

Northern New Mexico Citizens' Advisory Board Meeting



November 7, 2018
1:00 p.m. to 5:15 p.m.
The Lodge at Santa Fe
Santa Fe, New Mexico

Minutes

Meeting Attendees

Department of Energy

1. Stephen Hoffman, Deputy Manager Environmental Management Los Alamos
2. Lee Bishop, Deputy Designated Federal Officer, Environmental Management Los Alamos
3. David Rhodes, Environmental Management Los Alamos

NNMCAB Members

1. Stanley Riveles, NNMCAB Chair
2. Cheryl Atcitty
3. Max Baca
4. Beth Beloff
5. Elena Fernandez
6. Angelica Gurulé
7. Robert Hull
8. Roger Life
9. Daniel Mayfield
10. David Neal
11. Alex Puglisi
12. Angel Quintana
13. Ulises Ricoy
14. Steven Santistevan
15. Deborah Shaw
16. Irene Tse-Pe
17. Michael Valerio
18. Jacob Griego

NNMCAB Excused Absences

1. Jacquelyn Gutierrez
2. Gerard Martínez y Valencia

NNMCAB Absences

1. Adam Duran
 2. Joshua Madalena
-

1 **NNMCAB Staff**

- 2 1. Menice Santistevan, Executive Director
3 2. Bridget Maestas, Executive Assistant
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4
5 **Guests**

- 6 1. Diane Wakefield, EM-LA
7 2. Kristin Henderson, N3B
8 3. J.C. Laul, Consultant
9 4. Scott Kovak, Nuclear Watch New Mexico
10 5. Jay Coghlan, Nuclear Watch New Mexico
11 6. Angela Meisner, New Mexico Tumor Registry
12 7. Maire O'Neil, Los Alamos Reporter
13 8. David Trujillo, Los Alamos National Laboratory
14 9. Rebecca Moss, Santa Fe New Mexican
15 10. Jessica Moseley, S&K Logistics
16 11. Michele Jacquez-Ortiz, US Senator Tom Udall's Office
17 12. Patrick Duran, Representative Ben R. Lujan's Office
18 13. Ruben Rangel, EM-LA
19 14. Steven Horak, Pro2Serve

20 ***All NNM CAB meetings are recorded. Audio CD's and Video DVD's have been placed on file for review**
21 **at the NNM CAB Office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are**
22 **intended as a synopsis of the meeting.**

1 **Minutes**

2 **I. Call to Order**

3 The meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) was held
4 on November 7, 2018 at the Lodge at Santa Fe, Santa Fe, New Mexico. Mr. Lee Bishop,
5 Deputy Designated Federal Officer (DDFO) stated that on behalf of the Department of
6 Energy (DOE) the meeting of the NNMCAB was called to order at 1:01 p.m.

7 Mr. Bishop recognized Dr. Stanley Riveles, the NNMCAB Chair. Dr. Riveles presided at
8 the meeting.

9 The meeting of the NNMCAB was open to the public and posted in The Federal Register
10 in accordance with the Federal Advisory Committee Act.

11 **II. Establishment of a Quorum (12 Needed)**

12 **a. Roll Call**

13 Ms. Bridget Maestas conducted roll call as the members arrived. At the call to
14 order, 16 members were present.
15

16 **III. Welcome and Introductions**

17 Dr. Riveles welcomed the members and the public to the meeting. He asked for
18 introductions from the board members and all attending guests.
19

20 **IV. Approval of Agenda**

21 The board reviewed the agenda for the November 7, 2018 meeting.

22 Mr. Steven Santistevan made a motion to approve the agenda as presented; Dr. Deb
23 Shaw seconded the motion. The motion to approve the agenda as presented was
24 unanimously passed.
25
26

27 **V. Approval of Minutes**

28 The board reviewed the minutes from the September 26, 2018 Board Meeting. By
29 ongoing instruction from DOE Headquarters, the minutes were previously reviewed and
30 certified by the NNMCAB Chair. Dr. Riveles opened the floor to entertain a motion.
31

