

Northern New Mexico Citizens' Advisory Board Meeting



July 21, 2021
1:00 p.m. to 5:00 p.m.
WebEx

Minutes

Meeting Attendees

Department of Energy

1. Lee Bishop, Deputy Designated Federal Officer, Environmental Management Los Alamos
2. John Evans, Environmental Management Los Alamos
3. Rhonda Ford, Department of Energy Headquarters
4. Jesse Kahler, Environmental Management Los Alamos
5. Lee Ocker, Environmental Management Los Alamos
6. Allison Scott-Majure, Environmental Management Los Alamos
7. Miquela Vargas, Environmental Management Los Alamos
8. Gary Younger, Richland Operations Office

NNMCAB Members

1. Robert Hull, Chair
2. Joshua Madalena, Vice-Chair
3. Cherylin Atcitty
4. Max Baca
5. Beth Beloff
6. Elena Fernandez
7. Ubaldo Gallegos
8. Angelica Gurulé
9. Mark Hayden
10. Patricio Pacheco
11. Steven Santistevan

NNMCAB Absences

1. Roger Life
2. David Neal
3. Stanley Riveles
4. Jenelle Roybal
5. Russell Stowers
6. Irene Tse-Pe

NNMCAB Staff

1. Menice Santistevan, Executive Director
2. Bridget Maestas, Executive Assistant

Guests

1. Catherine Juarez, Los Alamos National Laboratory
2. Rachal Allen, Environmental Management Los Alamos
3. Jeff Holland, N3B
4. Kelsey Shank, theEDGE
5. John Tauxe, Public
6. Gail Mattson, Longenecker & Associates
7. James Murphy, Public
8. Maire O'Neil, Los Alamos Reporter
9. Sterling Grogan, Public
10. Erich Evered, N3B
11. Chris Catechis, New Mexico Environment Department
12. Ricardo Maestas, New Mexico Environment Department
13. Donovan Robinson, Office of Management and Budget (OMB)
14. Matt Miller, Field Representative for Representative Teresa Leger Fernandez
15. Michael Peterson, New Mexico Environment Department
16. Fritz Hahn, Taos Town Council
17. Eric Castillo, Field Representative for Senator Martin Heinrich
18. Eric Chavez, Field Representative for Senator Ben Ray Lujan's Office
19. Neelam Dhawan, New Mexico Environment Department
20. Scott Kovac, Nuclear Watch New Mexico
21. Troy Tomson, N3B
22. David Diehl, N3B
23. Kathy Walker, N3B
24. Estevan Lujan, N3B
25. Daryl Lucero, Pueblo of Jemez
26. David Abelson, N3B
27. Patrick Migliorini, Defense Nuclear Facilities Safety Board
28. Joe Ritchey, Environmental Management Los Alamos
29. Byron Andrew, Cultural Resource Specialist, Pueblo of Jemez
30. Joe Sena, N3B
31. Wayne Barber, Exchange Monitor Publications
32. Nadia Martin, Industrial Economics, Incorporated
33. Ruth Nicholson, Facilitator, Hanford Advisory Board
34. Joe H., Public
35. Joni Arends, Concerned Citizens for Nuclear Safety
36. Jay Coghlan, Nuclear Watch New Mexico

- 1 37. Three participants signed in as “Guest”

- 2 ***The written minutes are intended as a synopsis of the meeting.**

Minutes

I. Call to Order

The meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB) was held on July 21, 2021 via WebEx. Mr. Lee Bishop, Deputy Designated Federal Officer (DDFO) stated that on behalf of the Department of Energy (DOE) the meeting of the NNMCAB was called to order at 1:00 p.m.

Mr. Bishop recognized Mr. Bob Hull, the NNMCAB Chair. Mr. Hull presided at the meeting.

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

II. Establishment of a Quorum (9 Needed)

a. Roll Call

Ms. Menice Santistevan conducted roll call for board members and guests on the WebEx. At the call to order, 10 members were present.

III. Welcome and Introductions

Mr. Bishop welcomed everyone to the WebEx and thanked the NNMCAB members for their time.

Mr. Hull stated reviewed the Agenda for the meeting and welcomed everyone to the meeting.

IV. Approval of Agenda

The board reviewed the agenda for the July 21, 2021 meeting. Mr. Hull opened the floor to entertain a motion to approve the agenda.

Mr. Mark Hayden made a motion to approve the agenda; Ms. Angelica Gurulé seconded the motion. The motion to approve the agenda passed.

