



General

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RECEIVED

JAN 26 2015

NMED
Hazardous Waste Bureau

January 21, 2015

Dear NNM CAB, Liaison, and Student Members,

Enclosed is the information you will need for the NNM CAB meeting scheduled for January 28, 2015 at the Cities of Gold Conference Center in Pojoaque; a map is enclosed for your use.

As requested, Mr. Jack Craig will return to give an update on the Transition and Bridge Contract and an update on the new EM Contract. Also, Mr. Thomas Johnson will be giving a DOE Contracting "101" overview. We will also have Liaison updates from NMED, DOE, and LANS.

Chairman Sayre has asked that you arrive before 1:00 p.m., so that a quorum may be established promptly. Please bring this packet of information with you to the meeting.

If you are unable to attend the meeting, please request an excused absence from Lee Bishop, DDFO at: Lee.Bishop@nnsa.doe.gov or Mike Gardipe at: Mike.Gardipe@nnsa.doe.gov

Kindest regards,

Menice B. Santistevan
Executive Director
NNMCAB Support Office

36885



Northern New Mexico Citizens' Advisory Board Meeting

January 28, 2015

1:00 p.m. to 5:15 p.m.

Cities of Gold Conference Center

10-A Cities of Gold Road

Pojoaque, New Mexico 87506

AGENDA

<u>Time</u>	<u>Action</u>	<u>Presenter</u>
1:00 p.m.	Call to Order	Lee Bishop, DDFO
	Establishment of a Quorum (9 needed)	
	a. Roll Call	William Alexander
	b. Excused Absences	
	Welcome and Introductions	Doug Sayre, Chair
	Approval of Agenda	
	Approval of Minutes of November 19 th and December 10 th	
1:15 p.m.	Old Business	
	a. Written Reports – See Packet Enclosures (5 minutes)	
	b. Other items	
1:30 p.m.	New Business	
	a. Appointment of Ad Hoc Committee for Recommendation of FY16 Budget	
1:45 p.m.	Update from Deputy Designated Federal Officer	Lee Bishop/Michael Gardipe
2:00 p.m.	EM Contract Transition	
	a. DOE Contracting "101"	Thomas Johnson, Associate Deputy Assistant Secretary Acquisition and Project Management
2:30	Break	
2:45	EM Contract Transition (continued)	
	b. Update on Transition and Bridge Contract	Jack Craig, Director Environmental Management Consolidated Business Center
	c. Update New EM Contract	Jack Craig, Director Environmental Management Consolidated Business Center
3:45 p.m.	Update from Liaisons	
	a. Update from New Mexico Environment Department	Jeff Kendall
	b. Update from Department of Energy	Pete Maggiore
	c. Update from Los Alamos National Laboratory	Randy Erickson
4:45 p.m.	Public Comment Period	
5:00 p.m.	Wrap-up Comments from NNM CAB Members	
	• Were your questions answered regarding the presentations?	
	• Requests for future presentations or information.	
	• Proposed Recommendations	
5:15 p.m.	Adjourn	Lee Bishop

Los Alamos, NM

1. Head west on Orange St toward Nickel St

0.7 mi

2. Turn left onto Diamond Dr

0.1 mi

3. Turn left onto Trinity Dr

1.7 mi

4. Continue onto NM-502/E Rd
Continue to follow NM-502

16.4 mi

5. Continue onto Los Alamos Hwy

466 ft

6. Turn right onto Cities of Gold Rd
Destination will be on the left

0.1 mi

Cities Of Gold Casino

Cities Of Gold Casino, 10-A Cities of Gold Road, Santa Fe, NM 87506

Taos, NM

1. Head west on Kit Carson Rd toward Paseo Del Pueblo Sur

0.2 mi

2. Turn left onto NM-68 S/Paseo Del Pueblo Sur
Continue to follow NM-68 S

45.3 mi

3. Continue onto S Riverside Dr

1.8 mi

4. Continue onto US-285 S/US-84 E/Santa Fe Hwy

6.3 mi

5. Take the NM-502 W exit toward Los Alamos

0.2 mi

6. Turn left onto Los Alamos Hwy

0.1 mi

7. Turn right onto Cities of Gold Rd
Destination will be on the left

0.1 mi

Cities Of Gold Casino

Cities Of Gold Casino, 10-A Cities of Gold Road, Santa Fe, NM 87506

Santa Fe, NM

1. Head east on E San Francisco St toward Cathedral Pl

289 ft

2. Turn left onto Cathedral Pl

246 ft

3. Turn left onto E Palace Ave

171 ft

4. Take the 1st right onto Washington Ave

0.3 mi

5. Turn left onto Paseo De Pernita

0 mi

6. Turn right onto N Guadalupe St

0.4 mi

7. Take the ramp onto US-285 N/US-84 W/N St Francis Dr
Continue to follow US-285 N/US-84 W

7 mi

8. Turn right toward Cities of Gold Rd

3 mi

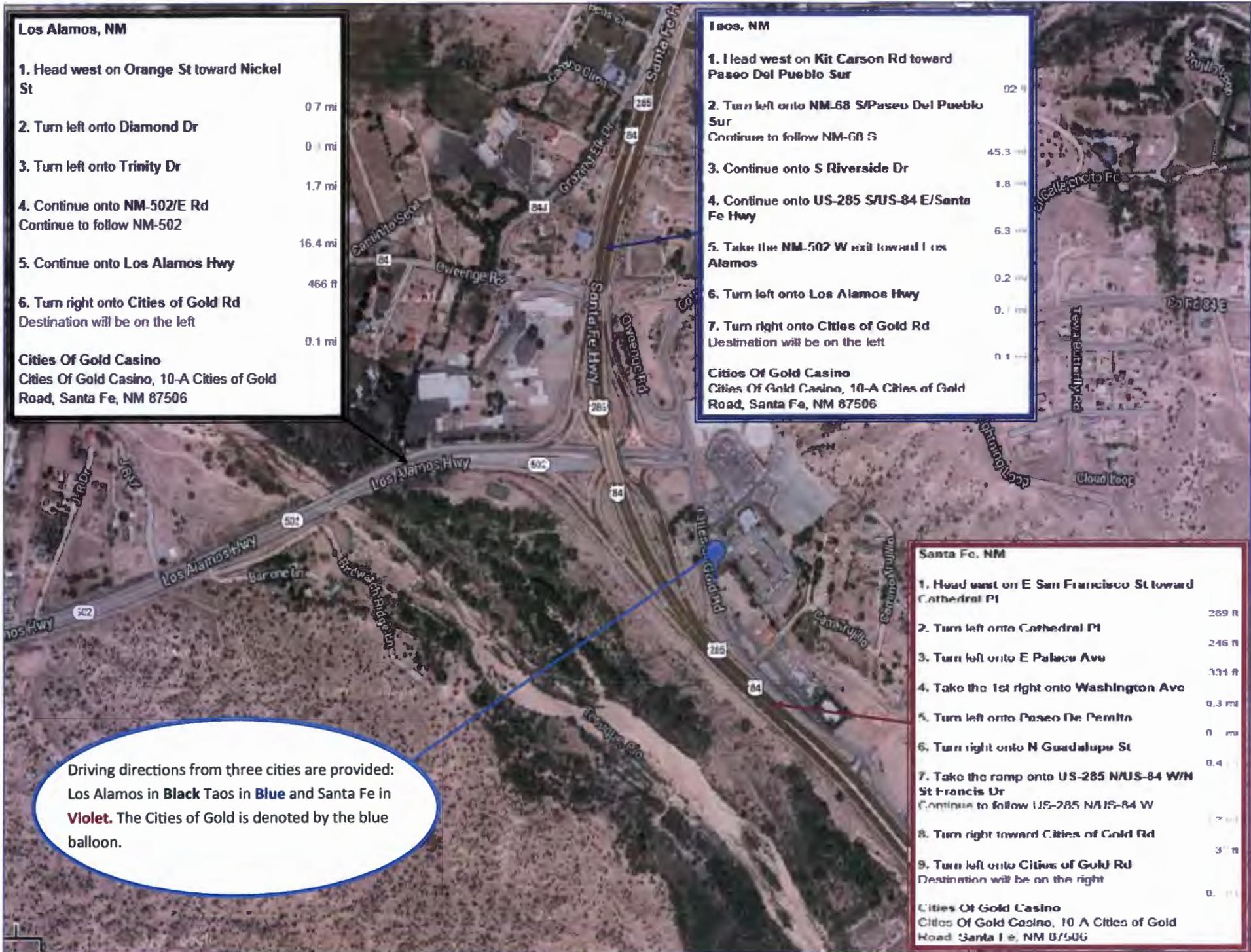
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Destination will be on the right

