

General

Barb -
my reading
file Benito
1/22/98

I N T E R

O F F I C E

MEMO

To: Benito Garcia
From: Janice Archuleta
Subject: January 21, 1998 SNL CAB Meeting
Date: January 22, 1998

Here is a synopsis of the highlights from the January Board meeting.

- I. KAFB EWG Working Group Quarterly Meeting - C. DeWitt gave lots of data on the ER sites at KAFB. He even presented some newly found/investigated sites. Steve Pullen sat at the table during this part of the meeting and he has the handouts for the meeting. Also presented was financial budget and the fact that NMED was working out a fee schedule with KAFB. C. De Witt is willing to share resources (e.g., money) with the SNL CAB in the hopes that the personnel will assist in the public input process and that the CAB office could be used, i.e., to have committee meetings and/or to use the reference materials. J. Welles had two interesting comments during this segment. The first is that the CAB already made land use recommendations for some KAFB sites when they were doing this exercise for SNL sites because it was hard to keep focused just on the SNL sites (e.g., adjacent KAFB sites with similar characteristics were also provided land use recommendations). The second thing that she stated was that the issues committee had meeting with Stu and Jerry Bober regarding the fee schedules between NMED and SNL and that the CAB was going to send a letter to Secretary Weidler asking that the Board be able to give approval of the fee schedule prior to its finalization and that the Planning and Budget Committee would be involved in this task.
- II. Basic Radiation Principles - Presenters were knowledgeable on Radiation/Radioactivity and did a good job of fielding basic questions. However, I still think that ten minutes is too short of a time to give a presentation on this topic.
- III. Mixed Waste Landfill (MWL)- Jerry Peace gave out a fact sheet on the Landfill. This ended in a current status section which stated that the MWL Phase 2 RFI Report had been denied on the basis that NMED wanted responses to 85 comments and that a RCRA Subtitle "C" cover should be placed on the landfill. DOE and SNL fielded most of the questions which ranged from facts regarding haz and rad COCs present to how DOE/SNL and NMED get along. A question regarding the basis of the "denial" of the MLW report by NMED was fielded by Stephanie Kruse, who stated that more specific details were needed concerning some issues in the report; that some issues were concerns of NMED that had not been previously addressed by EPA and DOE/SNL; she was not sure that she specifically had identified a Subtitle "C" cover and was willing to consider, upon presentation, other proposed covers that SNL thought would be more suitable to this climate; and that there is a policy disagreement between NMED and DOE on which



Benito Garcia

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- regulatory statute actually governs this landfill situation.
- IV. LANL NEWNET and Community Radiation Monitoring Group - Pretty much self-explanatory presentation regarding this program presented by LANL Larry Sanders. The question of why there were blips in past data was brought up and the response was that this was just electronic noise and can be identified as such by a very sharp peak. Roger Kennett (DOE-OB SNL, he took R. Kern's place) also gave a short blurb on their bureau's input/oversight of the NEWNET program and said that they were planning to test the system with radioactive sources to see if the instrumentation was working properly.
 - V. Self-Evaluation Committee - Board voted to accept procedures presented in handout.
 - VI. Meeting ran overtime and everyone packed up the place and left.

If you want any handouts, just let me know.

OTHER INFORMATION

01/14/98



- ❖ **December 23, 1997 – Letter to Jamie Welles from Hank Daneman, LANL Citizens Advisory Board regarding Al Alm’s replacement, Corrine Sanchez’s suit and their ongoing situation**
- ❖ **December 29, 1997 – Letter to Hank Daneman from Federico Peña with Enclosure from Marcia L. Morris, Advisory Committee Management Office of DOE and Hank Daneman’s response on January 5, 1998**
- ❖ **Updated CAB Roster**
- ❖ **Updated Standing Committee List**

Fax

To: Jamie Welles
Of: CAB for SNL
Fax: 884-5352
Pages: 9, including this cover sheet.
Date: December 23, 1997

Jamie:

We have been told that Mr. Tom Baca has been interviewed by Sec'y Pena as a potential replacement for Al Alm. From my observations, Tom is a very fine person and probably a fine manager but, he has not been tolerant of the independence of our CAB.

I have sent the attached fax to Sec'y Pena. Our present situation is that we expect official confirmation of new members, soon. In the meantime, the DOE wishes us to call a meeting in early January. Even assuming the DOE appointees are official members, we have not had a quorum at our December 13th work session and have not accepted DOE changes to our by-laws

Accordingly, the proper members of the CAB are those elected in September in accordance with our existing by-laws. We need agreement from the majority of our members and our DFO in order to set a meeting date and provide announcements in the press and Federal Register. But which members?