V. Approval of Minutes

The board reviewed the minutes from the May 19, 2021 Board Meeting. Mr. Hull opened the floor to entertain a motion.

Mr. Mark Hayden made a motion to approve the minutes as presented; Mr. Max Baca seconded the motion. Mr. Hull opened the floor for discussion. Ms. Angelica Gurulé and Ms. Cherylin Atcitty abstained from voting, they were not in attendance for the May meeting.

With no discussion, the motion to approve the minutes passed.

VI. Old Business

a. Report from Chair/Vice-Chair

Mr. Hull stated that the Chairs Committee was working on the two charges assigned to them by the Designated Federal Official (DFO). He noted that he volunteered to

1 participate on the Strategic Vision Committee. Mr. Hull stated that they have met
2 several times and are working on ideas on how to work with stakeholders and
3 stakeholder involvement. He noted that they would be meeting the next Monday.

4 Mr. Max Baca requested a presentation on the cancer rates in the counties adjoining the
5 Los Alamos National Laboratory (LANL).

6 Ms. Menice Santistevan stated that the presentation done in the past was by the UNM
7 Tumor Registry Office. She noted that they are looking down the road at getting
8 someone not affiliated with LANL to present this topic and it is on the schedule for a
9 future meeting.

10 Mr. Hull stated that there is a list of presentations for the year that members have
11 requested. He noted that at the next committee meeting the presentation would be on
12 Natural Resource Damage Assessment (NRDA). Mr. Bishop stated that Ms. Miquela
13 Vargas would be presenting on the NRDA Program.

14 Ms. Santistevan stated that Lieutenant Governor Martinez, Director of Environmental
15 Office of San Ildefonso Pueblo would also be presenting at the next committee meeting.

16 **VII. New Business**

17 **a. Appointment of Nominating Committee for Chair and Vice-Chair Elections in August**

18 Mr. Hull stated that Ms. Cherylin Atcitty and Ms. Elena Fernandez agreed to serve as the
19 nominating committee for the NNM CAB elections for Chair and Vice-Chair. He noted that
20 anyone else wanting to be on the committee could let Ms. Santistevan know. Mr. Hull stated
21 that Ms. Atcitty and Ms. Fernandez would be contacting the members for nominations for
22 Chair and Vice-Chair for the upcoming election in September.

23 **b. Other Items**

24 Mr. Hull stated that the NNM CAB has several members that would be termed out and five
25 new applicants, but the nomination package had not been approved yet.

26 Mr. Hayden asked about the issue with the nomination packet and if there was a
27 mechanism in place to extend terms if the packet is not approved in a timely manner.

28 Mr. Hull stated that the NNM CAB has no authority in that regard, it would come from
29 Headquarters. Ms. Santistevan stated that the Savannah River Board has been operating
30 with six members and conducting business as usual. She noted that the members are still
31 involved in the meetings but cannot vote.

32 Mr. Bishop stated that they are making progress with the packet and it was with the White
33 House Liaison.

34 Mr. Hull stated that a few months ago he recommended changes to the Bylaws and Ms.
35 Angelica Gurulé reviewed them and made revisions. He noted that Ms. Santistevan
36 submitted the revised Bylaws to the DFO, and she has had them for about three months.
37 Mr. Hull stated that he was pushing them because they cover issues on how the NNM CAB
38 will operate going forward.

39 Mr. Baca stated that when he started on the Board shirts were purchased for the members.
40 He asked if there were funds to purchase shirts for the Board members.
41

Mr. Bishop stated that he would take note of that and get with the contracting officer and the new site manager to discuss it.

VIII. Update from EM-LA

Mr. Bishop stated that Mr. Hoffman extended his apologies for not being able to be at this meeting. Mr. Bishop stated that Mr. Michael Mikolanis was named the new EM-LA Site Manager and would be starting on August 15, 2021. Mr. Bishop stated that Mr. Mikolanis was coming from the Savannah River Site.

COVID Impacts

Mr. Bishop stated that they are following CDC Rules with DOE direction in New Mexico. He noted that the Federal facilities are at full capacity again. The Federal workforce is about 90% fully vaccinated. Mr. Bishop stated that they are slowly restarting operations. The cleanup contractor has almost all of their people back in the field. He noted that as we move forward it is a whole new normal with hybrid meetings and telework. He also noted that some employees have made the transition into full time telework.