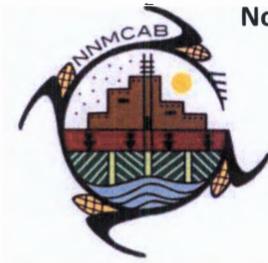
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Cities Of Gold Casino

Cities Of Gold Casino, 10 A Cities of Gold Road, Santa Fe, NM 87506

Driving directions from three cities are provided: Los Alamos in **Black** Taos in **Blue** and Santa Fe in **Violet**. The Cities of Gold is denoted by the blue balloon.





Northern New Mexico Citizens' Advisory Board Meeting

November 19, 2014

1:00 p.m. to 5:15 p.m.

**Ohkay Owingeh Conference Center
Ohkay Owingeh, New Mexico 87566**



Minutes

Meeting Attendees

Department of Energy

1. Pete Maggiore, DOE Assistant Manager, Environmental Projects Office
2. Lee Bishop, DOE, Deputy Designated Federal Officer
3. J.R. Stroble, DOE Carlsbad Field Office
4. Christina Houston, DOE Environmental Projects Office
5. David Nickless, DOE Environmental Projects Office
6. David Rhodes, DOE Environmental Projects Office
7. Toni Chiri, DOE Los Alamos Field Office

NNMCAB Members

1. Doug Sayre, NNMCAB Chair
2. Stephen Schmelling, Chair Environmental Monitoring and Remediation Committee
3. Manuel Pacheco, Chair Waste Management Committee
4. Tessa Jo Mascareñas
5. Gerard Martinez
6. Mary Friday
7. Mona Varela
8. Danny Mayfield
9. Irene Tse-Pe
10. Alex Puglisi
11. Carlos Valdez
12. Michael Valerio
13. Joey Tiano

NNMCAB Student Members

1. Alyssa Schreiber
2. Deidre Roybal
3. Savannah Martinez

NNMCAB Excused Absences

1. Nona Girardi
 2. Allison Majure
 3. Joseph Viarrial
 4. Ashley Sanderson
-

NNMCAB Member Absences

1. Bonnie Lucas
 2. Angel Quintana
-

NNMCAB Support Staff

1. Menice Santistevan, Executive Director
 2. Bridget Maestas, Administrative Assistant
 3. William Alexander, Technical Programs and Outreach
-

Guests

1. Max Ortiz, 2nd Lieutenant Governor, Ohkay Owingeh
2. Bruce Robinson, Los Alamos National Security
3. Patti Jones, Los Alamos National Security
4. Kaitlin Martinez, Los Alamos National Security
5. Scott Kovac, Nuke Watch New Mexico
6. Michele Jacquez-Ortiz, U.S. Senator Tom Udall's Office
7. Laura Day, Project Time & Cost, LLC.
8. Michael Brandt, Los Alamos National Security
9. Rick Ulibarri, Los Alamos National Security
10. Secretary Ryan Flynn, NMED
11. Don Winchell, Public
12. Randy Erickson, Los Alamos National Security

***All NNMCAB meetings are recorded. Audio CD's and Video DVD's have been placed on file for review at the NNMCAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are intended as a synopsis of the meeting.**

1 **Minutes**

2 **I. Call to Order**

3 The bi-monthly meeting of the Northern New Mexico Citizens' Advisory Board
4 (NNMCAB) was held on November 19, 2014 at the Ohkay Owingeh Conference Center,
5 Ohkay Owingeh, New Mexico. Mr. Lee Bishop, Deputy Designated Federal Officer (DDFO)
6 stated that on behalf of the Department of Energy (DOE) the meeting of the NNMCAB was
7 called to order at 1:07 p.m.

8 Mr. Bishop recognized Mr. Doug Sayre, the NNMCAB Chair. The Chair presided at the
9 meeting.

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

12 **II. Establishment of a Quorum (10 Needed)**

13 **a. Roll Call**

14 Mr. William Alexander conducted roll call as the members arrived. At the call to
15 order 10 members were present. Mr. Alexander recorded that: Ms. Varela arrived at
16 1:42 p.m., Ms. Mascareñas arrived at 2:15 p.m., and Ms. Tse-Pe arrived at 2:20 p.m.
17

18 **b. Excused Absences**

19 Mr. Alexander recorded that the following members had excused absences: Dr.
20 Girardi, Ms. Majure, Mr. Viarrial, and Ms. Sanderson.
21

22 **c. Absences**

23 Mr. Alexander recorded that the following members were absent: Ms. Lucas and
24 Ms. Quintana.
25

26 **III. Welcome and Introductions**

27 Mr. Sayre welcomed the members and the public to the meeting. He asked for
28 introductions from the board members and all attending guests.
29

30 2nd Lieutenant Governor, Max Ortiz welcomed the NNMCAB members to the Ohkay
31 Owingeh and opened the meeting with a traditional prayer.
32

33 **IV. Approval of Agenda**

34 The board reviewed the agenda for the November 19, 2014 meeting.
35

36 Mr. Tiano made a motion to approve the agenda as presented; Mr. Mayfield seconded
37 the motion. The motion to approve the agenda as presented was unanimously passed.
38

39 **V. Approval of Minutes**

40 The Board reviewed the minutes from the September 24, 2014 meeting. By ongoing
41 instruction from DOE Headquarters, the minutes were previously reviewed and certified by
42 the NNMCAB Chair.
43

44 Mr. Sayre opened the floor for comments from the Board; with no comments from the
45 Board, Mr. Sayre asked for a motion.
46

1 Mr. Pacheco made a motion to approve the minutes as presented; Mr. Mayfield seconded
2 the motion. The motion to approve the minutes as presented was unanimously passed.

3
4 **VI. Old Business**

5 **a. Written Reports**

6 Mr. Sayre opened the floor for comments on the written reports. He noted that the
7 Executive Director's report contained important dates for the upcoming meetings and
8 NNMCAB activities. Mr. Sayre advised the members that the next Combined Committee
9 meeting would be January 14, 2015 at the NNMCAB office and the next Board Meeting
10 would be January 28, 2015 at the Cities of Gold Conference Center.

11
12 With no comments on the written reports Mr. Sayre moved on to the next agenda
13 item.

14
15 **b. Other Items**

16 Mr. Mayfield asked if there had been discussion of having the combined committee
17 meetings and the board meetings on the same day of the month, one in the morning
18 and one in the afternoon.

19
20 Mr. Pacheco responded that there had been discussion regarding that during an
21 Executive Committee meeting; however, it had been noted that it would make too long
22 of a day for members to be away from work and their normal schedules.

