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Northern New Mexico Citizens' Advisory Board Meeting
 November 28th, 2001
 1:00 p.m. - 8:30 p.m.
 Cities of Gold Hotel, Pojoaque, NM

AGENDA

- 1:00 p.m. I Call to Order by Ted Taylor, DDFO
- Establishment of a Quorum
 Welcome and Introductions by Jim Brannon, Board Chair
 Approval of Agenda (Pink)
- II Approval of September 26th, 2001 Meeting Minutes (Gold)
- III Board Business
- 1:15 p.m. a. Amendments to Bylaws (Second Reading) (Blue)
 1:30 p.m. b. Openness Policy (First Reading) (Salmon)
 1:45 p.m. c. Recruitment/Membership - Board Discussion
 • Nomination of four new members - Action
- 2:00 p.m. d. Report from Chairman Brannon
 • "Environmental Covenants Act" (NMED's Legislative Initiative) (Purple)
- 2:15 p.m. e. Report from DOE, Ted Taylor, DDFO
 2:25 p.m. f. Report from Executive Director, Menice S. Manzanares
 2:35 p.m. g. Report from Technical Advisor, Ben Lathan
- 2:45 p.m. *Break*
- 3:00 p.m. IV Report from Committees
- a. Environmental Restoration, Dr. Fran Berting
 • Recommendation 2001-5, Recommendation on Effects of High Explosives From (MDA)-H (Second Reading) (Yellow)
 • Eco-Risk Workshop Report, Dr. Fran Berting
 b. Monitoring and Surveillance, Dr. June Fabryka-Martin
 c. Waste Management, Richard Gale
 • Update on Education Project
- 4:30 p.m. *Break - Dinner served from 4:30 to 5:50 p.m.*
- 6:00 p.m. V Report on Recovery and Rehabilitation from Cerro Grande Fire, Lee McAtee
- 7:00 p.m. VI Report from NM Environment Department Oversight Bureau, John Parker
- 7:30 p.m. VII Public Comment
- 7:45 p.m. *Break*
- 8:00 p.m. VIII Board Comments/Recap of Meeting (Green)
 a. 2002 NNM CAB Meeting Schedule
- 8:30 p.m. IX Adjourn



13580

**Northern New Mexico Citizens' Advisory Board
Meeting Minutes**

**September 26, 2001, 1:00 p.m. to 8:30 p.m.
Cities of Gold Hotel, Pojoaque, New Mexico**

Members Present

David Chavez, Valerie Espinoza, Jim Brannon, Dorothy Hoard, Fran Berting, Donald Jordan, Richard Gale, Jim Johnston, Myron Gonzales, Angelina Valdez, Agustin Garcia, June Fabryka-Martin

Members Absent

Maxine Ewankow

Ex-officio Members

Ted Taylor, DDFO, James Bearzi, NMED, Michael Baker, LANL

Staff

Menice S. Manzanares, Executive Director

Guests

Denise Gelston, Michael Arudt, Al Pratt, Roger Snodgrass, Los Alamos Monitor, and Carmen Rodriguez, LANL

Ted Taylor, Deputy Designated Federal Official, called the meeting to order at 1:10 p.m. and a quorum was established. He then turned the meeting over to Jim Johnston, Chair. Toby Herzlich facilitated the meeting. The meeting was open to the public and advertised in the Rio Grande Sun, the Los Alamos Monitor, the Albuquerque Journal North, the Santa Fe New Mexican, and the Taos News.

Approval of Minutes and Agenda

The agenda was modified slightly and approved by the Board. The motion was made by Mr. Gale and seconded by Dr. Berting. The minutes of the July meeting were approved, as amended, by the Board. The motion was made by Mr. Gale, seconded by Mr. Jordan, and passed unanimously.

Consideration and Action of FY 2002 Budget

The presentation was made by Mr. Jordan, Chair of the Budget Committee. The Budget Committee met on September 5th and revised the budget to reflect actual activities. For better accounting purposes, the budget now shows individual committee activities and travel expenses for each committee. The Budget Committee will have quarterly reviews, and bring the budget to the Board with any changes. The total budget of \$441,000 was submitted to the Board for approval as a working document. A motion was made by Mr. Chavez to approve the budget. Ms. Hoard seconded the motion, and the motion passed unanimously.

Travel Procedure Update

Ms. Manzanares reminded Board members to fill out and fax the CAB Travel Request Form to the CAB office before making a trip or spending the night for a meeting. (The CAB Request Form is only for overnight travel or one way travel over 50 miles.) She also requested that if Board members are willing, they should give the office their credit card information to facilitate this process. Mr. Taylor reminded Board members that direct deposit is available for travel reimbursement. Mr. Taylor told the Board that travel reimbursement for non-Board members was allowable. He feels that this is important to cultivating good committee members that can then make good Board members.

Openness Plan

Mr. Brannon circulated a document to stimulate discussion for producing a policy statement and plan on how the CAB interfaces with the public. Board members felt that some conceptual discussion of this topic is still needed before delving into the specific mechanics of it.

Board members discussed what they want to make sure is included in an Openness Policy. The following topics were discussed:

1) How is communication disseminated back to the public on recommendations and how does the CAB respond to comments from the public?

Everyone agreed that the CAB needs formal mechanisms and processes for these communication loops. Mr. Gale suggested that if the CAB doesn't have the technical ability to respond to public questions, it still has a responsibility to answer these inquiries. He suggested that the CAB should refer these inquiries to the DDFO, review the response, and make sure the citizen receives that response. Dr. Berting felt that everyone on the Board should know the answer given to a citizen. Mr. Brannon suggested that the CAB keep a rolling tally of issue and response papers that define our stance on issues. Mr. Taylor is concerned that there are too many chances for misinterpretation as information is passed from A to B to C. Ms. Valdez asked if the CAB should track all referrals and make sure that the inquiries are answered. There is a consensus that the CAB needs a full cycle response mechanism and protocol in writing.

2) How does the CAB handle issues outside the scope of the SSAB Charter?

Mr. Taylor recommended that if an issue comes before the Board that is outside its scope, they should refer that issue to the appropriate person at the laboratory. Mr. Brannon commented that highly effective CABs are effective because they stay on task and stay within their charter.

3) What is the CAB's role and responsibility in distribution of information?

Mr. Gale would like the CAB to review the technical response to citizen inquiries, and also how it is communicated. Mr. Gale would like to see the CAB play a facilitator role when it comes to communication channels. Mr. Garcia agreed that the public needs to

get the information and the CAB needs to ask itself "how can we satisfy the public?" Mr. Brannon felt this is outside the purview of the SSAB charter.

An Ad-Hoc Committee on the Openness Policy was formed to take comments and input from Board members and come back with a draft policy for review at the November meeting. The Committee consists of: Dorothy Hoard, Don Jordan, Richard Gale, Valerie Espinoza, and Ted Taylor (non voting). Jim Brannon chairs the Committee.

Break

Election of Officers

Mr. Brannon was elected as the new Chair of the NNM CAB. The motion to elect him was made by Mr. Gale, seconded by Dr. Berting, and carried by the Board. Mr. Jordan was elected as Vice-Chair of the NNM CAB. The motion to elect him was made by Mr. Gale, seconded by Dr. Berting, and carried by the Board. Both the Chair and Vice Chair were elected by acclamation.

Mr. Brannon thanked Ms. Manzanares and Mr. Johnston for their leadership. He then outlined his two top priorities for the coming year:

- 1) To work on improving internal formal processes
- 2) To work on the nature of the CAB's outreach, and the way in which it communicates and presents itself to the public. Mr. Brannon would like to see the CAB broaden its outreach, cultivate new members, and strengthen committee structures to find creative ways for new members to serve. Mr. Brannon is particularly concerned that the CAB needs more pueblo member involvement.

Mr. Jordan thanked the Board for their support and confidence, and outlined his background and his intentions as Vice-Chair. Mr. Jordan has a strong background in public administration and public management. He has worked with city, county, state, and tribal government and intends to utilize his experience, contacts and knowledge of government to facilitate transfer of information and outreach. Mr. Jordan intends to be a strong support and back-up to Mr. Brannon.

Amendments to the Bylaws

Board members discussed amendments to the Bylaws. Dr. Berting explained the changes and the purpose behind those changes. The purpose of changing the mission is to include the full scope of the CAB's work. Please see the attached amended bylaws, as passed by the Board.

Fact Sheets

Dr. Fabryka-Martin presented a report on Fact Sheets. The Monitoring and Surveillance Committee feels it is important to provide citizens with simple, short, and easy to read fact sheets on several issues. This will increase the public's access to important issues, and facilitate the CAB in public education efforts. The committee has focused its work primarily on fact sheets about the Cerro Grande Fire and its aftermath but will also

address issues including water and air quality, the presence of plutonium, tritium, and strontium-90, and the collection of environmental samples. Please see the attached handouts.

Department of Energy Report

Mr. Taylor reviewed recent DOE support to committees and staff, updated the status of responses to CAB recommendations and requests, and touched on future activities. He also distributed a few press releases of interest. Please see attached report.

Executive Director Report

Ms. Manzanares gave an overview of ongoing staff activities, including office relocation, new staff hires, preparation of reports, and recruitment of new Board members. She also reviewed recent accomplishments, including the SSAB Chair's Conference. Please see attached report.

TRU Presentation

Mr. Brannon gave a presentation on the packing and shipping of material to WIPP. Please see attached report.

Public Comments

Al Pratt commented on Acid Canyon cleanup.

Recruitment/Membership

The Board discussed the July 2001 Outreach Plan. Eight vacancies currently exist on the Board; aggressive outreach is needed. Topics of importance that were discussed included:

- How to get people to return to meetings and keep coming
- Providing designated seats on the Board for the four Accord Pueblos that neighbor LANL, and perhaps even leaving them vacant if the pueblos do not participate. Mr. Gonzales also emphasized the need to reach out to Pueblo Environment Departments and Councils
- Recruiting student representatives to the Board. These students should be college students and receive academic credit for their participation.
- Constituency Seats – providing seats to representatives of organizations. The advantage is that they can provide a natural diffusion of information to organizations.
- The importance of maintaining a balance of viewpoints on the Board
- The potential pitfall of members who have only one agenda and may sabotage process
- Recruitment by Board members, everyone is challenged to bring at least one guest to the next meeting. The importance of using personal contacts is stressed.
- The use of alternative newspapers as a recruitment tool
- The need to get the word out about who we are, what we do, what we have accomplished, and establish a good reputation before trying to recruit new members
- Bringing in members at the committee level, and possibly reducing the limit on non-Board member participation in committees

- The need for an Outreach Committee Chair

Committee Reports

1) Environmental Restoration Committee Report given by Dr. Berting. (Please see attached report as well.) The following recommendation was read and discussion followed.

Recommendation 2001-5

Whereas: the NNM CAB believes that all chemicals of potential concern at a potential release site should be carefully evaluated during the Resource Conservation Recovery Act (RCRA) Facility Investigations of Los Alamos National Laboratory (LANL); and
Whereas: the NNM CAB has reviewed the completed RCRA Facility Investigations Report for Material Disposal Area (MDA) H at LANL and has determined that the report does not contain sufficient evaluation of materials located at the bottom of the shaft at MDA H and potentially contaminated with high explosives; and

Whereas: information is not available regarding the containment of these materials and the potential for migration of the high explosives from the shafts;

It is therefore recommended that the Department of Energy modify the scope of the ongoing Corrective Measures Study (CMS) at MDA H to include an evaluation of the potential for high explosives to migrate to the accessible environment and the potential remedies to be conducted if such migration is expected to occur.

Discussion

It was not clear from the Charlie Wilson Report whether or not the explosives are detonable, posing a threat to workers cleaning the shafts. RDX, which is a water-soluble, highly poisonous chemical, is of major concern. It is recommended that the CAB put the physical characteristics and toxicology of RDX in writing. Because the New Mexico Environment Department is setting up a special task force to work out methodologies for dealing with these material disposal areas and MDA H is the pilot project, the ER Committee wants to submit this recommendation in order to set the precedent for further cleanups. Since the Corrective Measures Study is under way, a motion was made to have Mr. Taylor send the draft recommendation and memo to the ER project before the November meeting. The motion was made by Mr. Gale, seconded by Dr. Berting, and carried by the Board

2) Monitoring and Surveillance Committee Report given by Dr. June Fabryka-Martin
Dr. Fabryka-Martin outlined the recent focus and work of the committee:

- Sifting through information on LANL's monitoring/surveillance programs for groundwater and surface water.
- Working on Drinking Water Fact Sheet, which compares Los Alamos drinking water supply to others in Northern New Mexico
- Drafting NNM CAB's presentation at the National Groundwater Workshop in Augusta, Georgia.
- Attended Cerro Grande internal update meeting, and will use presentations from this to produce fact sheets. Mr. Taylor suggests that a lab briefing on Cerro Grande to the CAB might be appropriate for next meeting.

The Committee hopes to rotate meeting sites to increase participation.

3) Waste Management Report given by Richard Gale. (Please see attached report as well.)

- A White Paper on the Education Program is being circulated in committees. Mr. Gale would like feedback on this. Mr. Gale will take comments and draft a revised White Paper.
- The Committee will witness a test run of the Escorted Transfers, or rolling roadblocks, of TRU waste, and report back to board on the test run.
- The next committee meeting will be November 7th at the NNM CAB office.

Re-Cap Meeting and Board Comments

The longer format meeting was well received. One suggestion was to cover fewer issues and provide more time for in depth discussions. Mr. Johnston reminded the Board members that since the meetings are every two months, they should make every effort to be at the meetings. Mr. Chavez made an announcement that if any Board members know workers that have become ill from exposure to beryllium, silica or radiation, please refer them to the Energy Employees Compensation Resource Center in Espanola. Mr. Gale requested that the recommendations be listed by number, with a subject description, in the next meeting packet.

Mr. Bearzi brought up a final issue. The Environment Department Oversight Bureau funding has been cut 35% from last year. He noted that the Bureau has a lot of credibility, and is a big part of the project. A motion was made by Mr. Gale to invite the Oversight Bureau to give a presentation at the next Board meeting. The motion was seconded by Mr. Brannon and carried by the Board. A motion was made by Dr. Berting and seconded by Ms. Hoard for the Chair to draft a one-page letter to the NM Environment Department. The letter should express the NNM CAB's concern at funding cuts and their appreciation of independent oversight, and recommend alternatives to restore funding. The motion carried with Mr. Gale abstaining.

