

Northern New Mexico Citizens' Advisory Board Meeting Minutes

New Mexico Highlands University
Las Vegas

Board Meeting Minutes

April 25, 2001

Board Members Present: Jim Johnston, Chair Pro Fran Berting Jim Brannon George Chandler June Fabryka-Martin Agustin Garcia Dorothy Hoard Don Jordan Angelina Valdez	Board Members Absent: Tem David Chávez (Not Excused) Valerie Espinoza (Excused) Maxine Ewankow (Excused) Richard Gale (Excused) Myron Gonzales (Not Excused) Menice S. Manzanares (Excused)
Ex-Officio Members Present: James Bearzi, Chief, Hazardous Materials Bureau, NMED M. J. Byrne, Deputy Designated Federal Official Ted Taylor for Joe Vozella, DOE/LAAO John Themelis, DOE/ABQ	Ex-Officio Members Absent: Michael P. Baker, ER Acting Director, LANL Rich Mayer, EPA
Staff:	Facilitator: Toby Herzlich

I. OPENING

M.J. Byrne, DDFO, called the meeting to order at 6:07 p.m. A quorum was established. Ms. Byrne turned the meeting over to Jim Johnston who moderated the meeting in the absence of Menice S. Manzanares, Chair.

Jim Brannon moved, seconded by Dorothy Hoard to approve the agenda as sent to the Board. The motion was passed.

Angelina Valdez moved, seconded by Don Jordan, to approve the March Board meeting minutes as amended.

II. Board Comments

Mr. Chandler reported on his conversation with Joni Arends, Concerned Citizens for Nuclear Safety. Ms. Arends is concerned about the impact of the DOE budget reductions on cleanup at LANL. Mr. Chandler said that they talked about a possible strategy for the May 24 Albuquerque Operations Office stakeholders meeting.

Mr. Johnston voiced his concern about Secretary Abraham's commitment to increase the WIPP shipments with a 60% budget cut.

Mr. Bearzi described his conversation with Joni Arends, Concerned Citizens for Nuclear Safety about possible responses to the proposed DOE budget cuts. He expressed his dismay about the Board meeting in Taos. He was aware of the obvious public concern about the proposed LANL Bio Safety Laboratory – Level 3. Mr. Bearzi felt that this report was not consistent with the Board's mission and it wasted time and taxpayers' money to hear this report. He felt that DOE should have offered another opportunity for the public to talk about the Bio Safety Laboratory – Level 3 and not used the Board for this purpose.

Mr. Garcia asked about the groundrule that states we should focus on the problem rather than on people. Ms. Herzlich said that if we focus on the problem to be solved rather than blaming someone we have a better chance of resolving the situation.

Dr. Fabyrka-Martin asked if the Board wanted to send a letter to DOE recommending that DOE have a public meeting in Taos about the proposed Bio Safety Laboratory – Level 3. She asked if some Board subcommittee handled this problem. Mr. Chandler supported the idea of holding a public meeting in Taos. If this public meeting opportunity were offered then the Board should have resisted this topic being on the Board's agenda. Ms. Byrne said that she has worked on this issue with B Division for the last year. B Division identified stakeholder groups including the Board as key group to inform. Ms. Byrne wanted the Board to know about the proposal and how communicate about it with your communities. It was just timing to have this presentation at the Taos meeting. There was no intention to have a request or a recommendation from the Board. The advertisements were increased due to the change of the meeting location. The Board was not asked for any approval but the Board is becoming recognized as a stakeholder.

Ms. Herzlich asked how the Board's agenda is formulated including the purpose of meeting, and how to focus the meeting and the Board's work.

III. REPORTS

A. Chair's Report

Ms. Manzanares was unable to attend the meeting. Mr. Johnston asked Ms. Byrne to include the Chair's items in her report.

B. DOE Report

Ms. Byrne said that Board members Ms. Manzanares, Mr. Johnston, Dr. Berting, Mr. Gale, and Ms. Espinoza met with DOE Secretary Abraham. Ms. Manzanares presented to Mr. Abraham a copy of the SSAB Statement of Common Values. She

asked Board members to sign the Common Values and it will be framed and sent to Secretary Abraham. Another copy will be kept in our office. Ms. Byrne invited Board members who would like their own copies to contact the office.

Ms. Byrne announced that DOE Headquarters has confirmed the Board's nominations. Martha Crosland, Acting Director of the DOE Office of Intergovernmental and Public Accountability called Ms. Byrne and said that there was a freeze on all appointments. Ms. Byrne responded that this freeze meant that we could no have a Board meeting. Ms. Crosland worked hard to have this freeze rescinded. The Board should express its appreciation to Ms. Crosland for her assistance in their confirmations.

Ms. Byrne reported on the search for proposed office space. The Committee included Mr. Johnston, Mr. Jordan, Dr. Berting and Ms. Byrne. Along with the staff Ann DuBois and Terra Nash, they looked at space in the current office complex and considered solicitations from one other group. At the end of this meeting, Ms. Byrne asked for a preference by Board members. Goal is to have CAB in new space in end of May. Toby designated small group with people who looked at space.