Middle DP Road

Mr. Bishop stated that they are digging about 130 potholes with a backhoe down to the tuff. He noted that there is a webpage on N3B's website that has a weekly update. Ongoing sampling. Is continuing to determine the extent of removal. They are finding some debris and the soil is not contaminated and some of the debris tends to be contaminated. They are working with NMED to approve their solid waste management assessment plan for Middle DP Road.

Chromium Plume Interim Measure

Mr. Bishop stated that the Chromium project is almost 100% operational. They have some supply issues to keep working, the supply issues are left over from the pandemic. They have pulled the Chromium plume back about 500 feet from the Pueblo de San Ildefonso boundary line. They continue to do characterization and modeling to help them understand how they can install wells out there. The funding plan is to add three additional wells in the next eighteen months.

TRU Waste Shipments

Mr. Bishop stated that this fiscal year they have shipped 30 shipments of Transuranic (TRU) waste to Waste Isolation Pilot Plant (WIPP). This calendar year, they have shipped seventeen shipments to WIPP. He noted that Ike White, EM-1, Undersecretary for Environmental Management, has requested that they adopt a goal of trying to get 35 shipments to WIPP this calendar year. Mr. Bishop stated that they continue to work with NNSA and Triad to use the RANT Facility and combine shipments to ship to WIPP.

Budget

Mr. Bishop stated that there was nothing new on the 2022 budget. The President's budget was proposed at \$333 million for EM-LA and is an increase from the previous budget of \$226 million. With all budgets, the Senate and the House needs to work on their budget and come up with a resolution before October 1st and if not EM-LA has carryover to continue to operate.

Consent Order

Mr. Bishop stated that they held a public meeting right after the last NNMCAB meeting. He announced there the opportunity for the public and the NNMCAB input on what Appendix B milestones and targets should look like. He noted that email website will remain open for anybody to make comments. They have only received a couple of comments.

I. Update from N3B

Mr. Troy Thomson, Acting Program Manager for Environmental Remediation (ER) for N3B, stated that a lot of field work is going on at N3B. He noted that the April through May 2021 progress report is included in the NNMCAB's meeting packet.

Middle DP Road – as of the week before this meeting, they had completed roughly 85% of the planned excavations at the site. They are in a phase of the 85% where roughly 105 potholes have been done. A LANL Hazmat crew responded a few weeks back for an amber glass bottle with liquid that was found at the site. They took initial analysis of the radiological and chemical side and took the Ph levels on the outside of the bottle with was around the 6-7 range (right around a Ph of water). They still need to get information from the inside of the bottle. The next phase would be getting the bottle to an analytical lab or a site for disposition. They are continuing to work that in a systematically and orderly process. They have also identified some contaminated debris at the site. They continue to over excavate to ensure that they have removed all of those materials.

WIPP Shipments – For perspective, last fiscal year (FY) N3B completed 5 legacy TRU waste shipments to WIPP. In FY 19 they had completed 16 legacy TRU waste shipments. For the N3B contract to date, they have completed 51 TRU waste shipments to WIPP. They are continuing to work to get the additional shipments that have been identified as targets this year.

TA-54 – N3B began a new processing line at TA-54 for remediating containers of low-level liquid waste. These containers have liquid in them which came from a precipitation event. In this processing line, the liquid is removed by adding an absorbent to the containers so it the liquid will no longer be a free liquid in the containers. The containers are then resealed and stored in a safe configuration for shipment offsite for disposal.

Consent Order – This last quarter they had five Consent Order milestones that were submitted to NMED. The most recent of those milestones was the corrective measures evaluation (CME) for Material Disposal Area (MDA) C.

DOE staff is coming back in to work. N3B has continued to be in the field and performing a lot of field work. They are going to start bringing some of their administrative and technical staff back to work as well in a phased approach. They are working hand in hand with EM-LA.

II. Update from New Mexico Environment Department

Mr. Chris Catechis, Deputy Director for the Resource Protection Division, stated that they are planning for personnel to return to work by August 9th.

LANL Update – The Consent Order annual planning process Appendix B for FY 2021 was not finalized because of dispute resolution with the NMED lawsuit. They have not started

discussions on the next FY milestones or targets. They are due to be in front of a judge in November.

DP Middle Road Site Contamination – NMED was notified of the additional material that was found and that the container was in a central accumulation area and they are looking forward to characterization of that material.

Chromium Groundwater Contamination – Chromium plume control interim measures are currently operational. CrEx-3 was shut down on June 18th because of a low stock of bag filters due to Covid-19.