32 Mr. Steven Santistevan made a motion to approve the minutes as presented; Ms. Elena
33 Fernandez seconded the motion. Dr. Riveles opened the floor discussion.
34

35 Ms. Angelica Gurulé abstained from voting.
36

37 With no further discussion, the motion to approve the minutes as presented was
38 unanimously passed.
39

40 **VI. Old Business**

41 Dr. Ricoy stated that he wanted to share with the members that Northern New
42 Mexico College has a Radiation Protection Program that teaches local students from
43 northern New Mexico. He noted that this program has been ongoing and that they are
44 having conversations with N3B to expand employment opportunities.
45
46

1 Ms. Beloff stated that N3B was invited to meet with the City of Santa Fe to talk
2 about the apprenticeship program N3B is developing. She encouraged members to
3 engage with N3B on these potential opportunities.
4

5 Dr. Riveles stated that he would like to have an update on the agenda from N3B at
6 every meeting or every other meeting.
7

8 **a. Consideration and Action on EM SSAB Chairs Recommendation**

9 Dr. Riveles stated that, "Recommendation Regarding Site-Specific Advisory Board
10 Involvement in Enhancing Stakeholder/Public Engagement" was tabled from the
11 September Board Meeting. He noted that this recommendation came from the Nevada
12 Board and was brought to the EM SSAB Chairs Meeting.
13

14 Ms. Beloff asked for more clarification and what is behind this recommendation.
15

16 Mr. Bishop stated that it is just a restatement of commitment and that this is one of
17 our core missions and it freshens up the thought process across the boards.
18

19 Mr. Puglisi asked what the mechanism to accomplish a lot of the activities in the
20 recommendation would be.
21

22 Mr. Bishop stated that in the past, the Board maintained a Speakers Bureau and
23 they asked members to go out and talk to community organizations, but they have been
24 more focused on membership and the Consent Order and open forums. He noted that it
25 takes a lot of organization and there are rules that have to be followed. Mr. Bishop
26 stated that members cannot speak for the Board, only the Chair can do that.
27

28 Mr. Schmelling stated that a lot of the information in the recommendation is a
29 collaborative effort between DOE and the NNM CAB, and the Board cannot speak for
30 DOE. He also noted that some of the activities require time and money and it may be
31 something that the Board could generally approve but the members could come up one
32 or two specific ideas appropriate for the Board. He noted that it could be a good thing to
33 do but would take some thinking.
34

35 Ms. Fernandez stated that the relationship with DOE and the public is not always
36 positive and she thinks DOE could do more to engage with the public. She noted that
37 the perception and reputation proceeds and influences any progress that N3B is making.
38 Ms. Fernandez stated that she was recently dis-invited to a community event as a
39 technical advisor and it speaks to the ongoing mistrust the public has with DOE. She
40 noted that her membership on the Board and the relationship with DOE was upsetting
41 to the community members involved. Ms. Fernandez stated that outreach would be
42 wonderful, but how does the Board do it. She noted that it is a big task to consider.

1
2 Ms. Beloff stated that it would be useful at the next meeting to have a presentation
3 on what that landscape looks like in effort to gain public trust and outreach to answer
4 general questions as well as educational materials that are currently being produced
5 and a task force be assembled to discuss a path forward.
6

7 Mr. Santistevan stated that one of his former employers developed a road show
8 display to take to public schools and community events. He noted that it would be
9 possible for the NNMCAB to do something similar.
10

11 Dr. Riveles stated that we would continue this discussion at the next meeting, he
12 suggest that Dr. Ricoy set forth a program of what the NNMCAB might do for public
13 outreach. He noted that he would like to see a survey with half a dozen questions to the
14 Board members regarding what contact have they had with the public and their
15 particular activities in this respect.
16

17 Dr. Riveles asked for a motion to entrust Dr. Ricoy with forming a group on public
18 outreach to begin the process of developing a well-considered program for public
19 outreach
20