Ms. Byrne invited Board members to mark their calendars for the SSAB Chairs Conference to be held on August 26-29. The planning has started on these two full days of meetings. The facilitators from the various Boards are working on the agenda. On Sunday night, there will be a reception and a tour on Wednesday. On Tuesday afternoon, General Gordon has been invited to address the meeting.

Ms. Byrne asked that the August Board meeting be moved to Santa Fe and the Board agreed. She asked if the June Board meeting could be moved to June 20 and the Board agreed.

Ms. Byrne asked if Board members were interested in a WIPP tour. Due to the increased number of shipments, WIPP is booking fewer tours. She recommended that Board members take this tour in order to get a feeling for what the Department is doing with this project.

Ms. Byrne asked if Board members were interested in a one-day course on radiation. The course is offered by LANL staff and would be enjoyable and informative for Board members.

Ms. Byrne presented an engraved plaque to Mr. Chandler in appreciation for his contributions as Board member and Chair. Mr. Chandler shared that he has learned more about LANL by being on the Board than his 27 years of being on staff. He felt that he learned a lot and has taken away more than he gave. He encouraged the new Board members to participate and learn. Mr. Bearzi asked the Board to think what we are going to miss when Mr. Chandler is gone. Mr. Bearzi said that Mr. Chandler evolved as a member as the Board has. Mr. Bearzi observed that over time, Mr. Chandler became more hard-hitting and critical of the State and the DOE. Mr. Taylor said that Mr. Chandler was also the Chair of the Environmental Restoration Committee. Mr. Taylor added that the Board is now addressing the topics discussed with Mr. Chandler. Mr. Johnston contributed that Mr. Chandler was one of a handful of people on the Waste Management Committee and other committees as well. At the same time, Mr. Chandler was a highly respected judge in Los Alamos. Often Mr.

Chandler would hear the issues and then wrote the recommendations for the Board to consider.

Ms. Byrne distributed a biographical sketch of Mr. Taylor. Ms. Byrne announced that she is leaving to work with the Bureau of Land Management in Boise. Ms. Byrne spoke of Mr. Taylor's dedication and support for the Board. Mr. Taylor said that he was honored by the request to be the Board's Deputy Designated Federal Official. He observed that the Department needs oversight from the Board and the State to overcome blindspots. His job will be to coordinate and provide support for the Board, and staff.

Mr. Chandler said that Ms. Byrne put in lot of work for the Board, supported many changes, and the Board is better for her efforts. He thought that Ms. Byrne should be proud of her accomplishments.

Mr. Johnston said that Ms. Byrne recruited him to serve on the Board. He observed that she had two hats e.g., public affairs and the Board. Mr. Johnston expressed his concern that the work with the Board is a full-time position. He appreciated Ms. Byrne's dedicated support for the Board.

Mr. Brannon said that he was also recruited by Ms. Byrne to serve on the Board. He said that we would lose Ms. Byrne's hustle.

Ms. Herzlich observed that Ms. Byrne really cares about the Board by providing snacks and driving the van.

Ms. Valdez said that Ms. Byrne also recruited her for the Board. She appreciated how much time Ms. Byrne put in to make the Board successful. Ms. Valdez expressed her appreciation to Mr. Chandler and Ms. Byrne for being so sensitive, tender, patient and caring. When the Board asked questions, Ms. Byrne provided the information that the Board wanted.

Ms. Byrne asked if any Board member is interested in a WIPP tour in August or late fall. Mr. Brannon volunteered to find out about the schedule.

Ms. Byrne asked if Board members wanted a course about radiation. Ms. Nash said that the new Chair of the Monitoring and Surveillance Committee is June Fabryka-Martin. The Committee would like to take charge of this project. Ms. Byrne suggested that the course could be open to the public

C. Monitoring and Surveillance Committee

Mr. Garcia read his written report from January 23 that was distributed to the Board. Mr. Bearzi said that Mr. Garcia's report is what this Board is all about giving the big picture of the Board's mission.

Ms. Hoard asked what could the Board do with these ideas? Mr. Garcia suggested that his report could be published in the Board newsletter and the Board could send his report as some advice to DOE giving some perspective and awareness of what the Board is facing. His report identifies the unspoken issues that we don't often address. Mr. Johnston and Mr. Bearzi suggested that the report could be sent as a letter to the editor and also sent to Secretary Abraham. Mr. Taylor said that this report reminds

people of the big picture. He asked the Monitoring and Surveillance Committee to look at this letter. Mr. Taylor said that the focus of the environmental management plans is a species stewardship concept.

Mr. Brannon asked that Mr. Garcia's report be sent as an editorial to the newspapers. Mr. Brannon moved, seconded by Dr. Berting, that the Monitoring and Surveillance Committee could draft the editorial. The motion passed.

Ms. Nash asked that Mr. Garcia's report be put in the Board's newsletter. She asked the Committee Chairs to write an article and send it to the office soon.

D. Environmental Restoration Committee

Dr. Berting expressed her appreciation of Ms. Byrne said that she is sad to lose her as a friend and as the Deputy Designated Federal Official. She added that she is glad that Mr. Taylor has been so supportive of the Environmental Restoration Committee.