- NMED sent a letter directing DOE to submit a work plan for the rehabilitation of R-28 and R-42 monitoring wells. Those wells were adversely impacted by the Chromium amendments pilot study. They are anticipating both management and technical discussions on this. The work plan was due at the end of May and a 30 day extension was given and another 120 day extension was given on July 7th. DOE wants to continue to conduct purges of the wells to determine if they can be rehabilitated. A Notice of Deficiency was sent to DOE on the Chromium Semi-Annual Progress Report on July 9th. DOE is planning to commence drilling at the well R-72
- DOE is planning to commence drilling for a new monitoring well R-72 in the southwestern portion of the chromium plume and it is set to begin on July 29th.

LANL Permit Related Activities

- The renewal application is currently under review. NMED had determined it was administratively incomplete. The determination was sent to DOE and a 60-day extension was granted in May and DOE is working to address those.

WIPP Update

The Class 3 Permit Modification hearing was held on May 17th. It was a virtual hearing on the permit for the new air shaft. They are waiting on the hearing officers report to make a determination on that.

The 10-year permit renewal is still under technical review at NMED. The expired permit is still in place and is legally binding until the permit is extended.

A new Class 3 modification came up for panels 11 and 12. They have not had anything official come in yet. They were notified to anticipate something coming in late summer or early fall 2021. A Town Hall would be held on the Class 3 modifications would be held on Monday morning.

Shipments Update

January 1st through July 19th – 71 shipments from Idaho National Laboratory, 27 from Los Alamos National Laboratory, 18 from Oak Ridge National Laboratory, 1 from Waste Control Specialist (LANL waste).

I. Public Comment

Mr. Hull opened the floor for public comment at 2:45 p.m.

Mr. Scott Kovac, Nuclear Watch New Mexico, thanked everyone for allowing him to address the NNMCAB. He stated that he would like to focus on MDA C and the CME that came out

1 last week or the week before. He noted that he does not get where DOE has a clause that
2 grandfathers in pre 1970's waste and with this clause, it is about losing environmental
3 regulation put into effect. DOE believes that anything buried before 1970 can be left there.
4 He would like to retract from this rule. One of the main rules was the 1,000-year exposure
5 period. The CME states a couple of times that this could be done with the waste at MDA C
6 and it could be protected by cap and cover for at least 1,000 years. He stated that it is such a
7 large number. It also states that Los Alamos doesn't have to follow the requirements of DOE
8 Order 435.1. However, there are other DOE Orders that still need to be followed. Mr. Kovac
9 stated that we need to keep in mind that the CME itself actually mentions DOE Order 435.1.
10 DOE believes that cap and cover will be protective of human health and the environment for
11 1,000 years. He noted that there are other DOE Orders such as 458.1, and it says compliance
12 may be demonstrated by calculating dose to the representative person or to the MEI. Mr.
13 Kovac stated that LANL claims that the cap and cover will be protective for 1,000 years.
14 However, MDA C is loaded with radioactive TRU wastes. Therefore, Area C should be
15 required to meet DOE regulations for TRU wastes containment for 10,000 years. The WIPP,
16 which was built to dispose of transuranic wastes, meets DOE's requirement of a reasonable
17 expectation of containment for 10,000 years and is 2,150 feet deep. Area C is 25 feet deep
18 at the deepest and should not be allowed to become a permanent dump for plutonium and
19 other dangerous transuranic bomb-making materials. Mr. Kovac stated that LANL has an
20 even shorter-term view when it comes to physically protecting MDA C. Institutional controls
21 (such as fences) are planned to limit the potential for future exposure to buried waste and
22 contaminated soil. These controls are assumed to remain in place for only 100 years. A
23 meaningless restrictive covenant will be placed on the deed and recorded locally and in an
24 institutional controls database. Active monitoring and maintenance will be performed for a
25 mere 100 years. But what happens for the next 9,900 years?