Our DOE (Tom Todd) has made a mess of our CAB. If Corrine follows through with her suit, we may have to wait until a judge can establish the correct membership list. If we proceed now with the DOE appointees, we will have lost our independence. I am not sure about Tom Baca's role but, he has twice challenged the DOE to bring our CAB under their "control".

I would be grateful for any advice you may have to offer. In the meantime, we thank you and the SNL CAB for your comments and support.



From the desk of...

Hank Daneman
HLD Associates
1304 Calle Ramon
Santa Fe, NM 87501
Fax: (505)983-5261

Fax

To: Sec'y Federico F. Pena
Of: Department of Energy
Fax: (202)586-9100
Pages: 8, including this cover sheet.
Date: December 22, 1997

Sir:

You are, undoubtedly, aware that there is some conflict between the Citizens Advisory Board for the DOE/LANL and the management of the Los Alamos Area Office (LAAO). Because this office has not shared with us their communications with your office describing the basis for their discontent, we have only recently become aware of what they perceive to be problems.

I have received Assistant Secretary Al Alm's letter of December 8th pointing out that the LAAO claims that we have not followed legitimate by-laws and that we have not formally submitted proper budget and workplan proposals. I certainly wish that Mr. Tom Todd had been more forthright and worked out these concerns with us during a number of opportunities during the past year.

As to budgets and workplan, I personally, along with Manny Trujillo and Chuck Montano of our budget committee submitted these in August and September of this year as well as in previous years. Mr. Joseph Vozella told us at a meeting in September that he approved of these plans, patterned after very similar budgets and plans of the Sandia National Lab's CAB and that all which remained was to retype some minor corrections and resubmit. This was done. Copies are readily available at the DOE along with numerous poke messages asking when we can implement the work plan and budget for the current fiscal year. If there is any doubt that we have formally submitted a valid budget and work plan, I would be glad to send copies of this correspondence to headquarters. Recently, when I reminded Joe of his approval of our budget and workplan, he vigorously denied having given his approval. It was after receiving Al Alm's letter that we understood this was being used as an excuse to restructure our CAB.

From the desk of...

Hank Daneman
HLD Associates
1304 Calle Ramon
Santa Fe, NM 87501
Fax: (505)983-5261

As to the by-laws, ours are patterned after many others obtained from CAB's and from material submitted by the DOE with their guidelines. They have been accepted by the DOE ever since our CAB was formed. We made a few changes at a retreat a year ago during which Tom Todd and Tom Baca were present. No objections were raised then. Only recently, have we received some suggested changes by Tom Todd. The suggested changes are not significant and certainly no basis for rejecting our election and restructuring the CAB. I am informed there may be pending litigation on this point and am attaching a draft memo recently given to me.

What then is the real reason for the LAAO selecting new Board members from a group of nominees the majority of whom are dependent on or of known loyalties to LANL? It has become clear from remarks made by Tom Baca and others in the DOE and LANL that they have been unhappy with the issues studied by the CAB. These issues, some of which resulted in recommendations, have evidently become an embarrassment to LANL and the DOE. A partial list of these is attached. One of these issues resulted in IG report # 0140. Some of these matters have resulted in newspaper publicity unfavorable to the lab. Tom Baca has, more than once, asked the DOE in public meetings, why they can't bring our Citizens Advisory Board under control.

Our goal has been and remains one of assisting the DOE toward understanding public concerns about environmental management and assisting the public to understand how the DOE is approaching the problem of waste management. It is the opinion of several of us Board members, former Board members and stakeholders that an investigation into the management of EM at LANL and the DOE would be timely. We hope you can see your way clear to initiate this in the very near future.

H. L. Daneman

Chair, pro temp

CAB for DOE/LANL



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MEMORANDUM

TO: Corrine Sanchez

FROM: Julia Mullen, Staff Attorney
Northern New Mexico Legal Services, Inc.

DATE: December 19, 1997

RE: Northern New Mexico Citizens' Advisory Board

This memorandum addresses your status as a member of the Northern New Mexico Citizens' Advisory Board (NNMCAB or board), as a member elected at the September 9, 1997 NNMCAB board meeting. It examines generally the status of board members elected at that meeting, and attempts by the Department of Energy (DOE) to impose new board members and bylaws upon the board. It also briefly discusses recent relevant case law.