Dr. Berting introduced Ms. Hoard, the author of the Risk-Based Assumption recommendation. Board members made several suggested changes to the recommendation. The Board requested that these changes be incorporated into the next edition of the recommendation to be presented at the May meeting for a second reading.

E. Community Outreach Committee –

The Committee Chair was chairing the Board meeting. He asked Ms. DuBois to make the report. Ms. DuBois described the activities planned during the April 6 Committee meeting.

The Committee suggested a publicity strategy to inform the community about the Board meetings. Mr. Jordan suggested that we use alternative newspapers. Ms. Herzlich said that Open House events or a media release could be effective when the issue is controversial. Mr. Johnston suggested that Board members and the public visit the Board's website. Ms. DuBois said that she is working on getting electronic copies of the Department's responses to the Board's recommendations. These responses will be put on the Board's webpage. Ms. Byrne reported that DOE is working on the responses to the Board's recommendations on the Acid Canyon cleanup and the study of the ARROWPAK™ technology developed by BOH Environmental.

F. Waste Management Committee

The Committee Chair was not present at this meeting so there was no report.

G. Office Selection Committee

Ms. Nash distributed a written report on the options for office space. Mr. Brannon said that the Board members don't use the office, or control the budget. He suggested that Mr. Taylor, Ms. Byrne, Mr. Jordan, Mr. Johnston, Dr. Berting and staff be empowered to make this decision.

H. Proposed DOE Budget for FY2002

John Themelis, Acting Assistant Manager, Office of Environmental Operations and Services, DOE Albuquerque Operations announced that John Arthur has been detailed to be Deputy Manager of DOE Albuquerque Operations.

Mr. Themelis explained that his briefing will be similar to his presentation to the Board in April last year and the information presented by Mr. Arthur at the February Board meeting.

Mr. Themelis distributed a handout describing the budget overview for Albuquerque Operations. Mr. Chandler asked why the money allocated to LANL for cleanup was given to Pentax. Mr. Themelis responded that the money that Pentax used to clean up the groundwater contamination was taken out of their existing budget and they deferred other projects. He said that money was not taken out of LANL's budget for this purpose. Mr. Chandler asked Mr. Taylor about the \$5 million cut from this year's budget. Mr. Taylor responded that the cut represents the difference between the request and the final appropriation budget or \$57 to \$51 million. For FY2002 the \$63 million approved for LANL is now \$38 million, with the difference moved to Savannah River and Hanford. Mr. Themelis said that Albuquerque Operations did not take this money, this is a DOE Headquarters decision.

Mr. Themelis added that in FY2002 the money for Pentax would be increased. Mr. Taylor said that the small sites strategy implemented in 1998-1999 meant that DOE wanted to close out these sites to reduce their overhead. Pentax and Sandia considered that were small sites. Once these small sites were closed, there would be more money in the system to cleanup larger sites.

Mr. Themelis observed that once a site is appropriated funds then the site gets to keep the money. Congress will be making further changes to the FY 2002 budget. After the Office of Management and Budget approves a budget, the internal budget shifts are frozen. Ms. Byrne said that the Board previously sent a letter to Carolyn Huntoon, Assistant Secretary for the Department of Energy's (DOE) Office of Environmental Management, about the Board's concern about moving money away from LANL.

Mr. Taylor said that \$40 million cut in FY2002 would push out the clean up schedule. He added that the ER Program would receive \$51-53 million this year and next year, the budget is expected to be \$38 million. This reduction means layoffs, and detailed planning is out of the window due to the creation of new priorities. LANL will have to investigate what is least understood such as groundwater and remediate to stabilize the MDA sites.

All these activities will have to be done with the \$38 million.

Mr. Taylor clarified that other work such as monitoring on the San Ildefonso Pueblo budgeted at \$2 million work will be suspended. He said that these budget reductions might mean that DOE and LANL may reduce their staff participation in committee meetings but there may not be a dollar reduction in the Board's budget allocation.

Mr. Taylor observed that the problem is an investment failure. DOE will suspend the critical path work with NMED and pull people off the High Performance Teams. It is likely that there will be a 25% reduction in the ER work force.

Mr. Brannon observed that these cuts might not be a reality. Senator Domenici may rescue this budget. Secretary Abraham promised to double the WIPP shipments. New Mexico takes WIPP shipments from other parts of the country, now DOE cuts these budgets. He wondered if Congress would increase the allocation.

Mr. Bearzi said that DOE briefed the regulators on the DOE budget cuts. He observed that the clean up would cost more if the timeline were extended by ten years. These costs will be in the neighborhood of hundred of millions of dollars more.

Board members asked that the press release about this Board meeting refer to the budget cuts and how the Board feels.

Ms. Byrne said that she is proud of the Board, and their hard work. She asked that the Board keep their momentum, develop the FY2002 budget and workplans. She thanked James Bearzi, the Board, Committees and staff for their good work.

IV. ADJOURNMENT

The Board adjourned at 9:34 PM.

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 April 25, 2001.

Certified by:


Menice S. Manzanares, Chair Date

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