21 Ms. Beloff made the motion; Mr. Schmelling seconded the motion.
22

23 With no further discussion, the motion to entrust Dr. Ricoy with the task, passed.
24

25 Dr. Riveles opened the floor to entertain a motion to approve the EM SSAB Chairs
26 Recommendation.
27

28 Mr. Stephen Schmelling made a motion to approve the recommendation; Ms. Irene
29 Tse-Pe seconded the motion. Dr. Riveles opened the floor discussion.
30

31 Mr. Mayfield stated that the recommendation should be pulled off the table, it was
32 on the table to take action and the Board did not take action. He noted that the action
33 that they did take with Dr. Ricoy was putting the cart before the horse and that the
34 study should come out before they take action on this recommendation.
35

36 Dr. Riveles apologized for his procedural errors but he believes the recommendation
37 says, go forth and study the problem; we have approved the motion to study the
38 problem now the Board has to approve the recommendation to go forth and do it.
39

40 With no further discussion, the motion to approve the recommendation passed.
41

42 Mr. Mayfield stated that he opposed and would like to state his reason. He stated,
43 "We have not pulled this off the table to take action on it and we follow Roberts Rules
44 of Order at this CAB."
45

1 **b. Update on Defense Nuclear Facilities Safety Board Recommendation to DOE**

2 Dr. Riveles stated that this recommendation was sent to the EM SSABs and there
3 was some support, but there was no consensus. He noted that there has been no
4 reaction by the other SSABs to the NNMCAB's recommendation. Dr. Riveles stated that
5 there would be a public hearing in Washington on November 28, 2018. He noted that
6 Assistant Secretary White would be testifying at that hearing. He also noted that the
7 New Mexico Senators asked that the DNFSB hold a public hearing in New Mexico which
8 would probably happen in February.

9
10 **VII. New Business**

11 **a. Discussion on DOE's Interpretation of High-Level Radioactive Waste**

12 Dr. Riveles stated that the reason the NNMCAB is addressing this is because they
13 approved a recommendation months ago to study the ECA report to re-interpret and clarify
14 the definition of high-level waste. He noted that the NNMCAB's recommendation was that
15 we think this is a useful study and DOE should examine the definition of high-level waste
16 and make some proposals. Dr. Riveles stated that DOE has requested comments on the
17 interpretation of high-level waste due on December 10, 2018. He does not recommend that
18 the NNMCAB weigh in on that in any particular way.

19
20 Mr. Puglisi stated that in past discussions, the NNMCAB encouraged DOE to give facts
21 and figures on how this re-definition of high-level waste would impact New Mexico and
22 WIPP and he does not believe we have seen anything from DOE on that.

23
24 Dr. Riveles stated that his interpretation from the Executive Order is that they are
25 putting forth a definition and consequences and effects are to follow.

26
27 Mr. Bishop stated that this is just a re-definition and there is no proposal on the table as
28 to where this waste would go, it would potentially qualify for commercial disposal, but no
29 site is being proposed, it is just clarifying the definition. Mr. Bishop stated that this is in
30 the Federal Register for public comment. He noted that as a Board, the members could
31 submit comments in the form of a recommendation or they could submit comments as
32 individuals.

33
34 Ms. Beloff asked if it would be useful for the NNMCAB to collect comments and send in
35 as this entity some of the concerns with respect to this as opposed to individual
36 comments.

37
38 Dr. Riveles stated that he does not feel qualified to comment on this and is not sure if he
39 understands it fully enough technically to comment on it. He also noted that the comment
40 period ends on December 10, 2018. He does not feel that the NNMCAB is in a position to
41 comment on it.

1 Ms. Gurulé stated would like more information about the different waste categories.

2
3 Dr. Riveles asked for a presentation from DOE EM to help the NNM CAB understand this.
4 He would also like NMED's reaction to it also.

5
6 With no other items to discuss, Dr. Riveles moved on to the next agenda item.