Controlling laws and guidelines include the Federal Advisory Committee Act, 5 U.S.C. App. II (1972) (FACA), as amended, and Site-Specific Advisory Board Guidance (SSABG), January 1996, promulgated pursuant to section 8 of FACA by DOE, the U.S. Environmental Protection Agency (EPA), and Site-Specific Advisory Board (SSAB) members, and issued by the DOE Office of Environmental Management (EM).

I. Board Members elected at the September 9, 1997 meeting of NNMCAB are legitimate and should be recognized and ratified as such.

NNMCAB is a Site-Specific Advisory Board (SSAB), as described in SSABG section 1.0, established by EM in accordance with SSABG sections 2.0 and 3.0. As such, SSABG governs NNMCAB activities. SSABG §1.0. NNMCAB is a sub-part, or site, of a national EM SSAB,

and both national and site boards must generally comply with FACA. SSABG §§ 4.2 and 4.2.2. Site boards, however, are not required to file individual charters. SSABG § 4.2. They are instead encouraged to write their own mission statements and operating procedures. SSABG § 4.2. NNM CAB's bylaws contain its mission statement and operating procedures, as discussed further below.

FACA requires that each federal advisory board be assigned a Designated Federal Officer (DFO). FACA § 10(e). Each SSAB site designates a Deputy Designated Federal Officer (DDFO) who acts as DFO at that site. SSABG § 4.2.1. The DDFO is the DOE employee who works closely with the local board and is responsible for ensuring that FACA requirements are met. SSABG § 4.2.1

A DFO is required to perform certain tasks under FACA. He must chair or attend each meeting of the advisory committee. FACA § 10(e). He must approve the meeting agenda. FACA § 10(f). An advisory committee may not hold a meeting except at the call of, or with the advance approval of, the DFO. FACA § 10(f).

The September 9, 1997 NNM CAB meeting was scheduled pursuant to FACA and standard procedure. The meeting and the agenda were approved in advance by the DDFO, Herman Ledoux. The relevant information was announced in the Federal Register in a timely manner, as required by section 10(a)(2) of FACA. Yet when members of the board and public arrived, they found a notice on the door, later determined to have been posted by the DDFO, stating the meeting had been cancelled. No reason was given, nor new date announced. The meeting was critical because NNM CAB had completed its fiscal year and was required at that time to elect new board members. As a result, the board had no choice but to hold the meeting without the DDFO, and elected seven new board members.

FACA states that no advisory committee shall conduct any meeting in the absence of the designated federal officer or employee. FACA § 10(e). That restriction must, however, be read in context. FACA does not grant a DFO authority to cancel meetings. Instead, as stated above, it requires him to be present. FACA § 10(e). NNM CAB complied with FACA in this case; Herman Ledoux did not. He failed to attend a scheduled meeting, cancelling it instead, in blatant disregard of the law.

In addition to a DFO's duties under FACA, he must fulfill additional duties under SSABG, one of which is to ensure efficient board operations. SSABG § 4.2.1. As the DOE official working most closely with NNM CAB, Herman Ledoux was certainly aware of the board's need to elect new board members. His absence at the meeting hampered efficient board operations, as did his subsequent refusal to reschedule an election meeting. He clearly violated SSABG as well as FACA through his absence and subsequent actions.

For the reasons stated above, board members elected at the September 9, 1997 meeting should be considered legitimate and their election ratified at the next scheduled board meeting.

II. DOE's attempt to select new board members in derogation of NNM CAB bylaw nomination and election procedures violates both FACA and SSABG; such board members are therefore illegitimate and should not be recognized.

As stated above, NNM CAB was created pursuant to SSABG, which was promulgated pursuant to section 8 of FACA. SSABG governs board activities, and NNM CAB bylaws were promulgated pursuant to its provisions. The bylaws delineate the board's operating procedures, and actions taken in derogation of them are invalid.

NNM CAB bylaws, including procedures governing nomination and election of new board members, were correctly promulgated. SSABG section 4.2.3, Membership Selection, states that authority to replace SSAB members on an individual basis will be delegated to the sites. NNM CAB bylaws therefore properly include provisions for nominating and electing new board members. SSABG section 6.0, Board Operations, states that mission statements and board operating procedures should be developed cooperatively by SSAB members, the relevant State regulatory agencies, the regional Environmental Protection Agency office and the DOE Operations/Area Office. NNM CAB bylaws were developed and adopted in cooperation with all stakeholders pursuant to DOE guidelines, and have been repeatedly been acknowledged as controlling by DOE officials.