To be included in Next Agenda:

Second reading of ER recommendation on MDA H CMS

Second reading and approval on Bylaws

Presentation on the status of past CAB recommendations (since 1998)

Update from Openness Policy Committee

Lab briefing on Cerro Grande Fire

Oversight Bureau Presentation

Wednesday, November 28 is next meeting.

These minutes are certified by

Jim Johnston, Chair

Date

BYLAWS

Northern New Mexico Citizens' Advisory Board

I. MISSION

The responsibility of the Northern New Mexico Citizens' Advisory Board (the Board) on Environmental Management (EM) is to provide meaningful opportunities for collaborative dialogue among the diverse multicultural communities of Northern New Mexico, the Department of Energy (DOE), the Los Alamos National Laboratory (LANL), and state and federal regulatory agencies. The Board is chartered under the DOE-EM Site Specific Advisory Board. The responsibilities include providing advice and recommendations on DOE EM's programs on environmental restoration, waste management, monitoring and surveillance, outreach, future land use and long term environmental stewardship, science and technology and associated environmental issues, including risk management and budget prioritization. The Board ensures early ongoing community access to information (and its interpretation and implications) and dialogue that improves the quality of the decision-making process of DOE and LANL.

II. FUNCTIONS, SCOPE, AND ACCOUNTABILITY

A. Functions: The Board will provide independent advice and recommendations to the Department of Energy (DOE). The topics addressed in these recommendations will be consistent with the Office of Environmental Management's Site-Specific Advisory Board (SSAB) Guidance, December 2000. This advice will include the process, content, public participation, and other policy aspects of DOE's Environmental Management programs, and includes the nuclear material and facility stabilization and disposition, project completion, and site closure under the jurisdiction of DOE EM.

B. Scope: The scope of the Board includes LANL-related aspects of the above functions including:

1. The opportunity for the Board to discuss with DOE and the participating regulatory agencies their proposals and plans for such matters as EM facility expansions and closings, environmental projects, and the impact of environmental regulations;
2. Any aspects of DOE EM issues related to all past, present, and future environmental activities at LANL.

C. Accountability: The Board interacts with the appropriate DOE decision makers to provide advice on matters within its scope, on behalf of the citizens of Northern New Mexico. These matters may be raised by Board members, the public, DOE, or federal, state, or local regulatory agencies.

1. The Board seeks a free and open two way exchange of information and views between Board members and the participating agencies, where all are invited to speak and to listen.
2. Board members may request access to independent technical advice, staff, and training.
3. The Board will develop specific operating procedures and undergo requisite training to ensure that all members will hear all views and use constructive methods for resolving conflict, making decisions, and dealing with the differing viewpoints.
4. The Board will always remain accountable to the public and DOE and seek to promote multicultural community involvement. The Board will develop culturally appropriate procedures to ensure public participation in DOE's decision making processes regarding DOE's EM programs, as stated in the Board's Mission.
5. Board meetings will be open to the public and the Board will give advance notice of a minimum of 15 days. Board meetings will be held at regular times in public locations in Northern New Mexico to encourage maximum public and Board participation.
6. The Board will always remain mindful of the various stakeholder interests represented on the Board. It will seek to ensure that all interested parties and stakeholders continue to be adequately and equitably represented.
7. The Board members will send all requests to the DOE Deputy Designated Federal Officer to ensure a prompt response. The Deputy Designated Federal Officer is responsible for tracking DOE responses to requests from the Board and ensuring the completeness of those responses.
8. The Board and similar boards at other DOE sites are jointly chartered as the Environmental Management Site-Specific Advisory Board under the Federal Advisory Committee Act. The Board is thereby subject to the requirements of the Environmental Management Site-Specific Advisory Board Charter, the Federal Advisory Committee Act (5 USC Appendix), and Federal Advisory Committee Management requirements (41 CFR 101-6).

III. MEMBERSHIP CATEGORIES, REQUIREMENTS, & TERMS

A. Membership: The Board is a broadly constituted organization consisting of a diverse group of people representing the interests and concerns of Northern New Mexico residents as LANL's activities affect them.

1. Members of the Board will be drawn from residents of the following counties: Bernalillo, Los Alamos, Mora, Rio Arriba, Sandoval, San Miguel, Santa Fe, and Taos. Members will be drawn from the Eight Northern Indian Pueblo Council and the Indian tribal communities in these counties.
2. The number of Board members will be twenty-one (21), but in case of vacancies, the Board may act with a lesser number until the vacancies are filled. Eleven (11) Board members will be nominated at-large, and ten (10) Board members will be nominated as provided in section 5 below.
3. The Board membership will maintain a balance regarding gender, age, race/ethnicity, type of employment, neighborhood, expertise, income, educational levels and diverse viewpoints.
4. Board members may represent the stakeholder category within which DOE appointed them, and may serve as formal representatives of any organizations with which they may be associated.
5. Ten (10) Board members will be nominated by the following organizations: one (1) nominee each by Cochiti Pueblo, Jemez Pueblo, San Ildefonso Pueblo, and Santa Clara Pueblo, and one (1) nominee each by six (6) civic, business, environmental, educational, governmental or other organizations in the northern New Mexico area, as identified by the Board in a letter to the presiding officer of each such organization.
6. Board Members must personally participate in Board and Committee meetings and may not send substitutes or proxies when absent. Members will work with other members to present their concerns when absence is necessary. The Deputy Designated Federal Officer must receive written or electronic notification prior to a Board meeting in order for the absence of a member to be excused.

B. Terms of Office: The Board membership is on a rotation schedule that will encourage new individuals to participate and will maintain a balance between continuity and diversity inherent in the makeup of the Board.

1. Terms of office will be two years from the date of official appointment by DOE.
2. Board members shall be appointed or re-appointed to each two-year term, or removed from the Board by the Secretary of Energy or by his or her designee (the Deputy Designated Federal Officer, consistent with the SSAB National Guidelines). Members may serve any number of terms.

C. Vacancies: As soon as a vacancy exists following completion of a Board members' term, Board members, members from the Northern New Mexico community at large, or individuals who work in Northern New Mexico may nominate someone or

themselves to fill the vacancy. Nominees should meet, as far as possible, the Board's existing stakeholder balance, diversity and geographical distribution. The DDFO, with the participation of Board members, shall interview nominees and forward their recommendations to the Office of Environmental Management in DOE Headquarters for approval. When a vacancy exists due to resignation or removal of a Board member, the vacancy shall be filled by interim appointment in accordance with the DOE-EM Site Specific Advisory Board Guidance, section III.c.3.

D. Removal from Membership: The following procedures shall be used to remove a member from the Board:

1. Resignation. Any Board member who, for whatever reason cannot fulfill his or her responsibilities and commitments to the Board, should submit a letter of resignation to the Chair or to the DDFO. The letter should be sent by certified mail.
2. Removal for Cause. The following procedure shall be used to remove a Board member for cause:
 - a. A letter signed by the Chair and the DDFO shall be sent by certified mail to the member pointing out the cause for action according to the requirements of the Bylaws.
 - b. The member will be asked to respond to the letter within 15 calendar days with either a letter of resignation or a letter stating why he or she should not be removed.
 - c. If the member does not respond within 15 calendar days of receipt of the letter, the chair will request to the DDFO that the Board member be removed. The DDFO is not bound by this recommendation.
 - d. If the DDFO agrees with the Chair's request, the DDFO shall forward to the Office of Environmental Management in DOE Headquarters the name of the Board member to be removed, together with the member's letter of resignation or his or her letter of appeal, or a statement of the member's failure to reply, with an explanation of the situation. The Board member shall receive by certified mail a copy of the member's failure to reply with an explanation of the situation. The Board member shall receive by certified mail a copy of the letter sent to DOE by the DDFO.

E. DOE and Other Ex-Officio Participants:

1. The Deputy Designated Federal Officer represents the Department of Energy.

2. The Board requests the following agencies or offices to appoint one representative and one alternate to serve as an ex-officio Board member who will provide information to the Board and assist with Board operations:
 - a. The Environmental Protection Agency, Region VI Office;
 - b. The New Mexico Environment Department;
 - c. The University of California;
 - d. The Department of Energy, Los Alamos Area Office.
3. Ex-officio Board members participate in Board deliberations but do not vote.
4. The Board may request that an agency replace an ex-officio representative for excessive absence or other cause.
5. The Board may request on either a temporary or a permanent basis, the participation of DOE's maintenance and operating contractor, major subcontractors, or any other entity, to supply information or provide expertise as needed. Such entities, their agents or anyone else serving as a resource participant, will be considered ex-officio members of the Board for a term established by the Board.

IV. MEMBERSHIP RESPONSIBILITIES

A. Board Commitments: Board members make the following commitments:

1. To attend regular meetings and receive training;
2. To review and comment on Environmental Management and other documents within their purview that come before the Board, and submit timely recommendations to DOE;
3. To be available for Committee work between Board meetings, and to participate fully in the affairs of the Board;
4. To respond to concerns and questions raised by the public regarding issues within the scope of the Board;
5. To work collaboratively and respectfully with other Board and ex-officio members in the best interests of both the Board and the public;
6. To represent accurately all matters before the Board.
7. To handle in a responsible manner information and materials provided by the agencies, particularly drafts developed for an agency's in-house use, that

might have significant future revisions as part of the agency's working practices;

8. To establish an information distribution process to meet the diverse needs of the public regarding issues within the purview of the Board;
9. To share any written communication about or for Board activities with the Board as a whole and with the DDFO;
10. To act for the Board or as its representative only with the majority vote of the Board.
11. To serve on at least one project and one Committee or Task Force during any given six month period as appointed by the Chair;

B. Ex-Officio Member's Commitments: The Board requests that ex-officio Board members make the following commitments:

1. To define and communicate clearly to the Board the respective decision making processes of the agencies they represent;
2. To provide timely access to information pertinent to Environmental Management and associated environmental issues and related decision making at Los Alamos National Laboratory;
3. To inform the Board in a timely and proactive manner of agency processes, programs, projects, and activities pertinent to the Board's mission and purpose.

V. BOARD STRUCTURE

A. Chair and Vice Chair: The Board will elect by majority vote, a Chair and Vice Chair, who will ensure that a diversity of viewpoints are considered in all Board discussions. The Chair will support the Board in a balanced and unbiased manner, irrespective of any personal views on a particular issue and see that all Board members have the opportunity to express their views.

1. The election for Chair and Vice Chair will be held before September 30th of each year. The terms of the Chair and Vice Chair will be one year beginning October 1st.
2. The Chair will serve as liaison with the staff Executive Director and facilitator(s), assisting in the preparation of the agendas, minutes of the meetings, and other necessary arrangements.

3. The Chair or his/her designee may draft and issue press releases and represent the work and positions of the Board within the following parameters:
 - a. The Board may delegate media responsibilities on an ad hoc or any other appropriate basis.
4. The Chair certifies to the accuracy of all minutes.
5. The Chair signs the certification of a recommendation that the Board has passed by consensus. If consensus is not reached, the Chair may refer the matter back to a committee or sign and send to DOE the majority and minority reports.
6. The Chair assures necessary administrative support for the committees and task forces, and requests DOE support through the DDFO.
7. The Chair shall appoint members to committees and task forces and ensure that the membership of the committees and task forces reflects the diversity of the Board to the extent practicable.
8. The Chair serves between regular meetings of the Board as contact for DOE as well as the participating and regulatory agencies.
9. The Vice Chair serves as Chair in the absence or incapacity of the Chair.
10. The Chair and Vice Chair will have other duties as assigned by the Board.
11. In the absence of the Chair and Vice Chair, the immediate past Chair, if that person still serves on the Board, shall serve as Chair of the board meeting. In the absence of the immediate past Chair, the immediate past Vice Chair, if that person still serves on the Board, shall serve as Chair of the Board meeting.

B. Committees: The Board will establish its Committees prior to the beginning of each fiscal year to reflect the Board's approved work plan for that year. Each Committee so established will submit before October 1st an annual work plan for approval by the Board and DOE.

C. Other Committees and Task Forces: The Board may establish ad hoc committees or task forces as it deems necessary.

D. Structures of Committees, Ad-hoc Committees and Task Forces:

1. Membership on Committees will be on a volunteer basis, and Board members must serve on at least one Committee.

2. Committee members may develop operating procedures consistent with these bylaws.
3. Committees may not directly submit recommendations to DOE. They are solely responsible for producing draft proposals or information for the full Board. Before presenting a recommendation to the Board, the Committee should have passed the recommendation by majority vote of the members attending the meeting.
4. The Committees will meet independently of the Board. If the meetings of the Committee are open to the public, they must hold them in public locations after appropriate notice.
5. If a written summary of the Committee meetings is prepared, the chair of the Committee will provide it to the Board.
6. Election of the Chair for the Committees will occur annually, or as necessitated by vacancies.
7. Any Committee may include non-Board members. For any committee the number of non-Board members may not be more than the number of Board members.
8. Non-Board members shall be allowed to vote in Committee meetings but shall not hold Committee leadership positions.
9. Ad-hoc Committees and Task Forces shall be established by the Board for the purpose of investigating special topics. The charge to, Board membership, and chair of the Ad-hoc Committees and Task Forces shall be established by the Board.
10. Non-Board members of Committees, Ad-hoc Committee, and Task Forces shall be appointed by the Chair, upon recommendation of the chair of the respective Committee, Ad-hoc Committee, or Task Force. The DDFO shall concur in all non-Board appointments.

E. Executive Committee. The Board has an Executive Committee consisting of the Chair, Vice Chair, and Chairs of the various Standing Committees established during the fiscal year. The Executive Committee shall meet at least bimonthly and may hold other meetings at the call of the Board Chair to consider matters of importance that may require immediate resolution. The DDFO and the Executive Director shall serve as ex officio and non-voting members of the Executive Committee.

F. Work Sessions: Work sessions are defined as meetings of the Board, including ex-officio members, at which official action may not be taken. They must, however, be formally advertised, to be in compliance with the Federal Advisory Committee Act.

G. Executive Session (Closed Session): Upon approval of the Secretary of Energy, the Board shall announce fifteen days in advance of the meeting an Executive Session for matters concerning litigation or private personnel matters.

VI. DECISION MAKING

A. Quorum: A quorum of the Board consists of a majority of the members of the Board.

B. Rules of Order:

1. The current edition of "Robert's Rules of Order" governs the Board.
2. All decisions, other than decisions on recommendations and changes to the Bylaws, are made by majority vote of those members present and voting.
3. Changes to the Bylaws shall require a two-thirds majority of the Board membership.