7
8 **VIII. Presentation**

9 **a. Epidemiological Data for Cancer Rates Downstream of LANL**

10 Angela Meisner, New Mexico Tumor Registry; gave a presentation to the NNM CAB
11 on "Cancer in Northern New Mexico: Epidemiological Data for Cancer Rates
12 Downstream of LANL." An electronic copy of the presentation may be obtained from the
13 NNM CAB website; <http://www.energy.gov/em/nmcb>. Video of the presentation and
14 questions is also available on the NNM CAB's YouTube Channel (NNM CAB).

15
16 **I. Public Comment**

17 Dr. Riveles opened the floor for public comment at 3:35 p.m.

18
19 Scott Kovac, Nuclear Watch New Mexico, stated that he would like to comment on the
20 Consent Order (CO) Milestones. He noted that the presentation would be after Public
21 Comment and would like the scheduling of the presentations to be looked at next time. He
22 stated that he wanted to look at the milestones for chromium and was hoping their
23 descriptions were more descriptive. He noted that some of the milestones for chromium
24 were compendiums of several other reports and his main comment was that it was hard to
25 parse out what work actually got done last year. Mr. Kovac stated that the new annual
26 meeting on the CO is about due and he is hoping to get a date today and a lifecycle baseline
27 cost amount soon and an end date for the CO work. He noted that some of the milestones
28 from last year do not show up as a milestone this year and he had a question on that.

29
30 J.C. Laul stated that he worked at LANL and that they were heavily interested in
31 Transuranic Waste. He noted that one thing they were looking before the shipments would
32 go to WIPP, the concern was if something would explode. Mr. Laul stated that he was given
33 the task by senior management to see if the drum would explode if you put so much
34 transuranic elements. He noted that due to a lack of time to summarize, maybe he could be
35 given 10 minutes at the next meeting for a presentation to show slides.

36
37 Mr. Jay Coghlan, Nuclear Watch New Mexico, stated that he wanted to address two
38 issues: 1). DOE reclassification of high-level waste; 2) Consent Order.

39 He stated that, as Mr. Bishop mentioned (not in his exact words), the DOE classification
40 of high-level waste is process oriented, where it came from. He noted that what this means
41 for high-level waste is that there is all this waste derived from the high-level waste, in DOE's
42 case, it is the reprocessing of Plutonium. He stated that the question was raised at the

1 meeting if it would have impact or not on the Waste Isolation Pilot Plant (WIPP). He
2 emphatically stated that yes it would. Mr. Coughlin stated that there are two DOE sites that
3 are driving this; Savannah River and Hanford. He noted that Savannah River has already
4 reclassified the heels, or residue/sludge, and leave it in perpetuity and that would be it for
5 cleanup. He stated that he would assert that it is not sufficient cleanup. Mr. Coughlin stated
6 that he thinks that DOE is planning on doing the same at Hanford, but bring much of that re-
7 classified waste as Transuranic waste to WIPP. He reminded everyone that WIPP is the only
8 hole in the ground and that Yucca Mountain has not politically happened. Mr. Coughlin
9 stated that they are talking 13 metric tons of excess Plutonium coming from Savannah River
10 and then you start adding TRU waste from Hanford, WIPP is already way over capacity in
11 theoretically what it might end up taking. Mr. Coughlin stated that it could have direct
12 application to the NNM CAB because it could impact the cleanup at Los Alamos. He noted
13 that the Chairman wondered out loud whether or not the NNM CAB should make a
14 recommendation with respect to this high-level waste, and stating his personal opinion, he
15 thinks the NNM CAB should.