23
24 **VII. New Business**

25 **a. Consideration and Action on FY'15 Committee Work Plans**

26 **1. Environmental Monitoring and Remediation (EM&R)**

27 Mr. Schmelling, the EM&R Chair, went over the work plan for the members of
28 the board and asked if there were any questions or comments from the board.

29
30 Mr. Valdez noted that on item 5b. the fiscal year should be corrected to FY'15.

31
32 Mr. Puglisi noted that he would like to add "and State Surface Water Quality
33 Standards" to the end of item 3a.

34
35 With no additional comments Mr. Sayre asked for a motion from the board.

36
37 Mr. Martinez made a motion to accept the EM&R work plan with the proposed
38 changes; Mr. Mayfield seconded the motion. The motion to approve the EM&R
39 work plan, as amended passed.

1 **Waste Management (WM)**

2 Mr. Pacheco, the WM Chair, went over the work plan for the members of the
3 board and asked if there were any questions or comments from the board.

4
5 With no additional comments Mr. Sayre asked for a motion from the board.

6
7 Mr. Pacheco made a motion to approve the WM work plan as presented; Mr.
8 Mayfield seconded the motion. The motion to approve the WM work plan as
9 presented passed.

10
11 **b. Other Items**

12 With no additional new business to discuss Mr. Sayre moved on to the next agenda
13 item.

14
15 **VIII. Update from Deputy Designated Federal Officer**

16 Mr. Bishop noted that Mr. Stroble would be providing an update to the board on the
17 situation at the Waste Isolation Pilot Plant (WIPP). Mr. Bishop noted that this was the last
18 official meeting of the board for calendar year 2014. He noted that there was a possibility of
19 a special meeting in December.

20 Mr. Bishop stated that the only open recommendation left for this year was
21 recommendation 2014-02; he noted that the department had accepted the
22 recommendation and was in the process of drafting an interim response. Additionally, he
23 noted that a complete response would be drafted after the submittal of the Accident
24 Investigation Boards official report.

25
26 Mr. Schmelling asked for an update on where LANL was in its understanding of what had
27 caused the drum to rupture.

28
29 Mr. Bishop noted that he would prefer to defer that question to Mr. Erickson the liaison
30 from LANL who would be arriving at the meeting later this afternoon.

31
32 Mr. Sayre asked Ms. Jacquez-Ortiz if she could update the board on the status of the
33 federal budget.

34
35 Ms. Jacquez-Ortiz stated that the Continuing Resolution (CR) for FY'15 was only good
36 until December 11, 2014. She noted that the Senator's Office would like to see an Omnibus
37 Bill passed, which is a series of bills that have details on funding areas. Ms. Jacquez-Ortiz
38 noted that if an Omnibus or new CR is not passed there was a possibility of going into a
39 government shut down after the current CR expires on December 11, 2014. Additionally,
40 Ms. Jacquez-Ortiz noted that in the current CR there was \$113 million for WIPP recovery;
41 however, that would expire on December 11, 2014 also.

1 Mr. Puglisi noted what he was hearing was if we have a CR, that WIPP would be unlikely
2 to reopen on time.

3
4 Mr. Stroble responded that it would slow down the reopening; however, with the base
5 funding they can work a large portion of the recovery plan. He noted that the additional
6 funding would be needed for the upgrades to the ventilation system.

7
8 **IX. Presentation on WIPP**

9 **a. Waste Isolation Pilot Plant Recovery Update**

10 Mr. J.R. Stroble, DOE Carlsbad Field Office gave a presentation entitled "Waste
11 Isolation Pilot Plant Recovery Update." An electronic copy of the presentation may be
12 obtained from the NNMCAB website; [http://www.nnmcab.energy.gov/7-](http://www.nnmcab.energy.gov/7-presentations/presentations.htm)
13 [presentations/presentations.htm](http://www.nnmcab.energy.gov/7-presentations/presentations.htm). Video of the presentation is also available on the
14 NNMCABs YouTube Channel (NNMCAB).

15
16 **b. Questions**

17 Mr. Sayre asked about the status of Project Reach.

18
19 Mr. Stroble responded that the system is on site in an above ground facility and pieces
20 are being transported underground. He noted that the projected start time is January 5,
21 2015.

22
23 Mr. Martinez asked if the workers underground need to be suited up.

24
25 Mr. Stroble stated that in the green areas suits are not required. Additionally, he
26 noted that there are suit stations and respirators outside the areas that require Personal
27 Protective Equipment to be worn.

28
29 Mr. Martinez asked what area the interim ventilation would cover and what area the
30 supplemental ventilation would cover.

31
32 Mr. Stroble responded that the interim ventilation system would be High Efficiency
33 Particulate Air (HEPA) filter banks on skids and tapped into the main ducts to provide
34 additional air flow. He noted that the interim system should bring air flow up to 115
35 thousand cubic feet per minute. Mr. Stroble noted that the supplemental ventilation
36 system would be fans that are installed down in the mine to bring in new sources of
37 fresh air.

38
39 Mr. Martinez asked why the mine was using diesel equipment rather than electrical
40 and if an evaluation of the current system had been done.

1 Mr. Stroble responded that both types of equipment are available in the mining
2 industry and WIPP uses both types. He noted that each piece is evaluated on a case by
3 case basis, stating that diesel equipment often times provides greater power from a
4 smaller source. Additionally, he noted that electrical equipment would require
5 additional sources of power down in the mine.

6
7 Mr. Puglisi asked if there was still contamination being released from the source drum
8 in panel seven.

9
10 Mr. Stroble noted that it was assumed that it was still releasing some contamination;
11 however, there is not a monitor on the drum due to its location in the panel.

12
13 Mr. Valdez asked about the possibility of a new exhaust shaft being drilled for the
14 mine.

15
16 Mr. Stroble responded that yes there is a plan for a new exhaust shaft; he noted that
17 it is a capital line item project that is planned for a couple of years from now.
18 Additionally, he stated that it is part of a plan that has not yet been submitted for
19 approval.

20
21 Mr. Schmelling asked if any consideration had been given to what would happen in
22 the event of another drum rupture.

23
24 Mr. Stroble responded that a number of possible solutions have been considered:
25 localized HEPA filter skids and remote operated bulk heads. He noted that he thought
26 the remote bulk heads would be the solution that would be worked into the design.

27
28 Mr. Mayfield asked if there were any LANL drums in panel 6

29
30 Mr. Stroble responded that yes there are LANL drums in panel 6; however, at this time
31 there is no plan to video them using the Reach system. He noted that the plan is to seal
32 the panel.

33
34 Mr. Martinez asked what the status was of the above ground storage space.

35
36 Mr. Stroble stated that it is close to capacity, noting that the above ground storage at
37 WIPP was intended to temporarily store waste while it was readied for underground
38 storage. Mr. Stroble noted that the capacity was about a weeks' worth of contact
39 handled or remote handled waste.

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41 Mr. Pacheco asked how many panels had been sealed at WIPP.

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Mr. Stroble responded that there is waste in panels 1 through 6 and they have all been sealed off from the ventilation circuit. He stated that some of the panels are in the process of having the long term closure system installed.

Mr. Pacheco asked who certifies the closure of a panel.

Mr. Stroble responded that NMED certifies the completeness of the hazardous waste management unit, which is done as the panels are filled. He noted that the Environmental Protection Agency is responsible for approving the method of closure; he noted that is the part that has not been completed on some of the panels.

Mr. Sayre asked if the amount of rain fall this year has caused any problems.

Mr. Stroble noted that for the surface facility it had not been a problem. Additionally, he stated that there is a shaft that collects some water and that a sump is used to pump the water out of that area.