C. Requirements for Recommendations to the DOE:

1. Recommendations shall be approved by consensus at a Board meeting; if consensus cannot be reached, a majority and a minority report(s) shall be written. These reports may be submitted to the DOE, but must be clearly marked as representing two (or more) points of view.
2. When an issue comes before the Board, the Chair may refer the issue to the appropriate Committee or create an Ad-hoc Committee or Task Force for that issue. The Committee, ad-hoc Committee or Task Force will report progress to the Board at the next meeting.
3. Recommendations to be considered by the Board shall be processed in the following manner:
 - a. The Board member, Committee, Ad-hoc Committee, or Task Force desiring to propose a recommendation to the Board shall send the draft recommendation to Board members by (1) Email or (2) hand-carry to the Board member's residence at least twenty one (21) calendar days prior to the next Board meeting. The draft recommendation shall be accompanied by a brief statement of the issue to be considered, the background of the issue as it affects Los Alamos National Laboratory

and northern New Mexico, and the purpose and effect of the recommendation.

- b. Board members shall provide comments on the draft recommendation to the Executive Director within fourteen (14) calendar days of receipt of the draft recommendation. The Executive Director shall immediately send each comment to the Board member, Committee, Ad-hoc Committee, or Task Force proposing the recommendation.
 - c. The Board member, Committee, Ad-hoc Committee, or Task Force proposing the recommendation shall endeavor to resolve comments prior to the next Board meeting, and shall present a revised draft recommendation to the Board at the next Board meeting.
 - d. The Board shall consider and may approve the recommendation at the next Board meeting.
4. Upon passage by the Board, all recommendations will be signed by the Chair and conveyed to DOE in writing within fifteen (15) calendar days.
 5. The Board requests that DOE respond to the Board recommendations within thirty (30) calendar days and explain the basis for DOE's decision and how DOE will implement in a reasonable and timely manner any recommendations that are accepted.
 6. Consideration of recommendations from other SSABs or conferences will be handled in the manner described above.

D. Administrative Decision Making:

1. Administrative functions of the Board may be delegated to the Executive Director or to the Chair.
2. If the Board finds need to review or affirm specific decisions made under the authority delegated to the Chair or staff Executive Director, such affirmation will be expressed by a majority vote of the Board at the next meeting.

VII. ROLE OF THE FACILITATOR

A professional facilitator may be hired to help the Board organize its work, prepare an agenda based on consultations with the Board and the Chair, facilitate the Board meetings, and work with the staff to prepare the minutes of the meetings.

VIII. CONDUCT AND FORMAT OF MEETINGS

A. Meeting Format:

1. Public notices will be printed in the Federal Register at least fifteen (15) days before the meeting. Announcements will be made on the radio and in local newspapers.
2. The Board will meet as needed, with the length of meetings determined by the agenda;
3. The Board will submit its agenda for the approval of the Deputy Designated Federal Officer. In preparing the agenda, the Board obtains input from the participating and enforcement agencies, and the public;
4. Meetings will be open to the public; a section of the meeting room will be set aside for observers, and public comment is invited at appropriate times during a meeting.
 - a. There will be a fixed agenda time for public comment. Board members may not address the Board during the time set aside for public comment. The public comment period may be extended by the Chair or by consensus of the Board members in attendance.
 - b. If required, at the discretion of the Chair, the fixed time will be divided equally among the people who request to speak.
 - c. Before a decision on a recommendation is made, the Chair may invite members of the public to offer their input. The Board will determine in advance how much time they will allocate for public input.
 - d. Board members wishing to talk with the speakers are asked to hold these conversations during the break that follows the public comment period. Board members may ask clarifying questions of the speakers.
 - e. Members of the public may offer their comments in writing and give them to the Chair or the DDFO.
 - f. Time will be set aside for Board member comments during each meeting.
5. Any meeting will be set up in terms of both the physical arrangements and the agenda to facilitate hearing and discussion;
6. Minutes of the meetings will be kept by an individual designated by the Chair, distributed to the Board members for their review and made available to the public. Each meeting agenda will include the opportunity for members to make revisions to the minutes of the previous meetings;

7. Any product of the Board such as policies, positions, reports, advice or recommendations given to DOE must be reviewed by the Board in final distribution form before distribution via the media and be placed in the DOE public reading rooms and any other places deemed appropriate.

B. Conduct of Meetings:

1. The Board may utilize a neutral third party facilitator to assist it in accomplishing its mission; in all instances the facilitator will operate in a completely neutral, balanced, and fair manner;
2. Board members will show respect to each other and the public by avoiding personal attacks or derogatory comments. Board members should seek to err on the side of civility and provide apologies and forgiveness promptly when occasion arises.

IX. BUDGET

A. Authority: The Board will provide a proposal to the DDFO. Funding amounts will be determined yearly based on the Board's approved workplan and availability of funds. The DDFO retains the fiscal responsibility for the Board but may assign a fiscal agent acceptable to DOE.

B. Compensation: Board members will serve without compensation except in cases of extreme need, but they will arrange for reimbursement for direct expenses related to the work of the Board and meeting attendance.

C. Travel Expense: Board members are required to obtain prior written approval from the Deputy Designated Federal Official for all travel plans. All meeting expenses must be submitted to the DDFO for reimbursement according to Federal guidelines.

X. EVALUATION

The Chair shall appoint a committee of members to conduct an annual evaluation to assess how adequately it is representing stakeholder interests and meeting the needs of the public. The Board will also evaluate the responsiveness of DOE and the other participating and enforcement agencies. Not later than July, an Evaluation Committee will be formed to solicit public input on Board performance. The Evaluation Committee will report findings in August to the Board at the regular or a special meeting of the Board. The Board will help develop the criteria for the mutual evaluation. After Board approval, but no later than September 30th, the report will be submitted to DOE, participating and enforcement agencies, and state and federal regulators.

XI. CONFLICT OF INTEREST

A. Definition: Board members are subject to the same standards of conduct applicable to a full-time Federal employee. Board members are prohibited from personally and substantially participating as a Board member in any particular matter in which the Board member or the Board member's spouse, minor child, general partner, or employee has a financial interest. This restriction also applies if the Board member is negotiating or has any arrangement concerning prospective employment with any person or organization that has a financial interest in any particular matter before the Board.

B. Enforcement of Conflict of Interest Policy: Questions concerning conflict of interest shall be referred to the DDFO for resolution.

C. Recusal: If a Board member is aware of a conflict of interest, as defined above, the member shall immediately inform the DDFO and the Board of the interest and shall refrain from participating in discussions and recommendations in which a conflict or potential for conflict of interest exists.

D. Principals of Conduct: Board members shall abide by the following conflict of interest principles:

1. Members shall refrain from any use of their membership, which is or gives the appearance of being motivated, by the desire for private gain;
2. Members shall not use, either directly or indirectly for private gain, any inside information obtained as a result of Board of Committee service;
3. Members shall not use their positions in any way to coerce, or give the appearance of coercing another person to provide a financial benefit to the member or any person with whom the member has family, business, or financial ties;
4. Members shall not knowingly receive or solicit from persons having business with the DOE anything of value as a gift, gratuity, loan, or favor while serving on the Board or in connection with such service.

XII. AMENDING THE BYLAWS

The Board shall have the power to alter, amend, and repeal these bylaws in ways consistent with the Amended Charter of the Environmental Management Site-Specific Advisory Board, the Office of Environmental Management for the Site-Specific Advisory Board Guidance and other applicable laws, regulations and guidelines. Any member of the public, the Board, or one of the Agencies may propose an amendment to the bylaws. However, to be considered by this Board the proposed amendment must be sponsored by a Board member. The Board may consider and take action on the amendment to the bylaws at the meeting following the introduction of the proposed amendment.

Amendments require the affirmative vote of two-thirds majority of the membership of the Board.

XIII. ADOPTION OF THE BYLAWS

These bylaws will be effective upon the affirmative vote of a two-third majority of the Board membership, execution by the Chair and the approval of DOE. All previous bylaws are hereby rescinded.

XIV. SUBORDINATION AND SEVERABILITY OF THE BYLAWS

If there arises a conflict between any provision of these Bylaws and federal statutes, the laws of the state of New Mexico, or federal or state regulatory authority, then the superseding law or regulation shall control. In the event that any provision of these bylaws is invalid, such invalidity shall not affect the remaining provisions of these bylaws that shall continue in full force and effect.

APPROVED as AMENDED on: _____ (Date)

OPENNESS POLICY

Northern New Mexico Citizens' Advisory Board A Site Specific Advisory Board for the Department of Energy on Environmental Issues at Los Alamos National Laboratory

October 2001

1. MISSION

The mission of the Northern New Mexico Citizens Advisory Board (NNMCAB) on Environmental Management is to provide meaningful opportunities for collaborative dialogue among the diverse multicultural communities of Northern New Mexico, the Department of Energy (DOE), the Los Alamos National Laboratory (LANL), and state and federal regulatory agencies. The responsibilities include providing advice and recommendations on DOE environmental programs concerning

- environmental restoration,
- waste management,
- monitoring and surveillance,
- outreach,
- future land use and long term environmental stewardship,
- science and technology and associated environmental issues,
- risk management,
- budget prioritization.

The Board provides early and ongoing community access to information (including interpretation and implications) and dialogue that improves the quality of the decision-making process of DOE and LANL.

The NNMCAB is keenly aware of the need provide an open and candid forum for discussion of environmental issues at LANL. Board members appreciate and share the concern of residents of north-central New Mexico about past, present, and future releases of hazardous material due to operations throughout the Laboratory. The NNMCAB feels that DOE must communicate honestly and in a timely fashion concerning the effects those release may have on the health of both residents and the exceptional environment surrounding us. The NNMCAB members and staff strive to provide a forum for citizens to express their concerns and for DOE to respond in a positive, non-threatening manner.

2.0 OPENNESS POLICY

2.1 Openness Philosophy

The goal of the NNMCAB Openness Policy is to establish effective two-way communication with citizens. Board members encourage meaningful participation by listening to and talking with citizens in order to ascertain their opinions and concerns. The NNMCAB strives to engage the public by providing sincere and transparent accounts of its activities in the following manner.

- All decision meetings are open and aggressively advertised in northern New Mexico media.
- Meetings are held in various locations throughout northern New Mexico to give citizens opportunity to participate.
- The NNM CAB minutes and its formal recommendations to DOE are public documents available at the NNM CAB office and posted on the Internet.
- All DOE responses to recommendations are posted on the Internet.
- Meeting summaries are made available to local media.
- The NNM CAB solicits and invites members of the public to join the board.
- Citizens unable to make the time commitments required by board membership may participate and contribute to the NNM CAB by membership in one or more committees..

All members of the public, especially local residents are encouraged to make their views known to the NNM CAB and DOE staff at any time. It is not necessary to wait for an official comment period. There are several ways to submit comments and concerns to the NNM CAB.

- Written comments may be submitted to
NNM CAB
Attention: COMMENTS.
1660 Old Pecos Trail, Suite B
Santa Fe, NM 87505
FAX (505) 989-1752

e-mail ???@

Internet web site (<http://www.nnmcab.org>)

- Voice mail
(505) 989-1662
toll-free 800/218-5842.

The toll-free number also provides information on NNM CAB meeting schedules

In person at 1660 Old Pecos Trail, Suite B, Santa Fe, NM

The office is open Monday through Friday from 8 AM to 5 PM

2.2 Openness Approach

2.2.1 Informational Activities

The NNM CAB recognizes the importance of making objective decisions from among a range of possible solutions to environmental problems. In order to obtain input and feedback before making final decisions on important environmental issues, DOE provides the public with background information on the options considered. The NNM CAB often co-sponsors presentations, meetings, and documents on these environmental matters. The NNM CAB seeks input from the public concerning major decisions on cleanup, cleanup priorities, environmental surveillance findings, and waste management decisions by scheduling public information presentations during its regular

meetings. Meetings are advertised by several methods-mailings, newspaper ads, and the Internet-with the agenda clearly stated.

The NNM CAB strives to engage all interested parties factually and to communicate accurate and timely information on the environmental issues at LANL. While the board members rarely possess expertise on these complex environmental issues, the NNM CAB has access to the factual data, knowledgeable individuals, and appropriate agencies necessary to obtain responses to citizen's comments and concerns. The NNM CAB meets regularly with DOE, LANL, and New Mexico State regulatory departments, and also has access to independent experts. Discussions are open, direct, and non-threatening. The NNM CAB regularly submits formal questions and recommendations to DOE. The DOE provides timely responses to these requests (as required by law). Comments received by the NNM CAB become part of the public record and are scheduled for review and action, as appropriate.

2.2.2 Response to citizens' environmental concerns

A main component of this program is to raise the awareness of the NNM CAB and DOE to citizens' concerns. Citizens are encouraged to express their concerns to the NNM CAB during public comment periods included in its meeting agenda. The topic need not be one scheduled for discussion on that agenda. The NNM CAB pledges to forward to the appropriate agency or technical expert unedited written questions, comments, and recommendations from individuals or groups on matters concerning environmental management. To the best of its ability, the NNM CAB will summarize verbal questions and comments to forward to the appropriate agency or technical expert. The NNM CAB will insist that written responses from DOE or other agencies include the following:

- A clear statement acknowledging an understanding of the concern;
- A clear statement of acceptance or rejection of the validity of the concern;
- If a concern is accepted as legitimate in whole or in part, an explicit commitment stating how the necessary changes will be implemented and in what time frame; and
- If a concern is dismissed in whole or in part, a substantive basis for the decision, as well as possible alternatives for resolving the concerns or issues raised.

If unresolved issues still remain, the NNM CAB will so state this in written correspondence to the appropriate individuals and/or interest groups with the goal of establishing (or continuing) a near-term mutual dialogue to work through areas of disagreement. However, the NNM CAB recognizes that individuals and entities exist whose goals and purposes are beyond legitimate environmental concerns and who may seek to clog the system with unreasonable demands. The Board may, at its discretion, reject submitting to this "OPENESS PLAN" those demands for actions that it deems to be unreasonable.

2.2.3 Response to non-environmental concerns

The NNM CAB understands that the public views LANL as a single entity rather than as a diverse institution with many separate departments and responsibilities. The NNM CAB charter clearly states that NNM CAB influence only extends to matters concerning environmental management as listed in Section 1.0 above. If concerns outside its

purview are expressed to the NNM CAB, the Board will explain to the individual or group that it has no influence concerning that topic. The Board may, at its discretion, request that its DOE liaison, the Deputy Designated Federal Officer (DDFO), forward the concern to the proper DOE officials. The DDFO may accept or reject this request at his or her discretion. DOE may reply to non-environmental concern at its discretion or under other guidelines for public involvement. If the DOE does respond to non-environmental concerns submitted by the board, the NNM CAB requests a copy of its response. The Board, at its sole discretion, may or may not take further action on such a matter.

