTS

Ms. Galpin requested that the July Board meeting agenda include an update on the Environmental Restoration Program's efforts to recover from the Cerro Grande fire.

Joani Arrends, from CCNS, offered a briefing from Dr. John Till and Dr. Frankie about the second audit of LANL's Clean Air Act compliance. This audit is the result of a court settlement between CCNS and LANL.

Ms. Byrne said that information materials from the Española Public Information Fair were available for Board members to take home. Copies of fact sheets from the World Health Organization, New Mexico State Environment Department, DOE and LANL, and an Executive Summary of the BAER Team's recommendations are on the table at the side of the meeting room for Members to take with them. There is a web site identified in the BAER Team's Executive Summary where the full report can be accessed. She encouraged Board members to attend the CCNS Workshop to be held on Saturday, July 8, from 9:00 a.m.-6:00 p.m. at the Eldorado Hotel in Santa Fe.

Ms. Byrne said that there was a rain incident this afternoon in Los Alamos. State Road 501 was closed for approximately two hours from the base of the ski hill road to State Road 4 by TA-16. The thunderstorm resulted in an approximate 4-foot depth and 30 feet wide flow of water over the road by the Water Canyon watershed. Water was also reported flowing down Pajarito Canyon above TA-18 at an approximate depth of 2 feet in the canyon bottom. She said she had printed the information she had available to her about the rain incident from her computer just before she left Los Alamos for the meeting this evening. Copies of the information are also available in the table

Ray Armenta said that Board member Angelina Valdez was absent from the meeting due to a recent heart attack that her husband had suffered. Ms. Manzanares requested that a card be sent to Ms. Valdez.

Jim Johnston reminded the Board members about the upcoming Transportation Conference to be held in November.

Adjourn

The meeting was adjourned at 9:12 p.m.

The minutes are an accurate and complete summary of the matters discussed and conclusions reached at the Northern New Mexico Citizens' Advisory Board meeting held on June 28, 2000.

Certified by:


Menice S. Manzanares, Chair Date

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