Ms. Friday asked if WIPP was on a short leash with the public after the incident that occurred.

Mr. Stroble responded that the Accident Investigation Board is still in the process of determining what occurred. He also noted that LANL has conducted a number of experiments in an attempt to recreate the event that occurred and has not been able to replicate it. Mr. Stroble stated that WIPP has begun working on some corrective actions; however until the investigation is wrapped up we won't know enough to move forward in a meaningful way.

Mr. Puglisi asked if the waste in the drum was ever physically analyzed or if acceptable knowledge had been used.

Mr. Bishop responded that the nitrate salt waste was from the evaporator bottoms at TA-55. He noted there was analytical data associated with each batch run at TA-55 and that as the waste was generated that data was submitted with it.

X. Retirement Certificate Presentation

Mr. Maggiore, Mr. Bishop, and Mr. Sayre presented Ms. Christina Houston the Alternate Deputy Designated Federal Officer with a certificate of appreciation for her years of service. Ms. Houston has been a DOE employee for 37 years and is retiring January 2015.

1 **XI. Update from Liaisons**

2 **a. Update from New Mexico Environment Department**

3 Secretary Ryan Flynn from NMED noted that it is very important to look at how we
4 move forward after the WIPP/LANL incidents. Secretary Flynn noted that from the
5 State's perspective, they stand strongly behind LANL and believe in its mission. He noted
6 that it is the State's role to regulate the facility and make sure that it is following all the
7 rules and regulations. He stated that it was important to keep sight of what could have
8 occurred at WIPP, noting that the time, date, and place were advantageous to
9 minimizing the impact of the release incident. Additionally, noting that if the incident
10 had occurred during a morning shift the impact could have been much greater.
11 Secretary Flynn noted that it was advantageous that there had not been any structural
12 damage to the facility from the two incidents. He encouraged everyone to keep sight of
13 what did not occur at the facility as we move forward.

14 Secretary Flynn noted that the challenge is going to be restoring public confidence. He
15 stated that where we need to start is implementing meaningful corrective action.
16 Secretary Flynn noted that to do that, we need to understand the root cause of the
17 incident. He noted that DOE has many different teams working to determine the cause
18 of the release. Secretary Flynn noted that we need to not only look at LANL but also
19 complex wide to make sure that the same problems that occurred at LANL are not
20 occurring complex wide. Additionally, stating that we need to identify where the
21 communication breakdowns occurred and develop strategies to ensure that we don't
22 have additional communication breakdowns. Secretary Flynn stated that we need to
23 understand why advice from the waste team at WIPP, regarding the proper remediation
24 of nitrate salt drums was not followed by LANL.

25 Secretary Flynn stated that the State is focused on moving forward as efficiently as
26 possible; however, it is important to make sure that it is accomplished correctly not just
27 quickly. He noted that an important issue moving forward will be improving
28 communication complex wide, including: DOE, States, and Sites. Secretary Flynn stated
29 that he thought there were approximately 20 different entities that have some type of
30 oversight or regulatory authority at WIPP. He noted that WIPP is approved to take waste
31 from locations across the DOE complex, and when states fight against each other for
32 funding it is to the detriment of everyone.

33 Secretary Flynn noted that it was found that the Mine Safety and Health
34 Administration (MSHA) had not performed an inspection since 2008. He noted that
35 MSHA is required to do a quarterly inspection of the facility, noting that MSHA's
36 reasoning behind this was they didn't believe that WIPP was a mine. He noted that this
37 did not come to light until after the 2014 incident that occurred at WIPP.

38 Secretary Flynn stated that regarding funding, he had a problem with funding for the
39 WIPP recovery being taken from the LANL environmental clean-up budget. He noted
40 that punishes the State and the ability to restore the lands for the public. Additionally,
41 he noted that it punishes the workers that are responsible for completing the

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Mr. Mayfield asked if there was a list of areas that have groundwater/surface water contamination and if it could be provided to the NNMCAB.

Mr. Erickson responded that he could possibly provide that information to the NNMCAB in the form of a presentation or brief.

Mr. Valerio asked what the temperatures were expected to be reached in the freezers that were being installed to deal with the nitrate salt remediation.

Mr. Erickson responded that the drum would be chilled to -10°C, and then workers would be allowed to work with the drum until it reaches to 10°C.

Mr. Puglisi asked if the NNMCAB could be provided with information on what, if anything from LANL has affected the surface water quality at the Rio Grande.

Mr. Erickson responded that LANL does have monitoring data for that, and that the information could be provided in the form of LANL's surface water reports.

Ms. Tse-Pe asked for information on the vapor plume and the associated hazard.

Mr. Erickson responded that the vapor plume is monitored very carefully, and that LANL is currently looking at a vapor extraction process. Additionally, he noted that at this point there is no risk of offsite migration.

XII. Public Comment Period

Mr. Sayre opened the public comment period at 4:44 p.m. He welcomed Mr. Scott Kovac from Nuke Watch New Mexico to the floor.

Mr. Kovac thanked the board for the opportunity to provide public comment. He noted that he appreciated Secretary Flynn's comments. Mr. Kovac noted that RDX and MDA L clean-up are Consent Order (CO) items, he noted that he appreciated the fact that there is other work going on at LANL on the CO items. Mr. Kovac noted that NWNM wants to push for continued funding for CO items at LANL. He noted that we can't let the clean-up stop because someone made mistakes. Mr. Kovac noted that we still need to conduct the investigations and complete monitoring wells to gather the information necessary to complete the clean-up. Additionally, he noted that these efforts can't suffer because of the WIPP recovery or TRU waste program.

With no additional public comment Mr. Sayre closed the public comment at 4:46 pm.

1 **XIII. Wrap-up Comments from NNMCAB Members**

2 Mr. Sayre opened the floor for comments from the members. He asked that the
3 members address whether all their questions on presentations were answered and if they
4 had any requests for future presentations.

5
6 Ms. Mascareñas, Ms. Varela, and Ms. Martinez thanked everyone for the informational
7 presentations and noted that they were still new to the NNMCAB process.

8
9 Mr. Martinez thanked the public for coming out to attend the meeting, he also noted
10 that the presentations had been informational and the staff as always had been awesome.

11
12 Mr. Valerio, Mr. Mayfield, Ms. Tse-Pe, Mr. Pacheco, and Mr. Schmelling thanked
13 everyone for the great meeting, information, and presentations.

14
15 Mr. Tiano thanked Secretary Flynn for the information. He noted that it was good to
16 know that the NNMCAB and NMED were on the same track. Mr. Tiano stated that he was
17 glad to know that it was not the NMED that was holding up progress.

18
19 Mr. Valdez wished Ms. Houston good luck in her future endeavors. He also thanked
20 everyone for attending and providing the information to the NNMCAB.

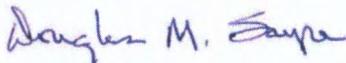
21
22 Ms. Schreiber thanked everyone for the opportunity to participate on the NNMCAB as
23 student member. Additionally, she thanked the presenters for providing the information.

24
25 Mr. Sayre stated that it had been a great meeting and the staff had done an excellent
26 job. Mr. Sayre also thanked Ms. Houston for her service and invited her to come back and
27 see the NNMCAB. Additionally, he thanked the members of the public for attending the
28 meeting.

29
30 **XIV. Adjournment**

31 With no additional business to discuss, Mr. Bishop thanked the public and members for
32 attending and adjourned the meeting at 5:31 p.m.