2.3 Components

2.3.1 Regulatory documents

Regulatory documents produced by LANL environmental programs are an important component of the openness process because they are windows on the environmental management process. The documents provide the means by which the NNM CAB and citizens can judge the factual basis for DOE's environmental decisions and actions. All LANL environmental documents and reports are public documents and are required to be readily accessible to the public. The major policies, directions, and restoration actions, and the schedule for their execution are available in LANL public reading rooms and on the LANL web site. The NNM CAB products (meeting minutes, recommendations) will be made available in a timely manner through the NNM CAB web site.

2.3.2 Document retrieval

For documents such as RCRA Facility Investigation reports, Corrective Measures Plans and Corrective Measures Studies, the NNM CAB will assist LANL in making information available to the public. The NNM CAB may hold joint public meetings with LANL to explain or discuss the pending actions, documents, or information. Appropriate documents will be displayed at such meetings. Comments received as a result of document review will be forwarded to DOE, LANL, or the appropriate regulatory agency. The NNM CAB staff will maintain a list of appropriate Internet sites where documents are available, as well as lists of regulatory reports available in the LANL reading rooms. The staff or board members may refer a citizen's request for documents to the appropriate LANL Public Affairs department, or may assist in retrieving documents from the Internet that are in a form inaccessible to the citizen, such as Adobe PDF files.

2.3.3 Internal feedback

DOE will provide to NNM CAB copies of all DOE or other responses to questions and comments it receives from citizens. The NNM CAB will ensure that all responses are accurate and balanced, and may, at its discretion, obtain a second opinion from an independent expert. A main component of this Openness Policy is to conduct regular meetings with LANL technical staff to discuss comments received and to develop the most appropriate and accurate response. In responding to the citizen, the NNM CAB may provide a cover letter, including additional information and or comment, but the official response will be included unedited.

2.3.4 NNM CAB Meetings

The NNM CAB regular meetings will be announced at least 14 days in advance. Meeting notices will be distributed through mailings, and announced on the NNM CAB 1-800 information line, in newspapers, and on the NNM CAB web site. Meetings are always held in public places in various locales in Northern New Mexico. The meetings are recorded and minutes are prepared and posted on the NNM CAB web site.

Other responsibilities regarding public meetings are briefly summarized below.

- Coordinating the scheduling of public meetings to ensure that there are no conflicts with other LANL or DOE meetings;
- Ensuring that notices of meetings are placed on the NNM CAB 1-800 number, NNM CAB web site, and distributed through mailings;
- Ensuring that public meetings are conducted effectively according to the agenda;
- Ensuring that board members are provided with information and notified of issues that arise during public meetings;
- Ensuring that interested member of the public who wish to speak are able to register on a sign-up sheet;
- Ensuring that stakeholders who wish to be on a mailing list are placed on the mailing list.

2.3.5 Protected information

Although the NNM CAB's purpose and intent is open communication and strives to make available as many documents as possible, there are three possible exceptions, and they are:

- Documents or portions of documents containing proprietary information,
- Records of individuals that are protected by the Privacy Act of 1974,
- Business records covered by the provisions of the Federal Procurement Regulations.

Proprietary information is defined as follows:

Proprietary refers to information that embodies trade secrets developed at private expense, such as design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments, including minor modifications thereof, provided that such data:

- Are not generally known or available from other sources without obligation concerning their confidentiality,
- Have not been made available by the owner to others without obligation concerning their confidentiality,
- Are not already available to the Government without obligation concerning their confidentiality. (DOE/RL, 2000)

The DOE and LANL will brief the NNM CAB to achieve concurrence that any such information is to be categorized "proprietary". If possible, the information indicated as "proprietary" is deleted and the document released. Additionally, documents designated as "proprietary" will be reevaluated periodically and if the proprietary designation is no

longer appropriate, the information will be released. These measures ensure that the information categorized as proprietary is kept to a minimum.

Administrative records of the NNM CAB that do not influence any of its designated decisions or actions will not be released to the general public. Examples of such administrative records are delegations of authority, travel records, pay and leave information, etc.

2.3.6 Communication outlets

The following list includes but does not restrict communication outlets that the NNM CAB may use in implementing its Openness Policy

- **Mailing list.** The NNM CAB will use the LANL mailing and notification list of those who have expressed an interest in environmental programs at past public meetings. Individuals requesting to have their names placed on the mailing list may notify the NNM CAB staff by written request. Staff will forward the information to the appropriate LANL department.
- **Press releases.** On a case-by-case basis, NNM CAB will issue press releases to local, regional, and national media to inform interested parties of its activities and actions. The content and context of the release, approval of the distribution and issuance of each press release will be coordinated with LANL and DOE Los Alamos Area Office. The NNM CAB may also invite reporters from local media to attend board or committee meetings. The NNM CAB staff will regularly send copies of meeting agendas to local media to invite and encourage their attendance.
- **Reading rooms/information repositories.** The DOE and LANL have established reading rooms/information repositories for the convenience of the public as requirements by the Hazardous Waste Facility Permit. An index of the regulatory information available in the reading rooms is maintained on the LANL web site.
- **Information telephone line.** The NNM CAB also has a toll-free telephone number 800/218-5842 at which interested parties can request information or leave voice messages if the receptionist is not available. It provides general information about scheduled NNM CAB activities. The NNM CAB encourages the public to submit comments through the information phone line. The effectiveness of communication through the 1-800 number depends on the NNM CAB's responsiveness; consequently the NNM CAB assures that the comments receive a prompt response.
- **The NNM CAB, DOE, and LANL web sites.** The NNM CAB will use the Internet to provide useful, readily accessible, and timely information to interested parties who have access to the Internet. A secondary goal is to allow rapid two-way communication through an e-mail link and feedback form. The NNM CAB would like to know from the web browsers how useful the site information is and how the site might be improved and encourages them to use the feedback form.

The NNM CAB web site provides the following type of information.

- News
- Information
- Document Center

- Transportation
- Opportunities
- Contacts
- What's New?
- Search.

Many of the documents are available in Adobe PDF format for easy downloading and printing.

2.4 Stakeholders

The DOE defines a stakeholder as "Any party other than Federal employees or DOE contractor or subcontractor employees that will be materially affected by, or can materially affect, the outcome of the work, either favorably or unfavorably (for example, representatives of State, and local governments, labor unions, and citizens' groups)." (DOE M 450.3-1, January 25, 1996). However, the NNM CAB, because of the number of interested and potentially impacted parties has expanded this definition to include "all individuals, organizations, and governmental bodies that may be interested in, affected by, or charged by statute to regulate or oversee the LANL Program." Identified stakeholders include:

- Internal stakeholders which is composed of DOE Headquarters, other DOE offices, employees, families, contractors, unions, and retirees. (But these are excluded by the definition above as they are affected by the work). To date, communications with internal interested parties suggest an additional need to explain the mission and functions of the NNM CAB and what communications and education value the NNM CAB expects to achieve. The NNM CAB will answer these questions by requesting opportunities for presentations to these internal stakeholders and seeking their comments and concerns.
- External stakeholders consist of two major groups: interested groups and individuals, and institutional and governmental representatives. (These people are also affected by the work). As the host state for LANL, New Mexico is the state with the majority of the most affected stakeholders, including Los Alamos, White Rock, The Eight Northern Pueblos, Española, Santa Fe, and Albuquerque area residents. Other constituents in this group include civic, service, professional, and business organizations, the academic community, and special interest groups.
- Institutional and governmental representatives are regulators, oversight and other scientific groups, government officials and representatives, and institutional associations and organizations. The LANL program managers and DOE work with federal, state, and local regulators and oversight groups in ensuring LANL's compliance with applicable laws and regulations.

The internal and external stakeholders have interests in and concerns about the process by which environmental decisions are made and the impacts of these decisions. They are also interested in the process being transparent. In this Openness Policy, the NNM CAB strives to ensure that the LANL environmental programs at LANL are transparent. The

mechanisms for ensuring transparency are discussed above in Sections 2.2 Approach and 2.3 Components. The roles and responsibilities of the NNM CAB in ensuring transparency are delineated below.

3.0 NORTHERN NEW MEXICO CITIZENS' ADVISORY BOARD ROLE

3.1 Roles and Responsibilities

3.1.1 Establish a "partnering" approach to effective regulation

The NNM CAB stresses developing a synergistic relationship with DOE and the New Mexico Environment Department in establishing a partnering approach. The traditional "us versus them" attitude is deemed to be counterproductive and will be avoided. DOE acknowledges the vital role played by all its regulatory agencies and stakeholders in the overall process of achieving a sound cleanup and monitoring strategy for LANL and is prepared to work with all them in the review and approval of all the LANL deliverables. The NNM CAB feels it plays an important role in advising DOE in that effort and ensuring that the process is open to all stakeholders.

3.1.2 Define the big picture

LANL, as the responsible party for environmental work at the laboratory, will work with DOE, the regulators, and the public in developing consensus on the various elements in integrating the cleanup requirements of the laboratory. The NNM CAB realizes that developing, tracking, and refining the big picture are important elements of an openness atmosphere. Various aspects of the defining the big picture are as follows.

- Determining and acknowledging the issues of concern for each group. Significant issues will be determined early in direct dialogue among all parties, and the significant issues for each party must be recognized by all parties; all parties may not agree on the significance of an issue, but the issue will be acknowledged.
- Prioritizing the cleanup requirements and work. All parties must work together to develop mutually agreeable priorities. For an issue as complex as environmental cleanup at LANL, there must be an effort to determine what is judged collectively important in order to focus on these elements. Once priorities are agreed upon, the NNM CAB, DOE, and LANL will do everything in their power to observe these priorities.
- Developing a reasonable schedule. After issues and priorities are established, a reasonable schedule for achieving the cleanup at LANL must be developed. Unrealistic or overly optimistic schedules for completing the cleanup are counterproductive. In regards to some processes, NNM CAB recognizes that regulatory entities must have enforceable milestones in order to ensure work progress.

3.1.3 Focus on maintaining the working relationship

Maintaining a working relationship among all parties requires constant attention and effort. The main techniques the NNM CAB will use for ensuring and maintaining its working relationship with its stakeholders, DOE, LANL and state regulators are active

routine communication, early identification and notification of problems, and NNM CAB leadership role in establishing open discussions on environmental programs.

Active routine communications will encompass much more than status reports on cleanup progress. Discussions on the technical issues surrounding implementation of work projects and/or the development of alternative technologies must be evaluated to ensure that the NNM CAB and the public is well informed of technical issues and the overall status of the project.

Problems are inherent in most all projects. The NNM CAB realizes that the expeditious resolution of these problems is highly dependent on the early identification and communication to the appropriate DOE and LANL staff. Consequently, early identification of problems is a major component of the NNM CAB Openness Plan.

Development and maintenance of the proper working relationship of the NNM CAB leadership is crucial. This relationship is required in order to develop effective communications and to enable cooperative issue resolution. The NNM CAB Chair and Vice-Chair will bear the responsibility for assuring that this relationship exists, but every member of the board shall bear an equal responsibility for the implementation. The NNM CAB Executive Committee will communicate frequently and openly with other board members and with the public.

3.1.4 Public Participation

Public participation will be ensured by providing timely notification of meetings, adequate physical facilities that are convenient and well identified, and by providing adequate comment periods during meetings. The public will be encouraged to attend so as to verify that the NNM CAB adequately and accurately represents its interests. Comments from Stakeholders will be allowed and encouraged to be provided as determined and scheduled on the agenda, however it must be recognized that these are working meetings, necessary for the NNM CAB to operate, and therefore, stakeholder comments will not be allowed to disrupt and/or prevent the conduct of the business on the published and approved agenda. The Chair of the meeting will be responsible for adherence to this rule. The NNM CAB may choose to conduct separate open documented meetings with stakeholders, regulators, and oversight groups, or to invite such groups to participate in NNM CAB public meetings. As stated above, the NNM CAB will work with LANL technical staff to obtain meaningful responses to questions and comments from the public.

4.0 MEDIA ACCESS

Media access is crucial to any Openness Policy. Press releases will be issued to local, regional, and national media to inform interested parties of significant NNM CAB activities. The NNM CAB will coordinate the content of the releases and their distribution with DOE and LANL Offices of Public Affairs. The NNM CAB will actively invite participation by media representatives, will determine and respond to the needs and

interest of the media, and will cultivate constructive relationships with journalists by providing balanced stories about LANL environmental issues.

APPENDIX A: STAKEHOLDER AUDIENCES

Key stakeholder audiences are listed below.

External stakeholders

Government officials and representatives

- Federally recognized tribes and pueblos
- Members of Congress, governors, mayors, and other federal, state, and local officials and entities, including:
 - New Mexico Governor's Radioactive Waste Consultation Task Force
 - New Mexico State Legislature
 - New Mexico Joint Interim Radioactive and Hazardous Materials Committee
 - Attorneys General of New Mexico and affected states
 - New Mexico Senators' offices
 - New Mexico Representatives' offices
 - WIPP officials

Regulators

- U.S. Environmental Protection Agency
- New Mexico Environment Department
- Other regulatory bodies, such as the Toxic Substance Control Agency

Institutional groups

- Government associations
- Western Governors' Association
- Southern States Energy Board
- National Conference of State Legislatures
- Energy Communities Alliance
- National League of Cities
- National Governors' Association
- Municipal Leagues in affected states
- County associations in affected states
- Site-Specific Advisory Boards
- Tribal organizations, including:
 - National Congress of American Indians
 - Council of Energy Resource Tribes
 - Eight Northern Pueblos

Internal stakeholders

- DOE Headquarters
- Other DOE Offices

- Employees
- Families
- Contractors
- Subcontractors
- Consultants
- Unions Retirees

APPENDIX B: CITIZENS' ADVISORY GROUPS

B.1 Stakeholders

As indicated in Section 3.1, the NNM CAB will interact and communicate with all the external and internal stakeholders interested in the LANL Program. The NNM CAB's purpose is to provide independent public input and advice to the DOE regarding the LANL Program at LANL. The interests represented by the NNM CAB are broad and encompass business/commerce, medical, unions, local governments, tribal governments and organizations, environmental groups, universities and colleges, women's groups, civic/religious groups, Hispanic and other minority organizations, and citizens at large.