Although advisory boards are subject to oversight, an agency has no authority to coopt board member selection. Congress may abolish an advisory group, merge it with another, assess whether its responsibilities should be revised, or assess whether it performs a necessary function not already being performed. FACA § 5. The Administrator of General Services may perform almost identical actions under section 7 of FACA. Agencies like the DOE, however, have no authority under law to select new board members in derogation of established procedure.

Section 8(a) of FACA requires each agency head to establish uniform administrative guidelines and management controls for its advisory committees. Pursuant to those guidelines and controls, the agency may exercise control and supervision over the establishment, procedures, and accomplishments of its committees. FACA § 8(b)(1). In this case, the guidelines and controls are contained in SSABG. SSABG § 1.0; DOE and EPA Memorandum concerning Site-Specific Advisory Board Final Guidance, January 18, 1996, included in SSABG. DOE may therefore exercise control and supervision pursuant only to the SSABG. Nowhere does FACA grant an agency or any other entity authority to interfere in the operations of an advisory committee in derogation of the established guidelines.

For the reasons stated above, NNM CAB board members nominated and elected through procedures other than those established in NNM CAB bylaws are illegitimate and should not be recognized.

III. DOE's attempt to impose new bylaws upon NNM CAB violates both FACA and SSABG.

As stated above, NNM CAB bylaws were created pursuant to SSABG, which was promulgated pursuant to section 8 of FACA. They were created, as required, in cooperation with all stakeholders, and govern board operations. The board may amend its bylaws only by board consensus. NNM CAB Bylaws § XIV. In fact, it does so only by consensus after full stakeholder participation. DOE has no legal authority to impose new bylaws upon NNM CAB.

In addition, amendments to NNM CAB bylaws which DOE seeks to impose would create a document which no longer ensures a balanced and independent board as required by FACA, FACA §§ 5(b)(2) and (3). Moreover, NNM CAB's current bylaws are substantially the same as those established at other EM SSAB sites. DOE's attempt to selectively target NNM CAB is a discriminatory action without valid basis.

IV. Relevant case law.

Recent case law indicates judicial recognition of a strong public interest in application and enforcement of FACA. For instance, in Natural Resources Defense Council, et al. v. Charles Curtis, Acting Secretary, Department of Energy and National Academy of Sciences, Civil Action No. 97-0308 (PLF) (1997), the U.S. District Court for the District of Columbia found that an NAS committee, established at LLNL at DOE request after a FACA-chartered advisory committee was abolished, met the definition of an advisory committee under FACA and was required to comply with the Act's provisions concerning open meetings and balanced membership.

In that case and several others, the courts have required strict compliance with FACA, even where the committees were not, as is the case here, FACA-chartered advisory groups. A court would likely find that recent DOE actions relating to NNM CAB were in fact FACA violations and that enforcement of the Act is clearly in the public interest.

FAILURES OF DOE/LANL

The following is a partial list of DOE/LANL problems or failures which were highlighted in CAB recommendations and discussion of issues. It is now believed that frequent exposure of the following problems led to attempts by the DOE/LAAO to either terminate the CAB or restructure it to be more "DOE-friendly".

1. Persistent safety problems - dismissal of Tiger Teams.
2. Periodic releases of radiation and questions about health effects on the community
3. Constantly changing laboratory mission - Stockpile Stewardship was questioned as justification for budget renewal. The PEIS was judged unacceptable.
4. Incompetent management (reference to GAO reports) - DOE can't account for funds on CMR building reconstruction.
5. Dependency on political action for survival - refer to role PR people and threats to local newspaper editors.
6. Lack of accountability for failure to make progress in cleanup.
7. Revelation of super high levels of underground water contamination by tritium, strontium and cesium - news releases have attempted to divert attention from "hottest" locations. NMED conned into delaying information releases for 1.5 to 2 years.
8. Grants of \$1M for science education to local pueblos and grants of \$6M for science education to local schools - CAB Science Education committee found no evidence that the annual expense of \$6M actually went to the local schools. No one knows if these monies are wisely spent.
9. High cost of new hydrogeological plan has not been subject to adequate review.
10. Numerous questions have been raised about adequacy of earthquake protection for CMR building - for many years, Dr. Kammerman test data was classified.
11. Our concern about waste of \$500B over 6 years of "work" on cleanup resulted in IG report #0140 critical of DOE management.
12. Tom Baca has publically expressed his frustration with DOE lack of control over CAB issues.
13. CAB asked for delay in SS program until risk assessment standards could be applied to PEIS.