33 **Respectfully Submitted,**



34 **Doug Sayre, Chair, NNMCAB**

35 ***Minutes prepared by William Alexander, Technical Programs and Outreach, NNMCAB**

1 **Attachments**

- 2 1. Final NNM CAB Meeting Agenda for 11/19/2014
- 3 2. Final NNM CAB Meeting Minutes for 09/24/2014
- 4 3. Report from Menice Santistevan, Executive Director
- 5 4. Draft EM&R FY'15 Committee Work Plan
- 6 5. Draft WM FY'15 Committee Work Plan
- 7 6. Presentation by J.R. Stroble, DOE CBFO, "Waste Isolation Pilot Plant Recovery Update"
- 8 7. Update from LANL, Environmental Programs, Randy Erickson

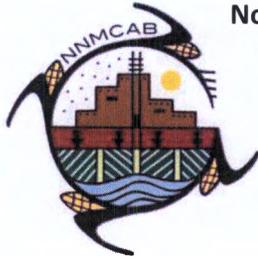
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10 **Public Notice:**

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12 at the NNM CAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are
13 intended as a synopsis of the meeting.

14 *Reference documents listed in the attachments section of these minutes may be requested for
15 review from the NNM CAB Office by calling (505)989-1662.

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Northern New Mexico Citizens' Advisory Board Meeting

December 10, 2014

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

The Lodge at Santa Fe

Santa Fe, New Mexico 87501



Minutes

Meeting Attendees

Department of Energy

1. Pete Maggiore, DOE Assistant Manager, Environmental Projects Office
2. Kim Davis Lebak, DOE/NNSA Los Alamos Field Office Manager
3. Lee Bishop, Deputy Designated Federal Officer
4. Christina Houston, DOE Environmental Projects Office
5. Jack Craig, Director, Environmental Management Consolidated Business Center, DOE
6. Catherine Hampton, DOE Headquarters
7. J.R. Stroble, DOE Carlsbad Field Office
8. David Nickless, DOE Environmental Projects Office
9. David Rhodes, DOE Environmental Projects Office
10. Annette Russell, DOE Environmental Projects Office
11. Toni Chiri, DOE Los Alamos Field Office

NNMCAB Members

1. Doug Sayre, NNMCAB Chair
 2. Allison Majure, NNMCAB Vice-Chair
 3. Stephen Schmelling, Chair EM&R Committee
 4. Manual Pacheco, Chair WM Committee
 5. Ashley Sanderson, Vice-Chair EM&R Committee
 6. Angel Quintana, Vice-Chair WM Committee
 7. Mona Varela
 8. Alex Puglisi
 9. Joey Tiano
 10. Gerard Martinez
 11. Irene Tse-Pe
 12. Nona Girardi
 13. Carlos Valdez
 14. Bonnie Lucas
-

1 **NNMCAB Student Members**

- 2 1. Alyssa Schreiber
-

3

4 **NNMCAB Excused Absences**

- 5 1. Danny Mayfield
6 2. Mary Friday
7 3. Tessa Jo Mascareñas
8 4. Joseph Viarrial
9 5. Michael Valerio
10 6. Deidre Roybal
11 7. Savannah Martinez
-

12

13 **NNMCAB Support Staff**

- 14 1. Menice Santistevan, Executive Director
15 2. Bridget Maestas, Administrative Assistant
16 3. William Alexander, Technical Programs and Outreach
-

17

18 **Guests**

- 19 1. Carolyn Bateman, Project Time & Cost, LLC.
20 2. Patti Jones, Los Alamos National Security
21 3. Chuck Penglon, T²
22 4. Brian Clayton, Los Alamos National Security
23 5. Susan Gordon, MASE
24 6. Floyd Archuleta, Portage
25 7. Paula Bertino, Women of Waste
26 8. Scott Kovac, Nuke Watch New Mexico
27 9. Randy Erickson, Los Alamos National Security
28 10. Lorrie Bonds Lopez, Los Alamos National Security
29 11. John Lopez, Public
30 12. Justin Tozer, Los Alamos National Security
31 13. Paul Karas, CDM Smith
32 14. Katie Richardson, U.S. Senator Martin Heinrich's Office
33 15. Liddie Martinez, Los Alamos National Laboratory Major Subcontractor Consortium
34 16. Bruce Robinson, Los Alamos National Security
35 17. Don Winchell, Contractor
36 18. Chris Edgmond, Contractor
37 19. Chuck Broom, Contractor
38 20. Dave McInroy, Los Alamos National Security
39 21. Laura Day, Project Time & Cost, LLC.
40 22. Gilbert Gutierrez, SCD
41 23. Kevin Tafoya, SCD
42 24. Mark Oswald, Albuquerque Journal

- 1 25. Michael Brandt, Los Alamos National Security
- 2 26. George Rael, Public
- 3 27. Michele Jacquez-Ortiz, U.S. Senator Tom Udall's Office
- 4 28. Kate Lynnes, Los Alamos National Security
- 5 29. Scott DenBaars, Navarro
- 6 30. Jay Coghlan, Nuke Watch New Mexico
- 7 31. Chuck Montano, Nuke Watch New Mexico
- 8 32. Don Hancock, Public
- 9 33. Darien Cabral, Regional Coalition of LANL Communities

10 ***All NNMCAB meetings are recorded. Audio CD's and Video DVD's have been placed on file for**
11 **review at the NNMCAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written**
12 **minutes are intended as a synopsis of the meeting.**

1 **Minutes**

2 **I. Call to Order**

3 The special meeting of the Northern New Mexico Citizens' Advisory Board (NNMCAB)
4 was held on December 10, 2014 at The Lodge at Santa Fe, Santa Fe, New Mexico. Mr. Lee
5 Bishop, Deputy Designated Federal Officer (DDFO) stated that on behalf of the Department
6 of Energy (DOE) the meeting of the NNMCAB was called to order at 1:13 p.m.

7 Mr. Bishop recognized Mr. Doug Sayre, the NNMCAB Chair. The Chair presided at the
8 meeting.

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

11 **II. Establishment of a Quorum (10 Needed)**

12 **a. Roll Call**

13 Mr. William Alexander conducted roll call as the members arrived. At the call to
14 order, 12 members were present. Mr. Alexander recorded that Mr. Carlos Valdez arrived
15 at 1:15 p.m. and Ms. Angel Quintana arrived at 1:50 p.m.

16 **b. Excused Absences**

17 Mr. Alexander recorded that the following members had excused absences: Ms.
18 Tessa Jo Mascareñas, Ms. Deidre Roybal, Ms. Mary Friday, Mr. Danny Mayfield, Mr.
19 Joseph Viarrial, and Mr. Michael Valerio.

20 **c. Absences**

21 Mr. Alexander recorded that no members were absent.
22

23 **III. Welcome and Introductions**

24 Mr. Sayre welcomed the members and the public to the meeting. He asked for
25 introductions from the board members.
26

27 **IV. Approval of Agenda**

28 The board reviewed the agenda for the December 10, 2014 special meeting.

29 Mr. Tiano made a motion to approve the agenda as presented; Mr. Pacheco seconded
30 the motion. The motion to approve the agenda as presented was unanimously passed.
31

32 **V. Presentation on Transition of Environmental Management Cleanup at LANL**

33 **a. Presentation**

34 Mr. Craig gave a presentation to the NNMCAB on the transition of clean-up work
35 from the National Nuclear Security Administration (NNSA) Oversight to the Office of
36 Environmental Management (EM) Oversight, entitled "Los Alamos Legacy Cleanup
37 Completion Project Bridge Contract." An electronic copy of the Synopsis is available
38 on the NNMCAB website; [http://www.nnmcab.energy.gov/7-](http://www.nnmcab.energy.gov/7-presentations/presentations.htm)
39 [presentations/presentations.htm](http://www.nnmcab.energy.gov/7-presentations/presentations.htm). Video of the presentation is also available on the
40 NNMCABs YouTube Channel (NNMCAB).
41

42 **b. Questions**

43 Mr. Sayre asked how long the comment period on the synopsis would be.
44
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1
2 Mr. Craig responded that the comment period would be open for 15 days from
3 the date of issuance. He noted that the comment period would close on December
4 18, 2014.