26 Mr. Jay Coghlan, Nuclear Watch New Mexico, stated that he would like to start on a cheerful
27 note that he is feeling more optimism about the prospects for general cleanup at LANL. It is
28 precipitated by the fact that the NMED sued DOE to terminate the Consent Order and then
29 subsequently DOE saw fit to increase funding for cleanup by 33%. He noted that in general,
30 it seems that New Mexico's State Legislators are questioning DOE activities and the State
31 more and more. This has more to do with WIPP than it does anything else. Mr. Coghlan
32 stated that he is trying to paint a picture of grounds for optimism that they can make great
33 progress. Mr. Coghlan stated regarding MDA C, if there is any waste dump at Los Alamos
34 that would be suitable for excavation, it would be the appropriate treatment as opposed to
35 the proposed cap and cover. He noted that it is not deeper than 25 feet. Mr. Coghlan noted
36 that it was already stated that DOE proposes what he calls clean up on the cheap, cap and
37 cover for a mere \$12 million when at the same time DOE is asking Congress for \$1 billion for
38 pit production in FY 2022 alone. He stated that there is a high disparity of the money right
39 there. Mr. Coghlan stated that they released a press release today and in it they quote a
40 very important lab study and the quote is on the inevitability of more contaminants hitting
41 the groundwater over time. Cap and cover is not going to eliminate that drip and he thinks
42 they need to take long term measures that protect groundwater for prosperity and for all
43 time. Mr. Coghlan stated that he would like to go back to the 2008 Site Wide Environmental
44 Impact Statement which gave a very detailed analysis of cleanup options, but it only
45 proposed two on either extreme. The first was cap and cover and the other was full
46 exhumation with offsite disposal and the latter is very expensive. Mr. Coughlan suggested to
47 the NNMCAB that there could be middle ground and specifically what Nuke Watch supports

1 is exhumation and full characterization of the waste because we do not know what is there.
2 He noted that cleanup can be safely done with the example of MDA B which had a mobile
3 enclosure to contain ambient contamination and used remote excavators to protect
4 workers. Mr. Coghlan recommends exhumation and full characterization of the waste and
5 recycle what can be recycled, send the TRU waste to WIPP, and re-bury the low-level waste
6 in a modern landfill that is lined and has a leachate collection system.

7 With no further public comment Mr. Hull closed the comment period at 3:02 p.m.

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9 **II. Presentation**

10 Mr. David Diehl, N3B, gave a presentation titled, "Revised Corrective Measures Evaluation
11 for MDA C" An electronic copy of the presentation may be obtained from the NNMCAB Staff
12 (menice.santistevan@em.doe.gov or bridget.maestas@em.doe.gov or by calling (505) 989-
13 1662.

14
15 **III. Presentation**

16 Ms. Ellen Gammon, N3B, gave a presentation titled, "Legacy TRU Waste Challenges for EM
17 at LANL's TA-54, Including Difficult Waste Streams" An electronic copy of the presentation
18 may be obtained from the NNMCAB Staff (menice.santistevan@em.doe.gov or
19 bridget.maestas@em.doe.gov or by calling (505) 989-1662.

20
21 **IV. Questions and Discussion Regarding Possible Recommendation(s)**

22 Mr. Hayden discussed the background and read through the Recommendation 2021-02,
23 "Clean Up Milestones, Targets and Goals Under the Consent Order" that was sent to all the
24 members in email.

25 He noted that the recommendation is still in draft form and is asking the members for
26 comments and revisions before being published.

27 Mr. Hull stated that the recommendation could be more than one recommendation and
28 that the main objective was to get the recommendation in the hands of the NNMCAB before
29 the next meeting on August 18, 2021.

30 Mr. Hull asked if there were other recommendations to work on or propose. Hearing none,
31 he turned the meeting over to Mr. Bishop for adjournment.

32
33 **V. Adjournment**

34 Mr. Bishop thanked the members for their participation. He thanked the speakers and Ms.
35 Santistevan for a great meeting.

36 With no additional business to discuss, Mr. Bishop adjourned the meeting at 4:49 p.m.

1 Respectfully Submitted,

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3 Mr. Robert Hull, Chair, NNMCAB

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

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6 **Attachments**

- 7 1. Final NNMCAB Meeting Agenda for 7/21/2021
- 8 2. Final NNMCAB Meeting Minutes for 05/19/2021
- 9 3. Biography, David Diehl, MDA Remediation and Closure Program Manager
- 10 4. Presentation by David Diehl, "MDA C Corrective Measures Evaluation Report"
- 11 5. Biography, Ellen Gammon, TRU Waste Management Director
- 12 6. Presentation by Ellen Gammon, "Legacy TRU Waste Challenges for EM at LANL's TA-54,
- 13 Including Difficult Waste Streams"
- 14 7. N3B Progress Report, April 2021 – May 2021

15 **Public Notice:**

16 *All NNMCAB meetings are recorded. Audio CD's will be placed on file for review at the NNMCAB

17 office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are intended as a

18 synopsis of the meeting.