14. Apparatus and personnel prematurely transferred from Rocky Flats.
15. Plutonium specialists caught in lie about cause of Rocky Flats fires.
16. Public meeting on Rocky Flats grand jury created doubt about safety of DOE management of plutonium pit production.
17. Request to terminate tenure of Herman LeDoux and Scientech embarrassed Tom Todd.
18. Callous treatment of Efrem Martinez family was brought to U/C attention by CAB.
19. Frequent attention by public to biased layoff of LANL safety personnel.
20. Realistic concerns about choice of LANL director and U/C as contractor.

12-19-97



The Secretary of Energy
Washington, DC 20585

December 29, 1997

11/01/97
Mailed to
Javier Salazar
Poa Salazar
D. Herrera
L. Silva

Mr. Hank Daneman
1304 Calle Ramon
Santa Fe, NM 87501

Post-It™ brand fax transmittal memo 7671		# of pages • 6
To	JAMIE WELLS	From Hank Daneman
Co.	SNL LAB	Co.
Dept.		Phone # 983 5-883
Fax #	884-5352	Fax # 983 5-61

Dear Mr. Daneman:

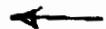
I am pleased to invite you to serve as a member of the Environmental Management (EM) Site-Specific Advisory Board, Los Alamos, for up to a one-year period effective upon the date of this letter.

The Board has been established in accordance with the Federal Advisory Committee Act (Public Law 92-463) to provide me with independent, outside advice and recommendations concerning EM decisions regarding future use, risk management, economic development, and budget prioritization activities. A copy of the Board's charter is enclosed for your information.

We are pleased to have the benefit of your unique qualifications and breadth of experience. Enclosed is a list of the other highly qualified individuals you will be serving with. Selections were made on the basis of points of view represented, experience in consensus building skills, level of current knowledge of EM issues, and physical proximity to the site.

The Board meetings will be open to the public, and broad notification of these meetings should encourage public participation. It is the Department's general policy that members of the Board will not be compensated. However, compensation may be provided on a case-by-case basis, if the Department determines that the individual's services are necessary to ensure a balanced board, and the individual signs a certification stating that he is unable to serve as a member unless he receives compensation, and that he will not receive compensation for service on the Board from any source other than the Department of Energy. If you desire further information on this matter, please contact your Deputy Designated Federal Officer. Arrangements will be made for reimbursement of authorized travel and per diem expenses which you incur while serving on the board.

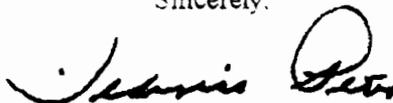
Members of the Board are required to excuse themselves from participation in any meeting, study, recommendation, or other Board activity that could have a direct and predictable effect on the companies, organizations, or agencies with which they are associated or in which they have a financial interest.



Please be advised that section 219(a), title 18, United States Code, makes it a criminal offense for a "public official" to be, or to act, as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938. For this purpose the term "public official" has been interpreted to include members of Federal advisory committees.

I would appreciate written confirmation of your acceptance of this appointment at your earliest convenience. If you have any questions regarding your appointment, or require additional information, please call Martha Crosland, Acting Director of the Office of Intergovernmental and Public Accountability, on 202-586-5793.

Sincerely,



Federico Peña

Enclosures

**Department of Energy
Charter for the Environmental Management
Site Specific Advisory Board**

1. **Official Designation:**

Environmental Management Site Specific Advisory Board

2. **Objective, Scope of Activity, and Duties:**

The Office of Environmental Management (EM) Site Specific Advisory Board will provide the Assistant Secretary for Environmental Management, and such other DOE officials as he shall designate, with policy information, advice, and recommendations concerning EM environmental restoration, waste management, and technology development activities. The EM Site Specific Advisory Board will provide input and recommendations on strategic decisions that impact future use, risk management, economic development, and budget prioritization activities. In addition, the Board will provide advice on any other EM projects which are assigned to the Board for review and advice.

The EM Site Specific Advisory Board will have the following duties:

- a. Advise the Department of Energy on the process, content, public participation, and other policy aspects of EM's environmental restoration, waste management, and technology development activities;
- b. Issue reports and recommendations;
- c. Recommend options to resolve difficult issues faced in the EM program, including site specific clean-up criteria, risk assessment, land use, priority setting, management effectiveness, cost/benefit analyses, and technological strategies for site waste management and disposal facilities.

3. **Time Period Necessary for the Board to Carry Out Its Purpose:**

Since the task of the Board is to advise EM on a succession of projects and issues, the time period required to carry out its purpose is continuing in nature.