B.2 Composition

The NNM CAB is a DOE site-specific advisory board created in accordance with the Federal Advisory Committee Act (FACA). It must be "fairly balanced in terms of points of view represented and function to be performed." Additionally, it is DOE policy that NNM CAB membership have gender and ethnic diversity. An open attitude on the part of all participants is essential to effective discharge of the NNM CAB's mission.

There are two main types of membership selection for Citizens' Advisory Boards: representative or at-large. In a representative-type membership, the stakeholder organization holding a seat on the board is responsible for choosing the individual to hold that seat. In the at-large-type membership, individuals submit applications for membership and the individual represents only him- or herself and does not speak for any particular stakeholder group. The NNM CAB is an at-large type of Citizens' Advisory Board.

B.3 Roles and Responsibilities

B.3.1 Deputy Designated Federal Officer's Responsibilities

Under FACA, a Federal advisory board is required to have a Deputy Designated Federal Officer (DDFO) who is a DOE employee who works closely with the NNM CAB. The Los Alamos Area Office (LAAO) provides the DDFO for the NNM CAB. In appointing the DDFO, it is essential that LAAO select a person committed to the NNM CAB Openness Policy in all aspects of the position. The responsibilities of the DDFO are:

- Call for, attend, and adjourn Board meetings,
- Approve agendas,
- Ensure that conflict of interest regulations are followed,
- Ensure required records on Board costs and membership are maintained, and
- Make records available to interested members of the public.

In addition to the FACA-related responsibilities, the DDFO is responsible for ensuring that:

- Senior LANL Program managers responsible for radiation and environmental management and, as appropriate, their contractor staff attend and participate in the Board meetings
- The NNM CAB has the opportunity to offer advice and recommendations that may affect the LANL decision-making process.

In support of this, the DDFO must:

- Ensure that DOE's decision-making process is clearly communicated;
- Suggest site activities and policy issues on which the Board's input would be useful;
- Inform the NNM CAB membership of departmental programs, projects, and activities directly affecting the Board's mission and purpose;
- Work closely and cooperatively with the Board to prioritize issues;
- Develop an annual work plan that includes goals for the coming year; and
- Approve the Board's annual work plan.

B.3.2 Member Responsibilities

The success and effectiveness of the NNM CAB depends largely upon the interest, commitment, input, and integrity of its members. To assist the members in understanding their responsibilities, a list of responsibilities follows. In general, local NNM CAB members are expected to:

- Attend meetings;
- Participate in an open, constructive, and respectful manner;
- Provide advice and recommendations to DOE decision-makers at the field and headquarters levels on relevant environmental management issues;
- Act as a conduit for the open exchange of information between the community, DOE, and environmental oversight agencies on relevant issues;
- Review, evaluate, and comment on environmental management documents and other materials.

Three of the most important responsibilities of the board are the report-back function, conducting working sessions on technical issues, and drafting recommendations.

The report-back function for the representative-type member is relatively straightforward; the members know who their constituencies are and usually have formal means of reporting back to them. However, the function is not so clear for the at-large-type member. This member may be representative of an identifiable constituency, but he or she is not necessarily a representative from that constituency. However, there are report-back activities that can be used by all members so that all constituencies receive

information on the NNM CAB's deliberations and work. Some of the activities that can be implemented are detailed below.

- Scheduling presentations to targeted stakeholder groups, including civic clubs, labor union, neighborhood groups, and school groups. The presentation may discuss the make-up and purpose of the NNM CAB and the current issues it is/has addressed and its recent recommendations.
- Scheduling briefings for federal, state, and local elected and tribal officials and their staffs with a presentation similar to the above, but geared to the particular official's role or interest in the LANL

Program.

- Sponsoring community forums on specific topics of widespread interest regarding the LANL Program and the role of the NNM CAB in that program.
- Conducting stakeholders' surveys to ascertain which issues most concern the public and how the NNM CAB is perceived by the public.

Such activities are essential if the NNM CAB is to avoid becoming isolated and parochial, and being perceived as being co-opted by the DOE. By actively engaging rather than just inviting and informing the public, the NNM CAB ensures that it maintains:

- An understanding of the problems from a broad public view,
- An understanding of which issues are of the most concern to the public,
- An understanding of the diverse viewpoints on the issues,
- The ability of the NNM CAB to educate the larger public on the issues regarding radiological environmental restoration and cleanup at LANL,
- The ability to report back to the public on the DOE's responses to board recommendations,
- A talent pool for new membership applicants.

The DOE will make it clear that the independence of the NNM CAB is of the utmost importance and that it takes Section 5(b)(3) of the FACA seriously: ... the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment ...

B.3.3 Working Group Responsibilities

Another function of the NNM CAB will be to create working groups to address specific, complex regulatory and technical issues. These working groups will open to full participation by the public and will have clearly defined missions, goals, and end points in the form of final reports and recommendations that are forwarded to the full NMCAB for consideration and ratification. The DOE will support these groups by appointing technical liaisons and by contracting the services of an independent technical advisor/facilitator. (Attridge, T. and M. Holland. 1999)

Finally, the NNM CAB will make recommendations to the DOE as its primary responsibility.

B.4 Meeting Logistics

Meetings will be held monthly or bimonthly and their locations will be rotated around Northern New Mexico in order to encourage participation from stakeholders from other areas of the state. Members who serve in a representational capacity for local interests, are not considered unbiased experts, and therefore do not receive compensation. However, the members may be reimbursed for their travel expenses in accordance with the FACA.

B.5 Public participation for non-members

As indicated above, the meetings of the NNM CAB and its working groups will be open for full public participation. A major means of obtaining public feedback will be to hold public comment periods at the end of all its meetings and the meetings of the working groups. The comments will be directed to the DOE and the responsible LANL Program that will in turn respond to the comments as outlined in Section 2.2.2 Responses to citizens' environmental concerns. The other means of communication are outlined in Section 2.3.6 Communication Outlets.

B.6 Citizens' Advisory Board Committees

Many of the issues that must be addressed in dealing with the LANL Program are complex and require the need for involvement throughout the whole process. The difficult work of understanding the complex problems and translating those challenges into materials the public is likely to understand is the business of the NNM CAB's working committees.

B.7 References

DOE/EM, 2000. Environmental Management Site-Specific Advisory Board (SSAB) Guidance, Revision 1, Washington, D.C., Office of Environmental Management, Office of Intergovernmental and Public Accountability, U.S. Department of Energy

FACA

NMED WORKING DRAFT

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AN ACT

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act [Section 74-4H-1 to 74-4H-16 NMSA 1978] may be cited as the "Environmental Covenant Act."

Section 2. PURPOSE. -- While it is in the public interest to ensure that environmental remediation projects protect human health and the environment, environmental remediation projects may leave residual soil and vadose zone contamination levels that have been determined to be safe for a specific use, but not all uses, and may incorporate engineered structures that must be maintained or protected against damage to remain effective. In such cases, it

is necessary to provide an effective and enforceable means of ensuring any required maintenance, monitoring or operation is conducted; and of restricting future uses of the land for as long as any residual soil or vadose zone contamination remains hazardous. This act is not intended to change, amend or affect in any way any standards, schedules, technology, or other remediation requirements included in any statute in state or federal law. Additionally, this law is not intended to, amend, apply to, or affect in any way any environmental remediation project already approved by the department.

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Section 3. DEFINITIONS. -- As used in the Environmental Covenant Act [74-4H-1 to 74-4H-16 NMSA 1978]:

A. "Affected local government" means every county, city, or municipality in which land subject to an environmental covenant is located.

B. "Contaminant" means contaminant as defined in Section 74-4G-3.C NMSA 1978, the Voluntary Remediation Act.

C. "Department" means the department of environment;

D. "Environmental covenant" means the instrument containing environmental use restrictions that is created pursuant to Section 74-4H-10 NMSA 1978.

E. "Environmental remediation project" means a remediation of soil or vadose zone environmental contamination that is conducted under any of the following:

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(1) Chapter 74, Article 4 NMSA 1978, the Hazardous Waste Act;

(2) Chapter 74, Article 4G NMSA 1978, the Voluntary Remediation Act;

(3) Chapter 74, Article 6B NMSA 1978, the Ground Water Protection Act;

(4) Chapter 74, Article 9 NMSA 1978 the Solid Waste Act;

(5) the federal Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund"), 42 U.S.C. Section 9601 et seq.; or

(6) the federal Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq.

F. "Environmental use restriction" means a prohibition of one or more uses of or activities on specified real property; a requirement to perform certain activities, including requirements for maintenance, operation, or monitoring necessary to preserve such prohibition of uses or activities; or both, where such prohibitions or requirements are imposed as a condition of an environmental remediation project for the purpose of protecting human health or the environment.

G. "Owner" as used in this section means the record owner of real property and, if any other person or entity otherwise legally authorized to make decisions regarding the transfer of the subject property, or placement of encumbrances on the subject property, other than through the exercise of eminent domain.

Section 4. REGULATIONS.--The department shall adopt and promulgate regulations necessary to implement provisions of the Environmental Covenant Act [74-4H-1 to 74-4H-16 NMSA 1978], which may include standard form covenants to be used by owners.

Section 5. NATURE OF ENVIRONMENTAL COVENANTS.

A. An environmental covenant shall be perpetual, unless by its terms it is limited to a specific duration, or unless the department approves a request to terminate or modify it pursuant to Section 74-4H-9 NMSA 1978, or unless it is terminated by a court of competent jurisdiction. An environmental covenant may not be extinguished, limited or impaired through issuance of a tax deed or through adverse possession, nor may an environmental covenant be extinguished, limited or impaired by reason of the doctrines of abandonment, waiver, lack of enforcement or other common law principles relating to covenants, or the exercise of eminent domain.

B. Notwithstanding any other provision of law, including any common law requirement for privity of estate, an environmental covenant shall

run with the land and shall bind the owner of the land, the owner's successors and assigns, and any person using the land. An environmental covenant shall likewise be enforceable against the owner of the land and his successors and assigns.

C. The requirements and restrictions of an environmental covenant may only be enforced as provided in Section 74-4H-11 NMSA 1978.

D. The Department shall not acquire any liability under state law by virtue of accepting an environmental covenant.

Section 6. ENVIRONMENTAL COVENANTS: APPLICABILITY.—

A. An environmental covenant may only be created if the property owner has demonstrated to the satisfaction of department that attainment of the appropriate standard is not feasible, by the maximum use of technology.

B. No environmental covenant is required for any environmental remediation project that results in residual soil or vadose zone contaminant levels that have been determined to be safe for all uses, and that does not incorporate any engineered feature or structure or require any monitoring, maintenance or operation.

C. An environmental covenant is required for any environmental remediation project when the project will result in either or both of the following:

(1) residual contaminants at levels that have been determined to be safe for one or more specific uses, but not all uses; or

(2) an engineered feature or structure that requires monitoring, maintenance or operation, or that will not function as intended if it is disturbed.

Section 7. CONTENTS OF ENVIRONMENTAL COVENANTS.--An environmental covenant shall include provisions regarding:

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A. A legal description of the property subject to the covenant.

B. Its duration and any conditions under which it may be modified or terminated.

C. Any environmental use restrictions required as part of the environmental remediation project for the subject property.

D. A requirement that the owner of the property subject to the environmental covenant notify the department at least fifteen days in advance of any transfer of ownership of some or all of the real property subject to the environmental covenant.

E. A requirement that the owner of the property subject to the environmental covenant notify the department at least fifteen days prior to submitting any application to local government for a building permit or change in land use.

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F. A requirement to allow the department right of entry at reasonable times with prior notice for the purpose of determining compliance with the terms of the environmental covenant. Nothing in this section shall impair any other authority the department may otherwise have to enter and inspect property subject to the environmental covenant.

G. Inclusion of the following statement on the first page of the instrument creating the environmental covenant in five point bold faced type:

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"This property is subject to an environmental covenant held by the New Mexico Environment Department pursuant to Section 74-4H-1 NMSA 1978."

H. An agreement to incorporate the environmental covenant either in full or by reference in any leases, licenses, or other instruments granting a right to use the property that may be affected by the environmental covenant.

Section 8. GENERAL REQUIREMENTS FOR CREATION, MODIFICATION, AND TERMINATION OF ENVIRONMENTAL COVENANTS.--

A. An environmental covenant under this part may only be created by the owner of the property through a written grant to the department by a deed or other instrument of conveyance specifically stating the intention of the grantor to create such a restriction under this article.

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B. The department is authorized to accept, refuse to accept, conditionally accept, modify and terminate environmental covenants.

C. Instruments creating, modifying, or terminating an environmental covenant shall be recorded as any other instrument affecting title to and interests in real property.

D. Persons proposing to create, modify, or terminate an environmental covenant shall provide written notice of their intention to all persons holding an interest of record in the real property that will be subject to the environmental covenant, to all persons known to them to have an unrecorded interest in the property, and to all affected persons in possession of the property, and shall provide the department with:

- (1) a copy of the notice(s) provided;
- (2) a sworn affidavit stating that such notice(s) has been given in accordance with this section; and
- (3) a list of the persons to whom notice was given and the address or other location to which the notice was directed.

E. Persons proposing to create, modify or terminate an environmental covenant shall also provide such title information as the department may require.

F. The department shall review and make a determination regarding all applications for creating, modifying, or terminating an environmental covenant within sixty days after receipt.

Section 9. MODIFICATION OR TERMINATION OF ENVIRONMENTAL COVENANTS.--The owner of land subject to an environmental covenant may request that the department approve modification or termination of the cove

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A. The request shall contain information showing that the proposed modification or termination shall, if implemented, remain protective of human health and the environment. Such information may include one or more of the following:

- (1) A proposal to perform additional remedial work;
- (2) New information regarding the risks posed by the residual contamination;
- (3) Information demonstrating that residual contamination has diminished;
- (4) Information demonstrating that an engineered feature or structure is no longer necessary;

(5) Information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; or

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(6) Other appropriate supporting information.

B. The department shall review any submitted information, and may request additional information. If the department determines that the proposal to modify or terminate the environmental covenant will ensure protection of human health and the environment, it shall approve the proposal.

No modification or termination of an environmental covenant shall be effective unless it has been approved in writing by the department.

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Section 10. PUBLIC PARTICIPATION.--Any environmental covenant proposed as a part of any environmental remediation project, or any proposed modification or termination of an environmental covenant, shall be made available to the public for review and comment, as provided in the statute under which the environmental remediation project was submitted. The Environmental Covenant Act shall neither increase nor decrease public participation in, nor the public's right to comment on, any environmental remediation project.