5
6 Mr. Sayre asked if the contract work would be renegotiated each year dependent
7 on the approved Congressional budget.

8
9 Mr. Craig responded that typically an estimation of what the budget would be for
10 the 5 years of the contract would be used. Additionally, he stated that each year a
11 work plan or fee plan would be negotiated within the contract. He also noted that
12 scope can change depending on the budget and sometimes contract extensions
13 result from that.

14
15 Mr. Valdez asked how many people in Los Alamos are on the NNSA staff and what
16 would happen to them in the transition.

17
18 Mr. Craig responded that 22 of the current positions at NNSA are funded by EM,
19 noting that EM envisions those 22 employees becoming part of the new
20 organization.

21
22 Ms. Davis Lebak stated that there are 77 NNSA positions and 22 EM positions
23 currently staffed at the Los Alamos Field Office. Additionally, she noted that there
24 are a few positions that are split across EM/NNSA.

25
26 Mr. Valdez asked how the budget would be handled for the “guns, guards, and
27 gates.”

28
29 Mr. Craig stated that EM currently pays a portion of security through an overhead
30 account. He noted that a majority is paid by NNSA since the majority of the work at
31 LANL is NNSA work.

32
33 Ms. Davis Lebak responded that security is over \$100 million and NNSA would
34 continue to charge EM for its portion. She noted that the Memorandum of
35 Understanding (MOU) would need to work through all of those issues.

36
37 Mr. Valdez asked, since we are in FY’15 already, how are budget transfers handled
38 and is there a cross walk for the transition. Additionally, he asked how this would
39 affect the FY’16 budget.

40
41 Mr. Craig responded that he did not think that the budget process would change
42 that much, noting that the EM budget is currently requested separately from the
43 NNSA budget. He noted, what would change would be that NNSA would not execute
44 the work; with the transition, EM would execute the work.

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Mr. Valdez asked if the 18 month transition of work would affect the Consent Order (CO) work and had there been any discussions with the New Mexico Environment Department (NMED) regarding this.

Mr. Craig stated that the 18 month transition is for the establishment of a new contract, not the work execution.

Mr. Schmelling asked what steps were being taken to ensure that the new operation would be independent of the NNSA side of operations.

Mr. Craig responded that was one of the items that would be discussed as part of the negotiations with NNSA/LANS. He noted that this has not been discussed yet due to the process and public comment period for the synopsis.

Ms. Majure asked what efficiencies are envisioned/expected from the integration and a new specialized contractor.

Mr. Craig responded that a standalone organization with EM oversight will help provide focus to the EM work. He stated that the majority of the work at LANL is not EM related. He stated that when a contract has a large majority of their fee riding on activities they may lose some focus on the EM work, stating that the new EM contract would focus that through an EM contract with EM oversight. Additionally, he noted that in the short term there may not be a gain in efficiency; however, in the long term, a specialized contractor and new EM contract should improve efficiency.

Ms. Majure asked what types of contracts were being considered for the new contract.

Mr. Craig stated that EM has used Cost Plus Incentive Fee Contracts, where contractors provide a target cost and earn fee based on the performance against the target cost. He noted that another type is Cost Plus Award Fee Contract where fee is structured on incentives, schedule, and milestones. Mr. Craig noted that a number of types of contracts could be considered for the LANL cleanup work.

Mr. Sayre asked if a performance evaluation would be conducted on the contract annually.

Mr. Craig responded that the type of evaluation or evaluations would be determined based on the type of contract that is selected.

Dr. Girardi asked if it was likely or even possible that LANS or one of its component companies could be selected as the new EM contractor. Secondly, what would happen to the current subcontractors and lastly, how the transition period would affect the work that is scheduled to be completed.

1 Mr. Craig responded that the change in contract would not change the work
2 scope, which has been agreed to. Mr. Craig stated that he did not believe that LANS
3 was allowed to bid on other work as the LANS entity, as long as it has the
4 Management and Operations (M&O) contract at LANL. Mr. Craig stated that for the
5 bridge contract, he did not envision any changes to the subcontracts; however, he
6 noted that the subcontracts are a decision that LANS made so the decision would be
7 up to them. He noted that in the long term there was a possibility that it would be
8 different depending on how the teams were set up.

9
10 Mr. Pacheco asked if the Bridge contract was somewhat like a pilot program.

11
12 Mr. Craig responded that he didn't know that EM had ever done a transition like
13 this, so it could be considered as a pilot.

14
15 Mr. Pacheco asked if the Office of Environmental Management Consolidated
16 Business Center would start to solicit proposals.

17
18 Mr. Craig responded that for the longer term the answer would be yes.

19
20 Mr. Pacheco asked if classification code DF108, would fall under the NAICS.

21
22 Mr. Craig responded that he would not be the person to answer that.

23
24 Mr. Puglisi asked if the 77 NNSA positions were environmental programs like
25 permitting, compliance, and surveillance.

26
27 Ms. Davis Lebak responded no; those 77 positions were NNSA positions.

28
29 Mr. Puglisi asked if there would be a reintegration of some of the environment
30 programs back into the EM program, like hazardous waste permitting.

31
32 Mr. Craig responded that all of those types of programs are going to have some
33 elements of EM and NNSA because of NNSAs ongoing mission. He noted that for
34 those positions there would likely be both EM and NNSA positions.

35
36 Mr. Valdez asked if the reason for transferring the work from NNSA to EM had
37 anything to do with what happened at the Waste Isolation Pilot Plant (WIPP).

38
39 Mr. Craig responded that he would not say that WIPP was the main reason. He
40 noted that the transition to a separate standalone EM contract has happened at just
41 about every other DOE office. Additionally, he noted that it had been looked at for
42 the LANL site before and it was possible that the WIPP incident accelerated the
43 transition.

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45 Mr. Valdez asked what type of quality assurance the new contract would have to
46 ensure another incident does not occur.

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Mr. Craig responded that the new contract would take into account the responses to the Accident Investigation Board (AIB) report and actions that are taken in response to the compliance order that was received from NMED.

Mr. Valdez asked what would happen to the new campaign approach that was being prepared for roll out before the WIPP incident.

Mr. Maggiore responded that LANL is still very much focused on the Chromium remediation project. However, noted that it would be premature to state that the campaign program will continue as it was originally envisioned. He noted that from his perspective the campaigns would need to be folded into a new CO that would need to be negotiated and those discussions had not even begun.

Mr. Valdez asked where the money for the \$54 million fine was going to come from and would it impact the cleanup work.

Mr. Craig stated that the department had just received the administrative order on Saturday and was in the middle of understanding and preparing a response to it. He noted that at this time he did not have an answer to that question.

Dr. Girardi asked what happens to the money used to pay the fines after it is paid to NMED.

Mr. Sayre noted that he did not think that there was anyone present today that could accurately answer that question.

Mr. Pacheco asked if it would be possible to get a presentation on what goes on with Performance Based Contracts.

Mr. Bishop responded that would be a great topic for a committee meeting, to provide the NNMCAB with a prep course on the types of federal contracts. Additionally, he stated that as a procurement approach for the new contract is determined, it would be appropriate to brief the NNMCAB on: what the plans for the contractor would be, what the contract would look like, and the fee structure.

