

Los Alamos
NATIONAL LABORATORY
memorandum
Environmental Restoration Project
EM/ER

To/MS: Distribution
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Phone/FAX: 7-0808/5-4747
Symbol: EM/ER:97-240
Date: July 1, 1997

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HSWA LANL G/M/N/97

SUBJECT: MINUTES OF MEETING BETWEEN NMED, DOE, SNL, AND LANL

Enclosed please find a copy of the minutes of the meeting on June 17, 1997.

Should you have any questions, please contact me at 505-667-0808 or Dave

McInroy at 505-667-0819.

JJ/rfr

Enclosure: Minutes of Meeting between DOE, NMED, SNL, and LANL of June 17, 1997

JJ/rfr

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**MINUTES OF MEETING BETWEEN NMED, DOE, SNL, AND LANL
ON JUNE 17, 1997**

Meeting attendees:

NMED: HRMB, SWQB, GWQB, OB

DOE: AL, KAO, LAAO

SNL: ER

LANL: EM, ER

Tom Baca opened the meeting by stating that we all must work together if we want to accomplish the cleanup of the two Department of Energy (DOE) facilities within the confines of the Ten Year Plan (TYP). We are here today to look at issues that each of the parties wants to bring to the table. We want to discuss these issues and generate action items for further study and resolution.

Ed Kelley appreciated the invitation and the opportunity to talk. He pointed out immediately that his organization is dealing with too many groups from Los Alamos National Laboratory (LANL), which makes their life very difficult and their work inefficient. He is particularly concerned about the appearance that the Groups Environmental Management (EM) and Environmental Safety and Health (ESH) are not working together.

Tom Baca suggested one point of contact, which was rejected by Benito Garcia. He said that a single point of contact does not work. People have to work with each other through many contact points. He also said that people at the staff level are working well with each other.

After these introductory remarks, it became difficult to write organized meeting minutes because the participants did not follow the proposed agenda.

There was talk about the criteria for writing acceptable no further action (NFA) proposals. Presently we have a system of bring-me-another rock. This system is very inefficient and results in frustration on both sides. It was pointed out that, if the facilities just followed the regulations, there would not be any problems. It was also stated that following the regulations alone did not result necessarily in acceptable proposals if there was not an *a priori* understanding about content, format, etc. Stu Dinwiddie said that the Document of Understanding team is preparing an annex that will create clarity.

There was a lengthy discussion about "administrative" NFAs. Benito Garcia was unwilling to accept archival information without the support of sampling data. He did say that NFAs would be granted for those sites that had the "appropriate" amount of information submitted. In some cases, archival information would be sufficient. An agreement was reached to take a look at the "administrative" NFAs and decide which ones really need sampling.

A lot of discussion on surface water and ecorisk. No results that I could perceive.

Somebody, I believe it was Tom Baca, suggested to stop all these discussions and examine what is actually being done to solve issues. The following is in process:

- Developing processes for ecorisk screening and assessment
- Developing efficient NFA procedures
- New Mexico Environment Department (NMED)/LANL working groups are working
- There are monthly meetings
 - * Expected documents from LANL
 - * What to expect from NMED
 - * What is the "right" rock
 - * Teri Davis pointed out that all issues can be solved at the monthly ER meeting
 - * Who attends: John Kieling, Teri Davis, Kim Hill, sometimes special staff, sometimes Stu Dinwiddie, Joe Mose, Dave McInroy, Pat Shanley, and FIMAD representatives as needed.

There are two other meetings with Los Alamos and one internal NMED meeting:

- 1) NMED water quality bureaus with ESH, Environmental Restoration (ER), DOE.
- 2) LANL working group, (NMED only) working on integrating LANL issues
- 2) NMED-HRMB with ESH, ER, and DOE

A problem was discussed by the State pertaining to LANL representatives negotiating with State personnel and agreeing on issues. It appeared the representatives had difficulties getting buy-in from Project personnel and implementing agreements once returning to LANL.

There seems to be a disconnect between Sandia's public involvement and NMED's acceptance of the results of such involvement. Ed Kelley reminded Sandia that the regulators make the decisions not the public.

There is another disconnect between HRMB and SWQB corrective action schedules. Needs fixing.

Tony Trujillo pointed out that DOE-Albuquerque (AL) was driven by the TYP. How did NMED relate to this? Ed Kelley said that NMED wants to participate and not hold DOE-AL up. DOE should go ahead at full speed, albeit at their risk.

Ed Kelley reminded LANL that his people are still getting a lot of "dead work", i.e. reports and proposals which are insufficient and cause his people to spend a lot of dead time. If LANL had done a better job the NMED folks could process more reports. One big issue was "qualified" data, particularly the use of analytical test results where holding times had

been exceeded. Dave McInroy said that he believed that in all or most of these cases, decisions were based on acceptable data and that in other cases where holding times were exceeded, the data could still be used to complement decisions. Jorg Jansen said that dead work is caused by LANL not knowing what the Administrative Authority or a particular regulator wants.

Ed Kelley told DOE that the DOE lawyers "destroyed" the previously proposed fee schedule, which would have gotten us out of the present backlog dilemma. Tom Baca asked whether NMED could review the most recent reports first and worry about the backlog later. NMED with Environmental Protection Agency (EPA) are examining the backlog and will decide on a review schedule. NMED has also organized a group that will comment on the old NFA proposals (which include the "administrative" proposals).

In answer to a question by George Rael about the prospects of the TYP, Stu Dinwiddie said that he would have to hire 49 people in order to keep up (25 for current work and 24 for the backlog). Jorg Jansen suggested that we develop together something like presumptive approaches to certain representative remediations. This should cut down significantly on dead work on both sides and misunderstandings between both parties and, of course, eliminate or minimize the bring-me-another-rock syndrome.

Stu Dinwiddie addressed the dilemma of the EPA-approved work plans. Should they be opened up again for reapproval or should this simply be handled through Notices of Deficiency on RFI/NFA reports? Since this is a big issue, Benito Garcia suggested that he would look into this. *Stu/Torg - lets discuss this with Benito*

Tom Baca said there will be integration at the data management level. There are plans afoot to make FIMAD an institutional-wide facility. NMED people are very interested in this because of the integration of ER with ESH data. Ralph Ford-Schmid hopes to get information in this manner that is normally not provided.

Ted Taylor indicated that data requests and frequent site visits and associated briefings cost money and we should be all aware of that. Benito Garcia said that their visits did not require anything special.

George Rael, Ed Kelley, and Tom Baca closed the meeting by saying that they saw a lot of progress and cooperation but that we all have to stay on the course and work more closely with each other if we want to deliver on the TYP.

The following action items were agreed upon:

- Continue ongoing efforts, e.g.,
 - * HRMB with LANL working on ecorisk
 - * Monthly meetings (HRMB, SWQB/GWQB) with LANL (and Sandia)
 - * NMED working group
 - * Prioritize backlog (EPA and NMED)
- Hold management briefings by staff-level decision makers

- Reduce/eliminate "dead work"
 - * up-front coordination (not agreed to!)
 - * analyze NOD database to determine if decisions are made without adequate data
 - * talk about NODs before they get written (reduce/eliminate misunderstandings) (not agreed to!)
- DOU core team will address idea of presumptive approaches
- NMED will make comments on 10 year plan assumptions (in writing)
- NMED-HRMB will review the issue of reopening approved work/sampling plans
- LANL will prepare briefing on FIMAD
- Send NMED-OB a list of field trips and costs

*Staff/Taylor
was to
discuss
with*

These minutes include comments by Dave McInroy and Ted Taylor.