Section 11. ENFORCEMENT AND REMEDIES.--In the event of an actual or threatened failure to comply with an environmental covenant, the department may commence a civil action in district court for appropriate relief, including injunctive relief.

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A. If a court of competent jurisdiction determines that an environmental covenant is void or otherwise unenforceable, the department may reopen the remediation project to address the contaminants.

B. The grantor of an environmental covenant may file suit in district court to enjoin actual or threatened violations of the covenant. Any party having an interest in the covenant may file suit in district court to enjoin actual or threatened violations of the covenant.

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C. An affected local government may file suit in district court to enjoin actual or threatened violations of any environmental covenant that applies to land within its jurisdiction.

D. No environmental covenant shall be unenforceable by reason of lack of privity of contract, lack of benefit to a particular land, because the environmental covenant does not expressly state that it runs with the land, because the environmental covenant does not touch or concern the land, or because the environmental covenant is not appurtenant to an interest in real property.

Section 12. REGISTRY OF ENVIRONMENTAL COVENANTS.--The department shall create and maintain a registry of all environmental covenants, including any modification or termination thereof.

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Section 13. COORDINATION WITH AFFECTED LOCAL GOVERNMENTS.--

A. The department shall provide each affected local government with a copy of every environmental covenant within such local government's jurisdiction and shall also provide a copy of any documents modifying or terminating such restriction.

B. Whenever an affected local government receives an application affecting land use or development of land that is subject to an environmental covenant, the affected local government shall notify the department of the application. The department shall evaluate whether the application is consistent with the environmental covenant and shall notify the affected local government of the department's determination.

Section 14. OTHER INTERESTS NOT IMPAIRED.—Except as specifically provided in an environmental covenant, no interest in real property cognizable under statute, common law, or custom in effect in this state prior to the effective date of this act, nor any lease or sublease thereof at any time shall be impaired, invalidated, or in any way affected by this act. All interests not transferred or conveyed in the environmental covenant shall remain in the grantor of the environmental covenant, including the right to engage in all uses of the lands affected by the environmental covenant that are not inconsistent with the environmental covenant and not expressly prohibited by the environmental covenant or by law. Nothing in this act shall be construed to limit in any way the authority of the department or the energy, minerals and natural

resources department to take any action that may be authorized by any other law.

END

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Northern New Mexico Citizens' Advisory Board Recommendation 2001-5

Evaluation of Contaminants at Potential Release Sites

Whereas, the Northern New Mexico Citizens' Advisory Board (NNMCAB) believes that all contaminants at a contaminated area should be carefully evaluated during the Resource Conservation and Recovery Act (RCRA) Facility Investigation at Los Alamos National Laboratory (LANL); and

Whereas, the NNMCAB has reviewed the completed RCRA Facility Investigation Report for Material Disposal Area (MDA) H at LANL and has determined that the report does not contain a sufficient evaluation of materials that may be contaminated with high explosives.

The RCRA Facility Investigation Report indicates that 4,400 pounds of lithium fluoride PBX and up to 100 pounds of other high explosives contaminating the surface of 2,500 pounds of material were deposited in Shaft #3 at MDA H. The report presumes that the materials contained only surface contamination and that any high explosives were flash burned off before disposal. Therefore, the report states, remaining high explosive concentration in the shaft is expected to be less than estimated. The report also assumed that unspecified high explosives are RDX, which produces highly toxic degradation products. There are worst case assumptions and the report expects true conditions to be more benign. The RFI Report does not explain, and the authors presumably do not know whether the hazardous components of the high explosives are toxic breakdown products or detonation hazards.

The report makes presumptions that may or may not be true. However, no chemical analyses were performed for high explosives as part of the investigation, nor was an explanation given for the omission. In subsequent communication, DOE indicated that the material contaminated with high explosives is located at the bottom of shafts at MDA H and would not be subject to loss of containment. No supporting evidence was given for this statement. The NNMCAB feels that such assumptions of the safety of high explosives are not warranted from the evidence given.

It is therefore recommended that the Department of Energy modify the scope of the ongoing Corrective Measures Study (CMS) at MDA H. Further investigations should include an evaluation of the chances for high explosives to explode or degradation products to migrate to the accessible environment and an evaluation of remedies to be conducted if such explosions are possible or if contaminant migration may occur.

**RECOMMENDATIONS FROM THE
NORTHERN NEW MEXICO CITIZENS' ADVISORY BOARD**

Number	Date	Summary	Date of DOE Response
2001-4	8/2/2001	Recommendation for DOE to approve funding to study inerting Arrow Pack containers for Transuranic waste transport.	
2001-3	6/4/2001	Recommendation to DOE for Risk Based Cleanup of Environmental Restoration Sites at LANL.	7/25/2001
2001-2	4/4/2001	Request to add to the DOE baseline for LANL ER an additional cleanup in Acid Canyon.	5/9/2001
2001-1	3/21/2001	Request DOE and LANL study the Arrow Pack Technology offered by BOH technology. (Method for treatment and transport of Transuranic Waste).	
2000-4	9/27/2000	Request to accelerate the schedule of shipments to WIPP from 2015 to 2008.	1/18/01
2000-3	2/28/99	Request DOE review and have its contractors review contracting records to determine that they are in compliance with all state and local regulations.	1/10/01
2000-2	2/28/2000	Request DOE provide LANL the direction and guidance for the Department's Response to the <u>FY2000 National Defense Authorization Act.</u>	4/6/00
2000-1	2/28/2000	Suggest additions to Programmatic Environmental Impact Statement study document on Long-Term Stewardship	4/6/00
99-4	9/9/99	Review and make changes in well drilling contracts for Hydrological Workplan	12/21/99
99-3	6/30/99	Request to review transportation plan effecting the Off-Site Recovery Project.	1/06/00
99-2	5/26/99	Request significant increases in the Environmental Restoration budget to enable LANL to meet the 2008 deadline for cleanup of LANL	3/15/00
99-1	4/28/99	Request that LANL provide monthly briefings to Los Alamos County Council, the Accord Pueblos, Santa Fe County, Santa Fe City, Española, Rio Arriba County and the press	6/21/99 12/22/99

98-4	10/29/98	Request for information concerning past Hazardous and Solid Waste Amendment (HSWA) No Further Action (NFA) Permit Modifications.	12/22/98
98-3	10/29/98	Request concerning future No Further Action (NFA) Permit Modifications	
98-2	9/29/98	Requested information concerning the US DOE Office of Inspector General "Audit of Environmental Restoration at the Los Alamos National Laboratory" IG-0410	6/05/98
98-1	9/29/98	Requested maps and reports for Environmental Restoration Committee	Received over time no date noted
97-3	5/13/97	Concern about Off-Site contamination. Establish program of surveillance, monitoring, laboratory analysis, trend analysis and reporting to be operated and managed by NMED.	6/10/97
97-2	5/13/97	Reconsider decision not to compete University of California contract.	
97-1	1/28/97	Include Manuel Trujillo as full voting member on search committee for next Director of LANL.	4/4/97
96-11	12/13/96	Halt all land transfer pending resolution of original owner/ancestor claims. Extend public comment on EA on DP Road Tract at least 60 days beyond originally established deadline and include at least one session of public hearings in Santa Fe and one session in Española. Relevant area (region of influence) and related socioeconomic statistics be in compliance with Executive Order 12898 to include Native American lands and rural portions of counties surrounding LANL and Los Alamos County.	1/24/97 and 2/13/97
96-10	11/12/97	Include New Mexico in management oversight of LANL and be invited into contract negotiations, selection of LANL Director and ongoing management	5/18/97
96-9	11/12/97	Fair and equitable land "transfer" policy be adopted which provides venues for original owners of lands, including Hispanic and Native American. Develop continuous dialogue with these original owners to file claims or discuss land transfer models.	1/24/97
96-8	10/9/96	Request report from Grand Jury report on Rocky Flats.	1/27/97 and 2/11/97

96-7	10/8/96	DOE, LANL, JCI and subcontractors review and change current processes (concerning notification and keeping individual(s) and families informed) followed after an accident.	11/8/96, 1/30/97 and 2/11/97
96-6	7/9/96	Defer manufacture of plutonium pits until PEIS is completed.	10/9/96
96-5	7/9/96	Support for accountability of line managers for safety, increased safety requirements and disciplinary actions recommended in Judgement of Need on Type A Accident Report of April 1996.	2/11/97
96-4	6/26/96	Hold public forums on Land Transfer.	2/13/97
96-3	4/10/96	Hold public forums on Tiger Team recommendations.	4/12/96
96-2	4/10/96	Support for ER/WM funding priorities and EPA comments of 4/2/96.	7/12/96
96-1	1/12/96	Improve communication, environment, health, culture and economic development through new University of California contract.	5/18/96

2/15/01

Northern New Mexico Citizens' Advisory Board
A Department of Energy Site Specific Advisory Board

2002 Meeting Schedule

Meetings are held every other month and begin at 1:00 p.m. until 4:30 p.m. with Board Business. After a dinner break, the Board Meeting resumes at 6:00 p.m. with Environmental Management presentations to the Board.

January 23, 2002

March 27, 2002

May 29, 2002

July 31, 2002

September 25, 2002

November 20, 2002

Meeting Locations to be Determined.

**Northern New Mexico Citizens' Advisory Board
Waste Management Committee Meeting**

6:00pm, 7 November 2001 Minutes

Location:

NNMCAB Office
1660 Old Pecos Trail, Suite B
Santa Fe, NM

Attendance: Richard Gale - Committee Chair; Don Jordan - NNMCAB, Steve Zappe - NMED, Joni Arends - Visitor, Bob Weeks - NMED, Ben Latham - NNMCAB

Topic	Action to be Taken	Lead
<p>Introduction: Request to add Steve Zappe (NMED) and Joni Arends (CCNS) to committee distribution list.</p>	<p>Steve Zappe and Joni Arends will be added to the Waste Management email distribution list. In Addition, John Parker (not In attendance) will be added at the request of Bob Weeks.</p>	Ben Latham
<p>Update on Education Project: By a vote of 2-0, the committee passed a motion to further investigate "cartoon" formats for education relating to waste management issues.</p>	<p>Education Project to be presented at the 28 November NNMCAB Board Meeting.</p> <p>Action Item: Ensure this is on the 28 November Agenda.</p>	Ben Latham
<p>Update on Rolling Roadblock: Ben Latham made a presentation on the Rolling Roadblock demonstration.</p>	<p>A letter will be written to LAAO, and will include: Reminder that the WM Committee will participate in future Demonstrations Request clarification/consideration of the following safety/security issues:</p> <ul style="list-style-type: none"> • Control of oncoming traffic • Are escorts and traffic control team armed? • Signage on roads • Signage on vehicles • Use traffic signal over rides? (Like the fire department) • Who provides enforcement of motoring public? 	Richard Gale

	<ul style="list-style-type: none"> • Frequency of roadblocks and quantity of material? • Public notification methods, if any? 	
Recommendation 2001-4; No response from DOE after 60 days	DOE to provide a Response at 28 November Board Meeting	Ted Taylor
WIPP Tour Cancelled; Due to the events of 9/11, the WIPP tour was cancelled.	Will request rescheduling of the WIPP tour after 1 January 2002	Richard Gale/ Ted Taylor
Schedule Next Waste Management Committee Meeting : Next WM Committee meeting will be : 5 December 2001 at 6:00pm, at the NNM CAB office at 1660 Old Pecos trail, Suite B, Santa Fe Nm.	No Action	Richard Gale

11/7/2001
EDUCATION PROJECT

Waste management Committee Recommendation to the
Northern New Mexico Citizens Advisory Board

PURPOSE: It is the purpose of this project to educate the general population regarding the dawn of the nuclear age, the beneficial uses of radioactive materials, the associated risks, and the control of these risks. *^ cumulative*

PROBLEM: There are volumes of documents published on this subject, but the sheer size and complexity of these publications overwhelm and confuse the vast majority of the population.

NEED: There is a need, from birth to old age, to communicate and educate the general population in a simple, deliberate and repetitive manner.

METHODS TO BE USED: Initially, it is intended to utilize methods that are extremely simple and easy to understand, and to reduce this very complex matter to the understanding level of a six year old child.

EXAMPLES: Comic Books, Coloring Books, Cartoons and cartoon strips, Bumper strips, Greeting cards, Candy wrappers, Internet games, booths at State Fairs and etc

**Northern New Mexico Citizens' Advisory Board
ER Committee Meeting**

Minutes

6:00pm, 15 November 2001

Location:

Johnson Controls Conference Room
Española, NM

Attendance: Fran Berting - Committee Chair; Dorothy Hoard - NNM CAB, Angelina Valdez - NNM CAB, Carmen Rodriguez – LANL ER, David Gregory – DOE ER, Jim Brannon (Phone) - NNM CAB, Ben Latham - NNM CAB

Topic	Action to be Taken	Lead
Introduction: Request to correct Carmen Rodriguez' email address.	Correction to be made to the Distribution List.	Ben Latham
ECO-RISK: Recommendation to be delayed pending DOE/LANL Presentation at next meeting. Need an update on LANL ER projects. Presentation on ECO-RISK Workshop to the board at the 28 November meeting. <i>Dec. 13</i>	DOE/LANL Speakers to be scheduled for next ER Committee meeting. LANL to provide an email of a description (a couple of sentences) of all ER projects. Check to see if it can be put on the Board Agenda. If so, prepare a short (5 minute) presentation based on course material.	<u>Carmen Rodriguez</u> Carmen Rodriguez Fran Berting Dorothy Hoard Ben Latham
Workplan Review: December Item "Review Coordination with other oversight groups" to be re visited. Update on "No Further Action Proposals" and ER Prioritization.	Contact Greg Mello, and review Los Alamos Group Web site. Research Status of these Workplan Items, and Report to Committee Via Email.	Fran Berting Carmen Rodriguez
Schedule Next ER Committee Meeting : Next Meeting to be held at the Community Outreach center, 18 December 2001 at 3:00pm.	Schedule next meeting with the Outreach Center.	Ben Latham

*Richard
Alisen*

EMS Committee report to the NNM CAB, November 2001

The EMS committee met on November 20, 2001. Attendance included 3 CAB members, 1 other member of the public, 2 NMED hydrologists, and 1 NNM CAB staff member.

