

Northern New Mexico Citizens' Advisory Board



Joint Committee Meeting

June 23, 2021

1:00 p.m. to 4:00 p.m.

WebEx

Minutes

Meeting Attendees (Via WebEx)

Department of Energy

1. Kirk Lachman, Manager, Environmental Management Los Alamos
 2. Lee Bishop, DDFO, Environmental Management Los Alamos
 3. David Nickless, Environmental Management Los Alamos
 4. Cheryl Rodriguez, Environmental Management Los Alamos
 5. John Evans, Environmental Management Los Alamos
 6. Lee Ocker, Environmental Management Los Alamos
 7. Miquela Vargas, Environmental Management Los Alamos
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NNMCAB Members

1. Bob Hull, Risk Committee Chair
 2. Mark Hayden, Consent Order Committee Chair
 3. Cherylin Atcitty
 4. Beth Beloff
 5. Elena Fernandez
 6. Ubaldo Gallegos
 7. Angelica Gurulé
 8. Roger Life
 9. David Neal
 10. Patricio Pacheco
 11. Jenelle Roybal
 12. Irene Tse-Pe
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NNMCAB Staff

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

1. Joe Ritchey, EM-LA
2. Jeff Holland, N3B
3. James Murphy, Public
4. Gail Mattson, N3B
5. Stephanie Gallagher, EM-LA

- 1 6. Scott Kovac, Nuclear Watch New Mexico
- 2 7. Linda Matteson, Los Alamos County
- 3 8. Stephanie Stringer, NMED
- 4 9. Kelsey Shank, theEDGE
- 5 10. Michael O. Erickson, N3B
- 6 11. Daryl Lucero, Pueblo of Jemez
- 7 12. David Abelson, N3B
- 8 13. Eric Castillo, Field Representative for Senator Martin Heinrich's Office
- 9 14. Felicia Aguilar, N3B
- 10 15. Neelam Dhawan, NMED
- 11 16. Maire O'Neil, Los Alamos Reporter
- 12 17. Danny Katzman, N3B
- 13 18. Ruth Nicholson, Hanford
- 14 19. Miguel Vigil, Public
- 15 20. Steven Horak, EM-LA
- 16 21. Amanda White, N3B
- 17 22. Nadia Martin, Industrial Economics, Incorporated
- 18 23. Kathryn Keenan, N3B
- 19 24. Emily Day, N3B
- 20 25. Joe Legare, N3B
- 21 26. Troy Thomson, N3B
- 22 27. Kim Lebak, N3B
- 23 28. Wayne Barber, Weapons Complex Monitor
- 24 29. Elicia Williams, EM-LA
- 25 30. Candace Carpenter, Government Accounting Office
- 26 31. Kristen Henderson, N3B

27 *** 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) Joint Consent Order and Risk Management and Evaluation Committee was held on June 23, 2021 via WebEx.

Mr. Bob Hull, Risk Committee Chair, called the meeting to order at 1:00 p.m.

II. Introductions

Mr. Hull welcomed everyone to the meeting. Ms. Santistevan asked for introductions from the members and guests on the WebEx.

III. Approval of Agenda

The board reviewed the agenda for the June 23, 2021 meeting. Mr. Hull opened the floor to entertain a motion.

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

IV. Approval of Minutes

The board reviewed the minutes for the April 14, 2021 meeting. Mr. Hull opened the floor to entertain a motion.

Ms. Beth Beloff made a motion to approve the minutes; Mr. Mark Hayden seconded the motion. The motion to approve the agenda passed. Ms. Angelica Gurulé abstained from voting, she was not present for the April meeting.

V. Old Business

Mr. Hull stated that there was no Old Business to discuss.

VI. New Business

Mr. Hull stated that the next regular meeting would be July 21st and at the meeting he would be asking for members to volunteer to serve on the nominating committee for the election of Chair and Vice-Chair of the NNMCAB. He noted that it was moved up due to planning for the EM SSAB Chairs Meeting the week of October 4th in Idaho.

Mr. Mark Hayden stated that he had a question for the group because he has an ongoing conflict with the State Use Council Meetings on Wednesday afternoons. He asked if members would be willing to consider changing the meetings to another day or on Wednesday mornings. Mr. Bishop stated that the NNMCAB staff would be available to host the meetings any time the members choose. Discussion on the topic continued with a resolution that Ms. Santistevan would send an email to the members to choose from three options: 1) Keep meetings as is 2) Change to Wednesday mornings 3) Change to Thursdays or another day of the week.