16 Mr. Coughlin stated that regarding the CO, with the election there would be a new
17 NMED and he wanted to say a few barbed words about the senior management with
18 exception to John Kieling. He noted that Ryan Flynn, after leaving NMED, went to become
19 the highly paid Director of the NM Oil and Gas Association, which suggests that perhaps he
20 is not a true environmentalist. Mr. Coughlin also pointed out that the revised CO came
21 about Mr. Flynn approved more than 150 extensions to the original CO and then in his view
22 turned around and said that the original CO was not working. Mr. Coughlin stated that the
23 earliest negotiations in revising the CO was under Ryan Flynn and Christine Gelles, who was
24 acting manager of DOE EM at Los Alamos. He noted that they set the stage for a toothless
25 CO and now both of them are working for Longenecker and Associates, which is a DOE
26 contractor, part of N3B. He stated, "To say in my view, this doesn't pass the smell test, is to
27 put it mildly." Mr. Coughlin stated that a recommendation was made by the Chairman of the
28 NNM CAB to form a task force looking at the CO, he strongly endorses that notion. He noted
29 that the board should look at the history of how the revised CO was arrived at and look at
30 the substance. He stated that this CO is not an enforceable document and the State of NM
31 gave the store away. He noted that his recommendation was to get rid of the CO, go back to
32 square one, and renegotiate a CO that brings about real, genuine cleanup at Los Alamos.

33
34 With no further public comment Dr. Riveles closed the comment period at 3:51 p.m.

35
36 **IX. Presentation**

37 **a. Environmental Management Los Alamos Field Office Program Overview and Update**

38 Stephen Hoffman, DOE EM-LA; gave a presentation to the NNM CAB on "Environmental
39 Management Los Alamos Field Office Program Overview and Update" An electronic copy of
40 the presentation may be obtained from the NNM CAB website;

41 <http://www.energy.gov/em/nmcb>. Video of the presentation and questions is also
42 available on the NNM CAB's YouTube Channel (NNM CAB).

1
2 **X. Update from NMED**

3 Mr. John Kieling, New Mexico Environment Department.

- 4 • Triad has been on Board since November 1, 2018. They were issued a Class I
5 Permit modification prior to that activity, they are a co-permittee.
- 6 • NMED is working heavily on the Chromium amendments, LANL is still collecting
7 data to see if the remedies are amenable to use.
- 8 • Consent Order Public Meeting will be held on November 29, 2018 from 5:00 pm
9 to 7:00 pm at the Los Alamos County Chambers. Public Notices and mailings will
10 be out in the next few days. The tables with the new milestones would be
11 posted on the NMED website. Mr. Kieling will send the NNM CAB the
12 information on where to find those tables.
- 13 • Accomplishments:
 - 14 ○ In September, they issued 26 Certificates of Completion for sites at
15 Technical Area 21.
 - 16 ○ In late August, they approved 3-Mile Canyon Supplemental Investigation
17 Report
 - 18 ○ LANL came across a new site in the middle of LA Canyon, they will be
19 adding a new Solid Waste Management Unit to their CO activities.
- 20 • WIPP:
 - 21 ○ Class 3 Permit Modification for panel closure design was negotiated and
22 they sat down with the parties that requested a hearing, all the issues
23 were resolved and finalized on September 7, 2018.
 - 24 ○ Class 3 Permit Modification regarding volume of record went to a public
25 hearing in Carlsbad on October 23-25, 2018. NMED is going through the
26 post hearing proceedings on that now and would be ongoing for the
27 next two months.
 - 28 ○ This year, there have been 272 shipments of waste to WIPP from Idaho
29 National Labs, Oak Ridge, Savannah River, Los Alamos, and Waste Control
30 Specialists. There have been 5, 289 containers emplaced at WIPP.
 - 31 ○ Site audits have been completed. They are waiting for documentation
32 from Argon National Labs, AMWTP (Idaho adjunct facility), and
33 Savannah River National Lab.