1. The committee reviewed the draft Los Alamos Groundwater Summary Report that June Fabryka-Martin had prepared for the SSAB Groundwater Workshop to be held on January 30—February 2, 2002 in Augusta GA. Members focussed on identifying the sources and levels of contaminants in each canyon system. A summary of that report is attached, and a full copy of the report is available at the Board meeting.
2. Ben Latham summarized stakeholder concerns expressed at the quarterly Groundwater Characterization Program meeting (held on October 16-18, 2001, at Cities of Gold Casino Hotel in Pojoaque).
3. The committee briefly discussed the following possible recommendations related to the Hydrogeologic Workplan and its role in risk assessment calculations. All recommendations were deemed viable, and will be revised for presentation at the next EMS committee meeting in December. At that time, the committee will decide which recommendations to forward to the CAB Board. These draft recommendations address the following concerns:
 - (a) Adoption of 4 ppb as Action Level for Perchlorate. It is recommended that the DOE consider the establishment of 4 ppb as an action level for the cleanup of perchlorate in groundwater resulting from LANL processes. (The current action level is 18 ppb.)
 - (b) Replicate Sampling. It is recommended that the DOE mandate the submission of replicate samples, or other quality-control samples, to different laboratories for samples which historically have demonstrated contamination at levels near the detection limit.
 - (c) Feasibility of Seismic Surveys. It is recommended that the DOE provide additional funding for conducting a seismic profile pilot study in boreholes in order to obtain information on geologic structure and contacts.
 - (d) Post-fire Effects on Groundwater Quality and Quantity. It is recommended that DOE evaluate the potential long-term effects of post-fire changes in the upper watersheds on subsurface water quality and quantity due to increased infiltration and runoff, and that it factor these effects into its risk assessments and its prioritization of cleanup activities.

Northern New Mexico Citizens Advisory Board

Groundwater Issues at Los Alamos National Laboratory

Background Information for the SSAB Groundwater Workshop

Both the town of Los Alamos as well as Los Alamos National Laboratory (LANL) are located on the Pajarito Plateau in the Jemez Mountains of northern New Mexico. The regional aquifer that underlies these entities at depths exceeding 600 feet is the only viable municipal and industrial water supply on the plateau. LANL contaminants including nitrates, tritium, perchlorates, high explosives, americium-241, plutonium-239/240, and strontium-90 have shown up in a few wells that are completed in this aquifer. Most contaminants are generally detected at very low levels, far below any public health standards, with the exception of high explosives which have been detected in the regional aquifer at concentrations above the EPA health advisory levels. However, overlying unsaturated sediments and perched groundwater located beneath canyons are known to contain contaminants in concentrations that could percolate and impact the deeper regional aquifer. A comprehensive Groundwater Characterization Program is currently being conducted to characterize the hydrogeologic setting beneath LANL. The characterization program is providing valuable insight into the groundwater flow and transport processes, the complex geology, and the hydrogeology of the numerous mesa-canyon systems. Additional monitoring wells are also being added to the sparse monitoring well network.

Part 1: Basic Hydrogeology Description

Research and development activities are located in 33 active Technical Areas (TAs) across the 43 mi² Laboratory site (Figure 1), which rests on the Pajarito Plateau on the eastern flank of the Jemez Mountains (Figure 2). The Pajarito Plateau consists of a series of fingerlike mesas separated by deep canyons containing mostly ephemeral and intermittent streams that run from west to east, terminating at the Rio Grande (Figures 3, 4 and 5). Underlying the plateau is a thick sequence of volcanic rock emanating from volcanic eruptions in the Jemez Mountains. These volcanic rocks are interfingered with sedimentary and volcanic rocks deposited in the Rio Grande Rift (Figure 4). These deposits include the Santa Fe Group, which is made up of poorly consolidated sands, clays, and gravels, and the Puye formation, which is made up of volcanic sediments. The regional aquifer occurs in these deposits, and depth to this aquifer beneath LANL sites ranges from 600 to 1200 feet (Figure 4).

Groundwater beneath the Pajarito Plateau occurs in several distinct modes (Figure 3): (a) alluvial groundwater systems in some canyons, (b) shallow perched water that may discharge to springs in canyon bottoms, (c) perched water at intermediate depths (150-400 ft), and (d) the regional aquifer. Water may recharge the regional aquifer from the Jemez Mountains, along fault zones in the foothills just west of LANL and the town, in local canyon bottoms fed by springs and runoff, and possibly even from the Sangre de Cristo Mountains across the Rio Grande Valley (Figure 4b). The impacts of the Cerro Grande fire on aquifer recharge are being studied now.

Based on carbon-14 data, the minimum age of the regional groundwater ranges from about 1,000 years in the western portion of the Pajarito Plateau, increasing as it moves eastward to about

- Operation of laboratory facilities, including nuclear reactors.

Contaminants suspected or known to have penetrated into the subsurface from LANL activities include tritium, strontium-90, cesium-137, americium-241, uranium and plutonium isotopes, nitrates, perchlorates, high explosive compounds, and various organic compounds (acetone, carbon tetrachloride, toluene, TCA and TCE). No definitive groundwater plumes have been identified in the regional aquifer. However, surface sediments, alluvial aquifers, and intermediate perched waters are known to be contaminated to varying degrees so the potential exists for mobile contaminants to reach the regional aquifer.

LANL has been divided into nine study areas in order to evaluate the potential for subsurface contamination by radioactive and hazardous materials: one site-wide area, and eight specific areas called “aggregates” (Figure 5). In general, aggregate boundaries were drawn to encompass groups of Potential Release Sites (PRSs) within canyons and on adjacent mesa tops. The boundaries are determined either by geographic groupings of PRSs or areas of similar operational functions.

Groundwater Contamination in Aggregate 1: Pueblo, Los Alamos, and Sandia Canyons; Los Alamos and DP Mesas, Mesita de Los Alamos

The sites most impacted by LANL activities are located within Pueblo, Los Alamos, and DP Canyons, where the most likely contaminant sources are the older Laboratory facilities on the town mesa. In this area, potential and known contaminant sources are:

- TA-1. The “Townsite” is where Manhattan Project activities initially were located, and is presently downtown Los Alamos. The outfall from this site was shut off in the early 1960s and is no longer considered a source of contamination.
- TA-2. This site hosted a series of nuclear reactors. In the 1990s, cooling water leakage was discovered to have produced a plume of tritium in the alluvial aquifer, leading to a permanent shutdown of the reactor. Tritium concentrations are now decreasing.
- TA-21. Discharges of radioactive effluent occurred on the north side of DP Canyon. Although the outfall was shut off in 1988, the discharge from DP Spring continues to show strontium-90 contamination. Material Disposal Areas (MDAs) A, B, T, U, and V are also located here.
- TA-45. Now inactive, a radioactive liquid treatment plant operated here from 1951 to 1964 and discharged into Acid Canyon where it left a legacy of sediments contaminated with plutonium and heavy metals. The land was transferred to the County, and the canyon underwent remediation a second time last year in response to a NNM CAB recommendation arising from the local popularity of the historic recreational trail that parallels the contaminated canyon.
- TA-53. Wastewater lagoons at this mesa-top site drained to a tributary to Los Alamos Canyon. In the mid-1990s, the outfall was shut down and the site was decommissioned and decontaminated.

Contaminants of concern in this aggregate are tritium, nitrates, organic compounds, plutonium, americium-241, uranium, strontium-90 and cesium-137.

In the alluvial aquifer, contaminants detected at low levels include high explosives, TCE, tritium, uranium, barium, nitrates, trace metals, americium-241, chloride, and 1,2-DCA.

In the regional aquifer, no contaminants have been detected within these watersheds (but the sampling network is sparse).

Groundwater Contamination in Aggregate 3: Frijoles Mesa

TA-49 was used for underground hydronuclear testing in the early 1960s, leaving behind large inventories of radioactive and hazardous materials in the unsaturated zone. A breathable cap was installed in 1998, replacing an asphalt cover that had inadvertently enhanced water production and infiltration, causing flooding of some of the underground test holes. Contaminants include uranium, plutonium, lead, and beryllium, and explosives such as TNT, RDX, HMX, and barium nitrate. However, no contaminants have been detected in the nearby springs that discharge to the Rio Grande.

In the regional aquifer, no contaminants have been reproducibly detected above background levels.

Groundwater Contamination in Aggregate 4: Ancho and Chaquihui Canyons; unnamed mesa top containing TA-33 and TA-39

TA-33 was used as a firing site and for tritium production. Mesa-top PRSs at this site include landfills, septic systems, and burn areas. TA-39 was used for open-area testing of high explosives and is also a source of depleted uranium. Canyon-bottom PRSs include firing sites, several landfills, and septic systems.

At Ancho Spring, numerous high explosive compounds and trace levels of depleted uranium and nitrates were detected, although it is possible that these were transported overland via sediments rather than in the spring water itself. In recent years, levels have returned to background.

Groundwater Contamination in Aggregate 5: Canon de Valle, Threemile Mesa, and unnamed mesa top containing TA-16

TA-8, 9, 11 and 14 were sites where high explosives were tested. TA-16 was used for research on nuclear weapons warheads and conventional weapons as well as research and processing of chemical explosives. MDA-P is located here.

A short (1/2 mile) on-site perennial reach exists in Canon de Valle near the Burning Ground area, and is supplied via springs that discharge from the Bandelier Tuff. Surface water at this location has exceeded New Mexico MCLs for barium and RDX. Boron and solvent concentrations have also been detected above background levels. Radionuclides are absent, for the most part, with only very low and sporadic detections of strontium-90, and depleted and enriched uranium.

The Draft LANL Groundwater Protection Strategy identifies the following regulatory standards and requirements that govern groundwater quality at LANL:

- Regulatory and state regulatory requirements derived from RCRA and HSWA. These requirements are built into LANL permit and regulatory correspondence
- DOE Order 5400.1 (10 CFR 834)
- New Mexico Water Quality Control Commission Regulations (20 NMAC 6)
- Natural Resource Trusteeship
- RCRA concentration limits (40 CFR 264.94)
- National Primary Drinking Water Regulations (40 CFR 141)
- National Secondary Drinking Water Regulations (40 CFR 143)
- New Mexico Environmental Improvement Board, Drinking Water Regulations (20 NMAC 7.1)
- WQCC Ground Water Standards (20 NMAC 6.2, Subpart III, 3103)
- WQCC Standards for Interstate and Intrastate Streams
- San Ildefonso Pueblo (proposed) Water Quality Standards
- Cochiti Pueblo Water Quality Standards

Part 4: Addressing the Contamination Problem

With considerable input from NMED, LANL issued a detailed Hydrogeologic Work Plan in 1998 and is about half-way through implementing its proposed activities. These activities include (a) installation of new regional aquifer wells to assess the hydrogeologic setting, including the depth to and direction of groundwater flow, and (b) the collection and re-evaluation of existing data. The site-wide characterization effort will result in the installation of monitoring wells to assess potential contamination and to augment a long-term groundwater monitoring network. The groundwater conceptual model is evolving as better information becomes available from groundwater characterization activities, and plans for new monitoring wells are reviewed annually with NMED in response to newly acquired data.

The focus of current work is on control of contaminant sources and investigation of the hydrogeology of the site. Next steps include better delineation of existing contamination and determination of appropriate remedial solutions under LANL's cleanup permit. Remediation, if required, would be conducted by LANL's Environmental Restoration (ER) program, as guided by transport model predictions resulting from the Groundwater Characterization Program. In the future, as a part of the Groundwater Characterization Program and ER activities, canyon-scale models will be linked with a three-dimensional site geologic model and regional groundwater flow model. In addition, LANL's monitoring program will be expanded as appropriate to meet the various regulatory requirements and ensure protection of drinking water supplies.

Two related activities that decrease the potential for contaminants to reach the regional aquifer are the closing of outfalls and wellhead protection measures. LANL's NPDES permit issued by the U.S. Environmental Protection Agency (EPA) regulates effluent discharges to surface waters. Over the past few years, LANL has gradually shut down most of its discharge outfalls. This action reduces the potential for mobile contaminants to be flushed from channel sediments into perched water and the regional aquifer. LANL's new NPDES permit only allows 21 outfalls, 17

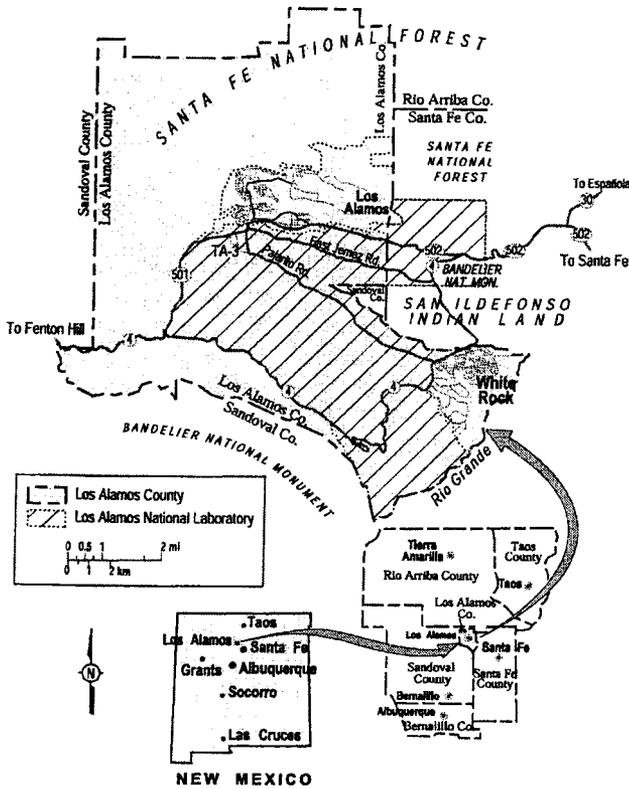


Figure 1. Regional location of Los Alamos National Laboratory

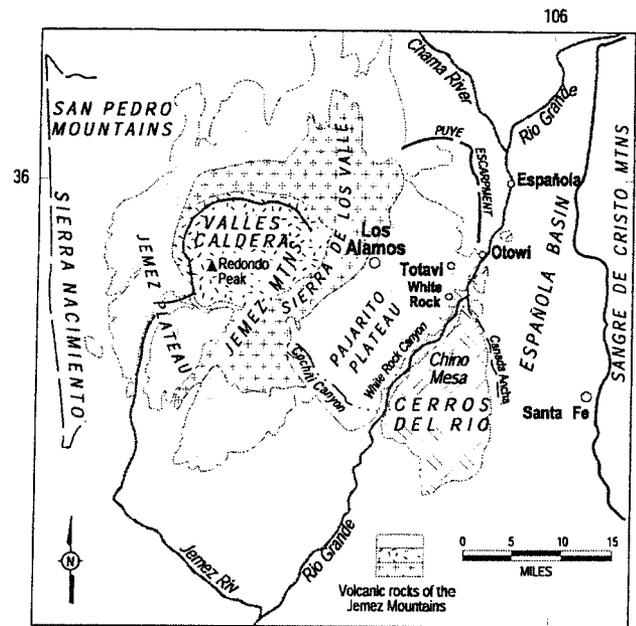


Figure 2. Geographic location map showing topographic features near Los Alamos and the Pajarito Plateau