Mr. Dave Neal asked about WebEx meetings versus hybrid meetings and asked how soon we will get out of the WebEx meeting format. Mr. Bishop stated that they are getting indications from the Designated Federal Official that the new normal would be a hybrid

meeting format. He noted that the earliest that the hybrid format could happen is for the September meeting. Mr. Bishop stated that the biggest challenge is to find the right company to support the technology needs to run a hybrid meeting.

VII. Update from EM-LA

Mr. Kirk Lachman stated that this would be his last meeting. He stated that EM-LA is still working under Covid guidelines and working to return to a more fully staffed office, but for the time being they are still at a maximum telework posture.

Middle DP Road – Around 100 of the 124 Sample locations have been completed. Contamination was found in three locations as it was expected to be.

WIPP Shipments – 29 shipments have been shipped to WIPP this year. Their goal was to ship 30 shipments total in FY 2021, they will meet and exceed that goal. N3B is using NNSA's Radioassay and Nondestructive Testing (RANT) facility for EM Transuranic shipments. The contractor self-identified some Safety Basis issues and they are working through them in a diligent and methodical manner, and they are on a slight pause on their shipments.

Mr. Lachman thanked the NNM CAB for their efforts and their volunteer work on the Board. He also thanked the public and stakeholder organizations for the interest in their work. He noted that the Environmental Management Cleanup Forum would be tomorrow (June 24th) and he encouraged full participation at that forum. Mr. Lachman stated that they would like to hear what work the public would like them to do under the Consent Order in the out years.

Mr. Bishop stated that the nomination package for the NNM CAB has cleared the White House vetting and was coming back to Headquarters for approval with EM-1. He noted that in the next recruitment effort there will probably be some new standards as far as what diversity is defined as. He noted that the NNM CAB would like to recruit more female members, a younger age spread, and a more educational spread for the Board.

Mr. Bishop stated that the NNM CAB is looking at a hybrid meeting format for the September meeting. He stated that he is assuming that the Idaho EM SSAB Chairs meeting will have some type of hybrid meeting as well.

VIII. Update from N3B

Mr. Joe Legare stated that he would like to emphasize what will happen at the Cleanup Forum. Mr. Legare stated that he has had questions at previous NNM CAB meetings about budget and carryover money. He noted that in terms of carryover, at the end of Fiscal Year (FY) 2018 they were at about 44% carryover in relations to all the money that was provided by Congress to EM-LA and then to N3B. He stated that they have been working on that and putting systems in place to ensure that they increase their focus on getting the money to the field (the TRU and ER Programs). Mr. Legare stated that the amount has gone down every year they have been there and at the end of this year they will be at about 10% true carryover.

Middle DP Road – They are out potholing following the NMED approved plan to investigate that area to ensure that there are no concerns with contamination.

Aggregate Areas – They are out in the field in the southern external boundaries. A lot of sampling work and boreholes were done there. This was a milestone for FY 2021 and the report will be submitted by the end of August as required by the schedule from DOE and NMED.

Surface Water Samples – They are out taking surface water samples for the first time in a long time. They check for contamination in the areas.

Groundwater Program – They are out working on these campaigns year-round. They are out every three weeks on a new campaign.

TRU Waste Operations – They are working through some analysis issues to ensure the activities they are performing are being performed under the proper nuclear safety analysis. They have shipped 29 shipments this FY and they intend to ship more this year.

Mr. Legare stated that this was a quick summary of the activities they are performing, and he would discuss them in more detail at the cleanup forum on June 24th. He noted that the forum would begin at 5:30 pm and the link to the meeting is posted on their website.

IX. Update from NMED

Ms. Neelam Dhawan stated that Mr. Kevin Pierard retired on June 11th and Mr. Ricardo Maestas was nominated as the Acting Bureau Chief. She noted that Ms. Stephanie Stringer has become the Deputy Secretary and Chris Catechis is the Acting Director. Ms. Dhawan stated that she has one new staff member, Mr. Michael Peterson.

Middle DP Road – They are getting updates from LANL and it looks like the work is progressing and there have been three locations that they have found contamination. They are packaging and shipping it out and NMED is pleased with the progress.

Consent Order – NMED received documents on the proposed dates for the milestones and targets, but they never finalized it and it went into litigation. NMED has now been told that DOE will be discussing next years milestones and targets with them.