Mr. Martinez asked what number of non-federal employees would be affected.

Mr. Craig responded that “typically on DOE sites there is the prime contractor, in this case LANS; the incumbent work force that works for the prime contractor and subcontractors that do work for the prime contractor.” Additionally, he noted that the federal organizations have support contracts to provide support for federal activities.

Ms. Davis Lebak responded that in the NNSA office there is a support contract that provides approximately 5 employees for administrative functions.

1 Mr. Maggiore stated that the Environmental Projects Office has a support contract
2 with Project Time & Cost with approximately 12 to 13 employees. He noted that the
3 employees perform project controls activities.
4

5 Mr. Schmelling asked if it was possible to elaborate on how the work that crosses
6 over between EM/NNSA would be handled.
7

8 Mr. Craig responded that many high level individuals are on the committee to
9 make sure that the transition is successful. He noted that the MOU would be the
10 vehicle that would address all the issues that are not necessarily captured by a
11 contract change.
12

13 Mr. Sayre asked if the NNMCAB could be provided with some of the
14 considerations that would be looked at as part of the MOU.
15

16 Mr. Craig responded that he could provide the NNMCAB with any pertinent
17 information that he had at the next Board Meeting in January.
18

19 Ms. Majure stated that in terms of the MOU it would be great to have information
20 on: the development time frame, a synopsis of the MOU's purposes, and when it
21 would be appropriate for the NNMCAB to weigh in on it.
22

23 Mr. Craig responded that the target date for the MOU is the end of February. He
24 noted that EM should have something to talk to the NNMCAB about in January
25 2015.
26

27 **VI. NNMCAB Liaisons**

28 **a. New Mexico Environment Department**

29 Due to illness at the NMED office, a representative was not able to attend the
30 NNMCAB meeting.
31

32 **b. Department of Energy**

33 Mr. Maggiore stated that he would like to share that a Cromnibus bill has been
34 proposed; he noted that it is a combination of a Continuing Resolution (CR) and an
35 Omnibus Bill. Mr. Maggiore noted that at this time he did not know what the final
36 EM number would be. He noted that the current CR expires December 11, 2014 at
37 midnight.
38

39 Mr. Maggiore stated that the FY'15 annual work plan has been submitted to
40 NMED.
41

42 Mr. Sayre asked if Mr. Maggiore had a potential budget number.
43

44 Mr. Maggiore responded that to his knowledge the Presidential mark was \$225
45 million, and the house mark was \$180 million.
46

1 Ms. Jacques-Ortiz stated that the latest numbers from D.C. are \$185 million for
2 LANL, that's \$11 million under the presidential request, and \$320 million for WIPP,
3 that's \$100 million above the Presidential request. With an additional \$4 million for
4 a security piece at WIPP bringing the WIPP number to \$324 million.

5
6 Mr. Valdez asked if there was additional funding for WIPP in the current CR.

7
8 Mr. Craig responded that yes there was additional funding in the CR that expires
9 on 12/11/2014, for WIPP recovery.

10
11 **c. National Nuclear Security Administration**

12 Ms. Davis Lebak stated that the NNSA budget for LANL is \$2.4 billion per year,
13 noting that the EM scope accounts for approximately 10% of that. She stated that
14 there is still a sizeable nuclear weapons related budget at LANL and lots of activities
15 going on at LANL. Ms. Davis Lebak noted that the LANL's current M&O contract with
16 LANS will proceed. Additionally, she stated that she would be happy to come
17 back and work with the NNMCAB in the future.

18
19 **VII. Perspectives from the Regional Coalition of LANL Communities (RCLC).**

20 **a. RCLC Presentation**

21 Mr. Darien Cabral the Executive Director for the RCLC noted that he was filling in
22 today for the RCLC Board Chair Mayor Alice Lucero of Española. He noted that the
23 RCLC represents the communities of: Taos, Rio Arriba, Los Alamos, Santa Fe, Ohkay
24 Owingeh, and Jemez Pueblo. Mr. Cabral stated that the RCLC is very concerned with
25 environmental remediation and economic development related to Los Alamos and
26 surrounding areas. He noted that the RCLC also conducts work in Washington D.C.
27 to advocate for additional funding for Los Alamos National Laboratory cleanup.

28 Mr. Cabral stated that the WIPP accident was a serious accident; however, no one
29 was killed and there were no injuries. Noting that the RCLC thinks that the end
30 result has been positive, noting that this allows corrections to be made at WIPP and
31 LANL that are necessary and required. Additionally, stating that in that respect it is
32 largely positive.

33 Mr. Cabral stated that the RCLC is concerned with how the transition may impact
34 jobs and sub contracts in the area. He noted that about half of the NNSA
35 procurement budget in New Mexico is split between Sandia and Los Alamos. He
36 stated that New Mexico is a state that depends heavily on federal dollars. Mr. Cabral
37 noted that the RCLC is working closely with the Los Alamos National Laboratory
38 Major Subcontractor Consortium (LANL MSC) on a pilot project. The project is
39 regarding how local contracts/contractors can increasingly gain access to the supply
40 chain management system.

41 Mr. Cabral stated that the Transition plan is still unfolding and very little
42 information is currently available regarding how the transition will be handled. He
43 noted that since it is so unknown the RCLC is not sure how it is going to play out
44 which is a possible issue. Additionally, he noted that the RCLC is concerned with the
45 quick reopening of WIPP and the completion of the 3706 Campaign.

46 Mr. Cabral noted that the tribes in New Mexico provide opportunities in the area.
47 He noted that tribes are the only entities that can function as both a business and a

1 government. Mr. Cabral stated that if everyone comes together as a region, there
2 are good possibilities for successful job creation.

3
4 **b. Questions**

5 Dr. Girardi asked how you can assure that contracts made with tribal corporations
6 are actual tribal companies and the employment and profits will go to the benefit of
7 those tribes. How do you assure that it is not just a nominally tribal corporation?

8
9 Mr. Cabral responded that it is dependent on the sophistication of the tribe.
10 Stating that as the tribes gain more business sophistication, then those types of
11 problems don't occur.

12
13 Ms. Majure asked Mr. Cabral if he could expand on how tribes acting as
14 governments and businesses help with the RCLC advocacy.

15
16 Mr. Cabral responded that it does not help so much with the advocacy, but rather
17 with the economic development and diversification.

18
19 **VIII. Public Comment Period**

20 Mr. Sayre opened the public comment period at 3:25 p.m. He invited Mr. Scott Kovac
21 from Nuke Watch New Mexico (NWNM) to address the board.

22
23 Mr. Scott Kovac submitted the following comments to the board.

24 First, we request that alternatives to the current Department of Energy contract process
25 be considered. The privatization of the nuclear weapons complex may be failing the U.S.
26 taxpayer. Cost overruns plague the current system. Different variations of the same
27 contractors still continue to line up for different variations of the same contracts. Yet, with a
28 few exceptions, cleanup only crawls along. Many of the sites are still contaminated decades
29 after the work was completed. And now, WIPP is shut down.

30 We ask that alternatives such as looking to governmental agencies instead of private
31 contractors be tasked with cleanup at Los Alamos. For instance, could the Corp. of Engineers
32 do the job?