4. **Official to Whom this Board Reports:**

This Board will report to the Assistant Secretary for Environmental Management, and to such other DOE officials as he shall designate.

5. **Agency Responsible for Providing Necessary Support for the Board:**

United States Department of Energy.

6. Description of Duties for Which the Board Is Responsible:

The duties of the Board are solely advisory and are fully stated in paragraph two above.

7. Estimated Annual Operating Expenses in Dollars and Person-Years:

The Department of Energy will provide resources sufficient to conduct its business as well as travel and subsistence (per diem) expenses for eligible members. The estimated annual cost is \$2.8 million and approximately 10 person-years.

8. Estimated Number and Frequency of Board Meetings:

The Board will meet approximately eight times per year at each of the sites represented on the Board. In addition, members of the Board at each site might be asked to designate a member to participate in an annual national meeting to discuss EM Site Specific Advisory Board issues.

9. Termination Date (if less than two years from the date of establishment of renewal):
Continuing.

10. Subcommittees:

To facilitate the functioning of the Board, subcommittees will be formed. The objective of the subcommittees will be to make recommendations to the EM Site Specific Advisory Board on matters concerning site plans and programs. Subcommittees will be organized to focus on site specific concerns and issues impacting the various DOE sites with major EM programs.

11. Members:

- a. Appointments shall be made for up to two years to achieve continuity in membership and to make use of the acquired knowledge and experience with the developing EM programs. Board membership shall reflect the full diversity of views in the affected community and region and be composed primarily of people who are directly affected by site clean-up activities. Members may include, but will not be limited to, interested stakeholders from local governments, Indian Tribes, environmental and civic groups, labor organizations, universities, waste management and environmental restoration firms, and other interested parties. Representatives from DOE, the Environmental Protection Agency, and State governments shall be considered ex-officio members of the board. By serving in ex-officio capacity, these representatives will have a seat at the table but will not have a vote on decisions. Selection and appointment of group members shall be accomplished using procedures designed to ensure a diverse board membership and a balance of viewpoints.

B. Approximate number of members: 350. This number is based on 15 to 30 persons for each of the proposed DOE sites.

12. Chair:

The Chair shall be appointed by the Deputy Assistant Secretary for Policy, Planning, and Budget, shall serve for a period of two years, and may be reappointed for additional terms. ←

This Charter for the Advisory Board above is hereby approved on:

Date: MAY 16 1996

Marcia L. Morris
 Marcia L. Morris
 Advisory Committee Management Officer

Date Filed: MAY 16 1996

January 5, 1998

Director Martha Crossland
US DOE
1000 Independence Av SW
Washington, DC 20585

Dear Director Crossland,

Attached is my letter of acceptance of the recent appointment by Secretary Pena to the CAB for LANL/DOE. I notice the precaution in Secretary Pena's letter of December 29th that members are required to excuse themselves from any Board activity which might have an effect on any organization in which they have a financial interest. I presume this is to avoid a conflict of interest with their duties on the Board. In other words, if their work on EM recommendations would affect any DOE expenditure to any organization with which they are affiliated, this would require that they excuse themselves.

It seems to me that employees of LANL, the DOE and University of California, retirees on pension from these agencies and employees of offshoots of the lab receiving contacts from these agencies would be unable to serve on the CAB. If you or your legal staff agrees that one cannot be an employee of LANL and also serve on the Board, we should then require certification such as I have put in the attached acceptance for all Board members. This is not a trivial concern

Michael Smith is a weapons engineer employed at LANL.

Catherine Rivera-Lyons is in ESH & F division at LANL.

Charles Montano is an auditor in the employ of LANL.

Carlotta McInteer is VP of Isotope Services and a retiree of LANL with 22 years of service - probably receiving a pension.

George Chandler is a retiree with 23 years of service at LANL and probably a pensioner. I was told his wife is an employee of LANL.

Connie Thompson-Ortega is a member of DOE's Regional Development Committee.

If our Board is not to be influenced by members who have a financial interest what goes on at LANL, then these members should excuse themselves from appointments. We are supposed to be independent in our advice and recommendations. Being financially dependent on LANL undoubtedly compromises this appearance of independence.

I am not the only one who has been troubled by the new appointments. It would be a shame to begin our formal meetings under a cloud of suspicion about the independence of Board members from any financial relations whatsoever with LANL or the lack of diversity amongst these members.

Very truly yours,



H. L. Daneman

cc: Secretary Federico F. Pena