Chromium Interim Measure (IM) – CrEx-3 was shut down and taken off the IM because of filter shortages. LANL has decided not to use it for the time being. Well R-25 there were some problems, and they are discussing with the Office of the State Engineers to define what a path forward looks like.

Aggregate Areas – NMED has a meeting on June 24th to discuss the progress of the aggregate area project. They did meet on Chaqueue Canyon and it looks like some of the work may move into the next phase. They have the Phase 1 Investigation Report in-house and NMED has provided comments and DOE has responded and they will be discussing those. They met on Pueblo Canyon Periodic Monitoring Report, the plan with DOE, they provided some Draft comments and they met on the response, so they are close to finalizing and approving it.

LANL Permit Related Activities – NMED sent an Administratively Incomplete Letter to Triad. Triad requested and extension and they gave it to them.

WIPP Update – Shipments: January 1st to June 22nd – total containers emplaced 1,802, and the total shipments were 88. Breakdown: 54 from Idaho National Laboratory; 23 from Los Alamos; 10 from Oak Ridge National Laboratory; 1 from Waste Control Specialist.

Audits:

Sandia National Laboratory – June 22-24, 2021

Argon National Laboratory – July 20-22, 2021

Lawrence Livermore – August 17-19, 2021

Mixed Waste Treatment Project at Idaho – September 21-23, 2021

X. Presentation

a. Rollout of Appendix B

Mr. Lee Bishop, EM-LA, gave a presentation on “Compliance Order on Consent Annual Planning Process for Fiscal Year 2022”. An electronic copy of the presentation may be obtained from the NNMCAB website; <http://www.energy.gov/em/nnmcab>.

XI. Public Comment

Mr. Hull opened the floor for public comment at 2:59 p.m.

Mr. Scott Kovac, Nuclear Watch New Mexico, stated that the NNMCAB needs to be really careful with moving the meeting times because it is difficult, he personally has a lot of meetings scheduled around the NNMCAB meetings. Mr. Kovac would like to say goodbye to Mr. Lachman, he thanked him for his work at EM-LA and WIPP. Mr. Kovac stated that as far as Appendix B goes and what should be on it, some of the achievements like the Certificates of Completion are good to be on that. He noted that items like investigation reports or Certificates of Completion that describes work that is completed is one thing, but the periodic monitoring reports should not be part of the milestones. He stated that public meeting should not be milestones either. He would prefer to see milestones that involve shovels, backhoes, reports on removal of waste or actual cleanup are where the milestones should be focused. Mr. Kovac stated that what wasn’t covered at this meeting was the DOE budget which he thought was good news. He noted that Volume 5 gave Los Alamos a huge increase in funding for the request for FY 2022. He noted that it went up from \$226 million last year to a request of \$333.5 million this year. Mr. Kovac stated that a big chunk of that was the D&D of the excess facilities at \$58 million for the Ion facility and even without that, the subtotal would still be around \$275 million. Mr. Kovac stated that he would like to know if the Ion facility cleanup was requested EM-LA or N3B. He would like to know how it gets funded and who will take care of that. He asked if it was an N3B issue or an NNSA issue. Mr. Kovac stated that the Volume 5 budget request for EM still gave a 2036 end date for cleanup at Los Alamos which was the same as previous years. He noted that it gave a new high estimate total for cleanup at Los Alamos at \$8.4 billion. He also noted that it its good to see an increased budget estimate. Mr. Kovac stated that he agrees with Ms. Vargas on getting an NRDA presentation, he thinks it would be a very interesting presentation.

With no other public comment, Mr. Hull closed public comment at 3:06 p.m.

XII. Questions and Discussion Regarding Possible Recommendations

Mr. Hull stated that in the meeting packet there is a response from Mr. Bishop to questions that Mr. Hull and Mr. Hayden had regarding certain NNM CAB agenda items. Mr. Hull turned it over to Mr. Hayden to discuss questions that were not completely addressed. Mr. Hayden stated that what they really want to look at is long term goals and not targets since they are exceeding two years and find out what those plans are even if it is in a brief format to give the members some idea of where the campaigns are headed. He noted that to the extent where there are updates, he would like a routine agenda item for updates or if a written letter is needed on a periodic basis to get those updates, in particular the legal issues that cannot be answered now.

Mr. Bishop stated that he would be more than happy to update the issues as they come along.

Mr. Hull asked if there was an interim replacement for Mr. Lachman. Mr. Lachman stated that Mr. Stephen Hoffman would be the Acting Manager for EM-LA until a permanent replacement is announced.