34 **a. Questions**

35 Ms. Gurulé asked how many shipments were from LANL.

36
37 Mr. Kieling state he could get that information for the NNM CAB, there were two directly
38 from Los Alamos, but if you count the WCS waste, there were 31 more of those.
39

1 Mr. Bishop stated that there were shipments from Los Alamos scheduled every
2 Thursday until the Christmas holiday and they are hoping to increase to more than one a
3 week, weather permitting.
4

5 Dr. Riveles asked about the publication of the interpretation of high-level waste and
6 how NMED is preparing for that.
7

8 Mr. Kieling stated that he would have to check with his Department Secretary and will
9 have to get back to the Board on how NMED will proceed.
10

11 Mr. Bob Hull asked if the R-68 and R-69 wells are RCRA compliant and if there are any
12 other wells planned.
13

14 Mr. Kieling stated yes, they are RCRA compliant and no, there are not any others
15 planned.
16

17 **XI. Update from DDFO and Executive Director**

18 Mr. Bishop stated that in the meeting packet is a schedule of meetings for the next year
19 and the meeting in Taos at El Monte Sagrado would be a good venue for a TRU waste
20 update. Mr. Bishop stated that Mr. Hull and Ms. Beloff would be attending the Waste
21 Management Conference in March. He noted that there were open slots to attend the
22 Environmental Justice Conference on March 13-15, 2019 and anyone interested in
23 attending should submit their request to the Executive Committee. Mr. Bishop stated that
24 the Chairs Meeting would be held in early May at the Savannah River Site for the Chair,
25 Vice-Chair and one extra member.
26

27 **XII. Wrap-up and Comments**

28 Ms. Gurulé requested a future presentation on RDX.
29

30 Mr. Baca asked for an update on N3B's labor force, with a breakdown of demographics,
31 and for the January timeline, an updated budget presentation.
32

33 Mr. Schmelling requested a presentation on the remaining waste at Waste Control
34 Specialists.
35

36 Dr. Ricoy stated that he would take the lead on the ad hoc committee for public
37 engagement and he would be in touch with Ms. Santistevan regarding that task force.
38

39 Dr. Riveles stated that the action items coming from this meeting are:

- 40 • Dr. Ricoy will lead the ad hoc committee to identify the public outreach the
41 NNMCAB does now and will work on designing a more effective, comprehensive
42 system in the future.

- Getting a presentation on high-level waste and reinterpretation, noting that DOE will take the lead and NMED will participate as appropriate.
- RDX briefing.
- N3B briefing on labor makeup (workforce demographics).
- Options for waste stored at WCS.
- The NNMCAB would like to be more active in the design of the 2020 CO.
 - Ms. Beloff will head the task force on the CO.

Ms. Santistevan stated that the May 8th meeting would be changed due to the scheduling of the spring Chairs Meeting. She noted that she is tentatively looking at May 1, 2019. Ms. Santistevan stated that several members were term limited in April and would be leaving the Board and their seats would need to be filled. She asked that the members get the word out that the NNMCAB is looking for new members.

XIII. Adjournment

Mr. Bishop pointed out Mr. David Rhodes, who would be taking over as DDFO in January. He stated that he learned more from the Board than they have learned from him and he has a sense of community.

With no additional business to discuss, Mr. Bishop adjourned the meeting at 5:08 p.m.

Respectfully Submitted,



Mr. Stanley Riveles, Chair, NNMCAB

***Minutes prepared by Bridget Maestas, Executive Assistant, NNMCAB**

Attachments

1. Final NNMCAB Meeting Agenda for 11/07/2018
2. Final NNMCAB Meeting Minutes for 09/26/2018
3. EM SSAB Chairs Recommendation to the Department of Energy, "Recommendation Regarding Site-Specific Advisory Board Involvement in Enhancing Stakeholder/Public Engagement"
4. Handout, DOE Request for Public Comment on the U.S. Department of Energy Interpretation of High-Level Radioactive Waste
5. Recommendation 2018-02, "Recommendation Regarding the Energy Communities Alliance Report on Waste Disposition"
6. Presentation by Angela Meisner, "Cancer in Northern New Mexico: Epidemiological Data for Cancer Rates Downstream of LANL"
7. Presentation by Stephen Hoffman, "Environmental Management Los Alamos Field Office, Program Overview and Update"
8. Handout, 2019 NNMCAB Meeting Schedule

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