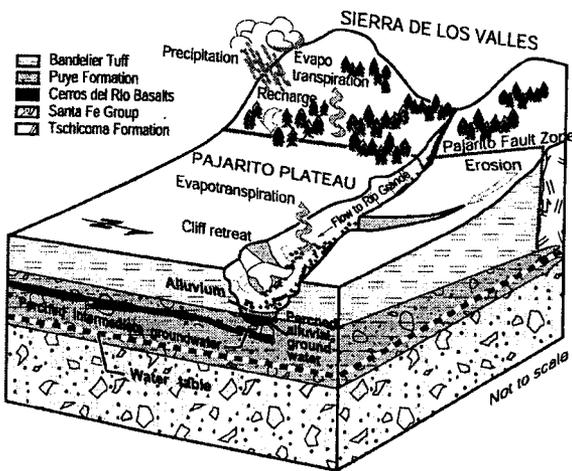


Figure 3. Schematic cutaway of the Pajarito Plateau

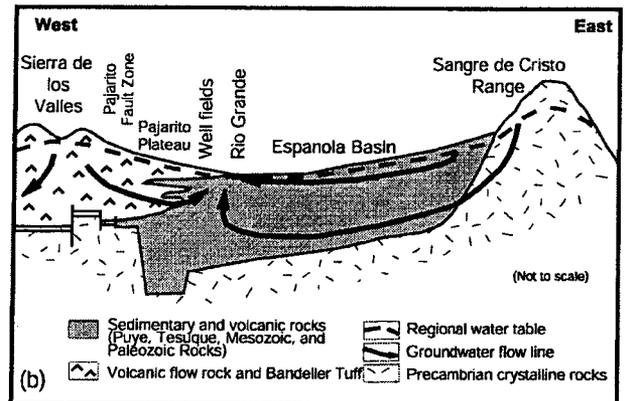
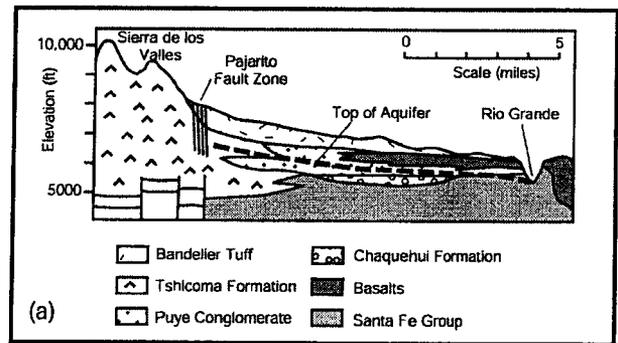


Figure 4. Geologic cross-section across (a) the Pajarito Plateau and (b) the Rio Grande valley

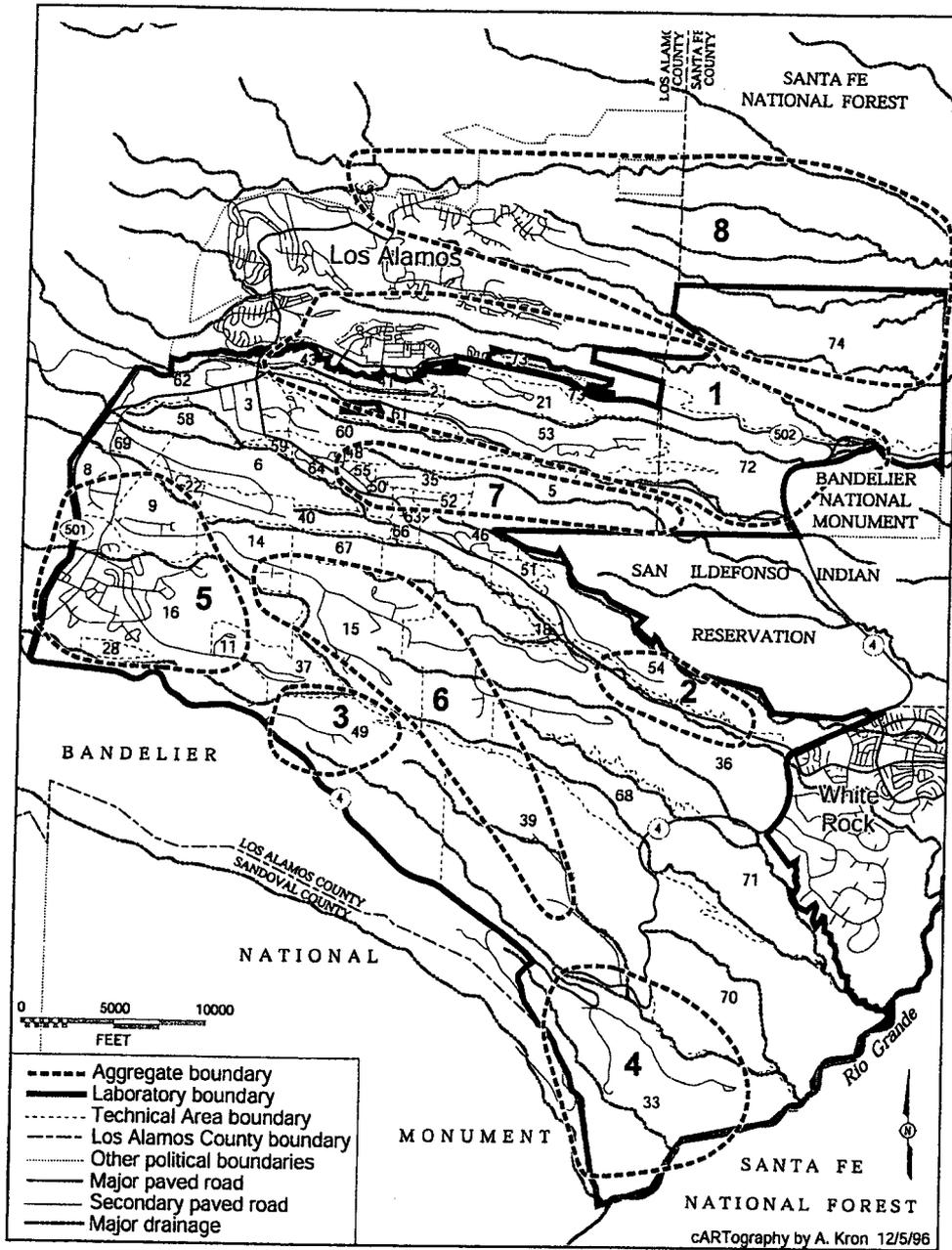


Figure 5. LANL aggregates and technical areas

**Department of Energy Report
To
Northern New Mexico Citizens' Advisory Board**

November 28, 2001

NNMCAB Committees. Support was provided by DOE to the Executive Committee on Oct. 26. Other NNM CAB committees did not meet in October at the DDFO's request, to provide for an orientation period for the new technical staff member. The DDFO was on vacation in November when committee meetings were held.

NNMCAB Office Operations. The CIC Division at LANL has made an evaluation of office telephone needs and completed installation of a new telephone system. LANL will also provide maintenance services for the telephone system, and the NNM CAB phone bill will be paid through LANL. A Polycom speakerphone has been installed in the conference room.

NNMCAB Staffing. The DDFO supported the Executive Director in conducting oral interviews with candidates for the technical staff position on Sept. 27 and Oct. 10.

T.T. Fiscal Year (FY) 2002 Budget. The DDFO submitted a memorandum to the DOE's Albuquerque Operations Office on Sept. 27 (Attachment A), requesting approximately \$250,000 in appropriations for NNM CAB operations in Fiscal Year 2002. The appropriation will be supplemented by approximately \$200,000 in carryover funds from previous fiscal years.

Planning for SSAB Chairs Groundwater Workshop. The workshop has been rescheduled for Jan. 30-Feb. 2, 2002. Plans have been completed for the workshop, and the NNM CAB's Monitoring and Surveillance Committee has submitted all required documents to DOE Headquarters.

NNMCAB Recruitment. The DDFO supported the Executive Director in preparing newspaper advertisements for Board vacancies. On Nov. 20 the DDFO participated in interviews with four candidates. Other interviewers included the NNM CAB's chair, vice chair, chair of the Waste Management Committee, and the Executive Director.

NNMCAB Bylaws Revision. The DDFO assisted the NNM CAB in making further modifications to the proposed Bylaws revisions, based on the NNM CAB discussions at the Sept. 26 Board meeting. Following a meeting of the Executive Committee on Oct. 26, the DDFO prepared a revised draft of the Bylaws, which were then prepared for distribution to the Board. The DDFO has reviewed

comments submitted by Board members since the draft Bylaws were distributed on Nov. 13.

Support for Board Meetings. The DDFO approved a purchase order agreement for operation, maintenance, and support of the NNM CAB's new sound system. Under the agreement, full time services will be provided to ensure proper operation of the system during Board meetings, and for storage, and maintenance of the system.

Status of Responses to NNM CAB Recommendations:

Recommendation 2001-3, Risk-based Cleanup of Environmental Restoration Sites. A DOE response was requested by the DDFO on June 15. A response was signed by the LAAO Area Manager on July 25. Status: CLOSED.

Recommendation 2001-4, ArrowPak Technology Demonstration. A DOE response to the recommendation was requested by the DDFO on Aug. 9. A target date of Sept. 9 was set for the response. DOE scheduled a briefing for Sept. 19 on this topic and other topics related to the Waste Isolation Pilot Plant by the Carlsbad Area Office Manager. The chair of the NNM CAB's Waste Management Committee was invited to participate in this briefing. The briefing was cancelled due to recent events, as has completion of the response. The briefing will be rescheduled, and the response will be completed in the near future. Status: OPEN.

Status of Responses to NNM CAB Requests:

Request for Information on Escorted Transfers. A DOE response was requested by the DDFO on Aug. 14. A response was prepared by the LAAO Waste Management Program Manager, and was submitted by the DDFO to the chair of the NNM CAB's Waste Management Committee on Aug. 30. Status: CLOSED.

Request for Response to Hank Daneman Comments. A DOE response to comments made by Mr. Daneman at the June 20 NNM CAB meeting was requested by the DDFO on July 26. Responses were prepared by DOE, and the DDFO submitted a consolidated response on Oct. 1. Status: CLOSED.

Major Future Activities:

- **Standard Operating Procedures.** It is anticipated that the Board will approve revisions to the Bylaws its Nov. 28 meeting. The DDFO will work with the Executive Director to prepare draft Standard Operating Procedures (SOP) to implement Bylaws revisions, as required. Potentially, SOPs will be

prepared for Board member recruitment and operation of the Executive Committee.

- **Board Member Recruitment.** The DDFO will continue to energetically and enthusiastically support the Board and the Executive Director in recruiting Board members. It is anticipated that some nominations will be recommended by the NNM CAB at its Nov. 28 Board meeting, and submitted to DOE Headquarters for approval by Dec. 31.

Issues and Concerns:

None.

Respectfully submitted by:

Theodore J. Taylor
Deputy Designated Federal Officer

ATTACHMENT A

United States Government
Department of Energy
Albuquerque Operations Office
Los Alamos Area Office

memorandum

DATE: Sept. 27, 2001

REPLY TO ATTN OF: LAAO:LAM:TJT:CAB

SUBJECT: Request for Funding for Northern New Mexico Citizens' Advisory Board

TO: Jodi Lardner, Budget and Resources Management Division (BRMD), DOE-AL

At its meeting on Sept. 26, the Northern New Mexico Citizens' Advisory Board (NNMCAB) approved a budget for fiscal year (FY) 2002 in the amount of \$441,000. Pursuant to the DOE Environmental Management's *Site Specific Advisory Board Guidance*, as DOE's Deputy Designated Federal Officer, I concur in this budget, as it sufficiently represents the costs associated with the NNMCAB's work plan for FY 02. Attached is the proposed budget.

The NNMCAB has approximately \$200,000 in carryover funds from previous FYs in B&R Codes EW-02-A3-02-0 and EW-02-A3-04-0, and therefore I request new funding for FY02 in the amount of \$250,000. Please arrange to transfer this amount to the NNMCAB's B&R codes from other DOE-AL Environmental Management B&R codes.

If you have questions or concerns, please call me at 505-665-7203.



Theodore J. Taylor
Deputy Designated Federal Officer

Attachment: As stated

cc w/attachment:

E. D. Martinez, Deputy Area Manager, LAAO
W. J. Arthur, Deputy Manager, DOE-AL
J. Themelis, Assistant Manager, OEOS, DOE-AL
S. Gonzales, BRMD, DOE-AL
J. Vozella, AAME, LAAO
J. Johnston, Chair, NNMCAB
D. Jordan, Chair, Budget Committee, NNMCAB
M. Santistevan-Manzanares, Executive Director, NNMCAB
T. Longo, EM-34, DOE-HQ
T. Taylor, LAM, LAAO

Northern New Mexico Citizens' Advisory Board

Budget Fiscal Year 2002

Item		Budget Target
1. Office Expenses		60,000
a. Rent	25,000	
b. Supplies	5,000	
c. Phone	7,000	
d. Postage	3,000	
e. Publicity	20,000	
2. Board Meetings (Rentals)		5,000
3. Training		5,000
4. Travel		36,000
a. Board Meetings	8,000	
b. National Meetings	8,000	
c. Committees	8,000	
d. Training	5,000	
e. Staff	7,000	
5. Committees Expenses		50,000
a. Environmental Restoration	10,000	
b. Community Outreach	10,000	
c. Monitoring and Surveillance	10,000	
d. Waste Management	10,000	
e. SSAB Workshop	10,000	
6. Staff Compensation		255,000
a. Salaries	239,000	
b. Merit Increases	6,000	
c. Facilitator	10,000	
7. Contingency		30,000
TOTAL		441,000

Approved by the Northern New Mexico Citizens' Advisory Board: Sept. 26, 2001

Concurred in by the Deputy Designated Federal Officer: Sept. 26, 2001