NNMCAB Members held a discussion on a Consent Order Recommendation – Mr. Mark Hayden will draft a recommendation and send it out for member comments. Ms. Beloff will work with Mr. Hayden on drafting the recommendation.

XIII. Closing Comments

Mr. Gallegos stated that as an Advisory Committee, he sees them as doing the rough notes and anything having to do with the Consent Order and getting a project cleaned up on the EM-LA side of things the members aren't writing the legal briefs or any of the requirements that go into the Consent Order. He sees the NNM CAB at the draft end of things. He noted that he thinks the NNM CAB should focus on what they see as priorities or if they need to prioritize anything.

Ms. Fernandez stated that she would like the NNM CAB to reengage outreach to the community and stake holders who the NNM CAB is and what they do for the community. She noted that she has spent time explaining how the NNM CAB is different from the RCLC to community members. She would like to build trust in the community.

Mr. Hull stated that one of the charges at the EM SSAB Chairs meeting has to do with outreach and coming up with a strategy that all of the advisory boards will be able to utilize. He noted that there is a committee of Chairs and Vice-Chairs that are working on a white paper on what they believe to be the approach to use nationwide. Mr. Hull stated that they should invigorate the Outreach Committee again and consider what are the things that they

1 can do. He noted that they needed somebody from the NNMCAB to take that on. Mr. Hull
2 stated that they are looking at the NNMCAB Website.

3
4 Mr. Bishop stated that they are updating the EM-LA Website and they are going to try and
5 use the same contractor to update the NNMCAB website as well. He would like the
6 member's input on how they would like the NNMCAB Website to look. Ms. Fernandez asked
7 if the website would be under the DOE brand or outside of it. Mr. Bishop stated that he
8 would like to have a stand-alone website. He would like to get a small committee together
9 to discuss what the members would envision the website to look like and present it to the
10 entire NNMCAB membership.

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12 Mr. Life stated that he would like to have more in person meetings to have the opportunity
13 to visit with members and get to know each other individually.

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15 Mr. Neal stated that he would like to be invited to the meeting with the website
16 development.

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18 Ms. Fernandez asked if they should give their names now for the outreach and website
19 development. Mr. Hull stated that anyone wanting with work on either should contact Ms.
20 Santistevan. Ms. Fernandez stated that as a former website developer she would like to be
21 on the website committee.

22
23 Ms. Gurulé asked Mr. Bishop when he would need a recommendation by. Mr. Bishop stated
24 that this would be ongoing for a couple of months and by the July meeting have a draft that
25 could be voted on.

26
27 Ms. Tse-Pe stated that thanked Mr. Lachman and wished him the best in his future
28 endeavors. She stated that she would like to echo what Ms. Fernandez said about the Board
29 perception. She noted that going back to the rose and thorn concept, the rose is that we
30 have a great caliber of membership on the Board and there are so many knowledgeable
31 people. Ms. Tse-Pe stated that the thorn is that sometimes the ordinary citizens might be
32 intimidated to be a part of that group. She thinks that they need to make it appeal to a wide
33 range of people. She noted that she would like to get more tribal membership from not only
34 her tribe but also from other tribes as well. Ms. Tse-Pe gave a lot of credit to Ms.
35 Santistevan for the range of membership on the Board. She noted that they have all been
36 exceptional and she thanked the NNMCAB staff for the work they do. She stated that she
37 would like to see increased membership and will o what she can to help with that.

38
39 **XIV. Adjournment**

40 Mr. Bishop stated that he looks forward to receiving the recommendations from the
41 NNMCAB. With no additional business to discuss, Mr. Bishop adjourned the meeting at 3:42
42 p.m.

Respectfully Submitted,

**Bridget Maestas,
Executive Assistant**

Attachments:

1. Final Joint Risk Management and Evaluation Committee and Consent Order Committee Meeting Agenda for 06/23/2021
2. Final Minutes for the April 14, 2021 Meeting
3. Presentation, Compliance Order on Consent Annual Planning Process for Fiscal Year 2022 by Lee Bishop, DOE EM-LA
4. Letter, EMLA-2021-0269-02-001, Department of Energy (DOE) Environmental Management Los Alamos Field Office (EM-LA) Response to Requests from the Northern New Mexico Citizens' Advisory Board (NNMCAB)
5. Enclosure: EM-LA Letter, EMLA-2021-0184-02-001, Subject: Fiscal Year 2020 Consent Order Deliverable Accomplishments, Dated March 26, 2021

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