33 We also strongly request that alternatives to "No-Bid" and "Cost-Plus" contracts be
34 considered first. Recently, Senate Armed Services Committee Chairman John McCain spoke
35 to prohibit the Pentagon from awarding cost-plus contracts, arguing such deals encourage
36 nefariousness. (DefenseNews.com, December 5, 2014)

37 Second, if a conventional contract is used, we request that the following specific items
38 be included in the proposed new EM contract at LANL. We also ask that these items be
39 included in the 'bridge' contract:

- 40 • Must be tied to LANL CO and LANL RCRA permit.
- 41 • Any "campaigns" must be legally binding, and not used as justification to miss CO
42 milestones.
- 43 • Should be more incentive based- less fixed.
- 44 • Should be more transparent like ARRA, including public availability of Performance
45 Evaluations.

- Should have dramatically lower overhead costs, for example lower security and no LDRD costs. These overhead costs should be made public just as the old Functional Support Costs were available to the public.
- Must include public update meetings semi-annually.
- Should favor local/regional economic development.

Third, for the new bridge contract and any final contract we ask:

- Cleanup must continue at current pace during transition.
- There must be a new lifecycle baseline- with the range with assumptions spelled out. Comprehensive cleanup must be considered, not just cap and cover.
- Corrective Measures Evaluations must be completed on all areas as one of the priorities.

Finally, concerning the new bridge contract, the synopsis doesn't address the issue of how much LANS will be paid under the to-be-finalized bridge contract in relation to how much it would have been paid under the existing contract. It also doesn't state which of the tasks mentioned are different than under the existing contract. We request that costs and tasks be fully described in the to-be-finalized bridge contract.

Mr. Sayre thanked Mr. Kovac for his comments and invited Mr. Jay Coghlan from NWNM to address the board.

Mr. Coghlan stated that he wanted to start with two points of information. First that the penalties don't go into the general state fund, he stated that there is a special environmental emergency category that they go into. Second he noted that it was briefly raised here about legacy clean-up/environmental restoration and waste management. He noted that he would like to clarify that waste management is management of currently generated waste, and it would not be part of the new contract; stating that he would like to see NNSA bear the cost of any newly generated waste.

Mr. Coghlan stated that regarding the new contract, the scope of the contract both the bridge and long term must be dictated by the terms set in the 2005 CO and the LANL RCRA Permit. He stated that we all know that the CO is going to change; however, every indication is that the schedule will change not the contents. Mr. Coghlan noted that Secretary Ryan Flynn has stated this repeatedly. He stated that NWNM is not necessarily opposed to a campaign approach; however, they need to be legally binding. He noted that the 3706 campaign had not been legally binding. Mr. Coghlan noted that it was his understanding that the last time a baseline clean-up cost had been completed for LANL clean-up was 2008. He noted that it would be clearly outdated and that fresh costs were needed. He noted that we need to know what the assumptions are under the scope for the new contracts. His example was Material Disposal Area G cap and cover, out of sight out of mind. He noted that is not clean-up. He stated that we need a new baseline, with new costs that spells out what the assumptions are, as the cost is entirely dependent on the assumptions.

Mr. Coghlan stated that he would like to close with a statement on the budget. He noted that with WIPP's proposed budget of \$325 million and LANL's \$185 million, he was urging the NNMCAB, RCLC, and the Northern New Mexico public to push back hard against those numbers. Mr. Coghlan noted that he had a dim view of this, to see clean-up at LANL suffer because of mistakes made by LANS. He noted that he did not think that the New Mexico environment or populous should be made to pay for LANS mistakes. Mr. Coghlan noted that this was somewhat punitive punishing LANL and shift funds to WIPP. He noted

1 that this should not be a zero sum game. Mr. Coghlan stated that the country is getting
2 ready to spend \$1 trillion over the next 30 years for nuclear weapons modernization. He
3 stated that he will hear that we don't have the money for expanding clean-up. This is a
4 political matter; you take a couple \$100 million dollars out of that \$1 trillion, and don't
5 punish the people of Northern New Mexico by cutting the clean-up program at LANL.
6

7 Mr. Sayre thanked Mr. Coghlan for his comments and invited Ms. Liddie Martinez from
8 the LANL MSC to address the board.
9

10 Ms. Martinez stated that she was the President of the LANL MSC. She noted that she
11 would like to talk about the procurement climate, in regards to the subcontractors and the
12 possible negative impacts of the transition. She stated that the LANL MSC is comprised of 35
13 of the largest subcontractors in Los Alamos, all of which have contracts valued at \$5 million
14 or greater. She noted that because of this, each of those subcontractors is required to have
15 reinvestment in the region in the areas of: education, economic development, and
16 corporate giving. She noted that over the last 5 years over \$4 million has been reinvested in
17 these areas. She noted that of the member contracts 46% of them are working on the EM
18 contracts. She noted that on the conservative side that equates to 250 employees or 250
19 families, which is not a small number.

20 Ms. Martinez noted that in 2012 – 2013, 4 Master Task Order Agreements (MTOA) were
21 competed on a nationwide basis among small businesses, companies that have 500
22 employees or less. She noted that these MTOA contracts were awarded to 3 or 4
23 contractors or 16 contractors that have the MTOAs in place. She noted that the goal was to
24 award these contracts to contractors that have the knowledge and experience to complete
25 the work. Ms. Martinez noted that this process is very competitive and expensive. She
26 stated that the contractors that were awarded the contracts had to immediately put in place
27 a local presence, hire their employees, and be ready to go on day one of the contract. Ms.
28 Martinez stated that in 2013 the contracts were awarded for a 5 year time frame, noting
29 that to date the contracts have not been used as expected. She noted that a number of
30 employees have already been laid off due to the problems that have occurred with budget
31 cuts and stop work caused by the WIPP issue.

32 Ms. Martinez stated that because these MTOAs were competed on a national basis she
33 would urge that during this transition, the contractors be shifted over to the new contract.
34 She stated that we should not rebid, to additional businesses, at additional costs, and to us
35 as taxpayers because we have already spent that money on national contracting. She stated
36 "That we've already found the best contractors, we've already hired them, they're already
37 here, and they're ready to go. Let's not repeat work that's a waste of taxpayers' money, and
38 let's support and honor the contracts that have been issued. We have certified, qualified,
39 very eager to work New Mexicans that want to work, let's not send 250 people home after
40 18 months of bridge work, and have contracts from outside our state coming in with the
41 potential of maybe being hired maybe not." She stated that it was the recommendation of
42 the LANL MSC that the current MTOAs be transitioned to the new EM formula and be
43 utilized for what they were intended. Let's allow these businesses the opportunity to recoup
44 the investments that they have already made.
45

46 Mr. Sayre thanked Ms. Martinez for her comments and invited Mr. Chuck Montano from
47 NWNM to address the board.

1
2 Mr. Montano stated that he had worked at LANL for 32 years and had been a member
3 of the NNMCAB. He noted that he understood the economic benefits of the LANL and the
4 nature of the work that is done at LANL. Mr. Montano stated that he assumed that the
5 current NNMCAB was still focused on economic development and its importance to
6 Northern New Mexico; however, he noted that we can't do it at the expense of having a
7 safe work place, environment, and drinking water that we can pass on to future
8 generations.

9 Mr. Montano noted that he was curious as to why the NNSA would split up the contract
10 for clean-up, after bidding the work out in 2005 and awarding it to LANS. He noted that he
11 was an employee at the time and after all the dust settled the employee protections,
12 benefits, and salaries went down; while the number of managers that came into the
13 institution went up and their salaries skyrocketed. He noted that the laboratory director in
14 2006 earned \$400 thousand a year and now makes over \$1 million. Additionally, he noted
15 that the management fee to run LANL went from \$8 million to \$80 million. He noted that he
16 wondered what was going to really happen once the EM work goes out as a separate
17 contract and is given to the very same parties that caused the costs associated with work at
18 LANL to go up dramatically. Mr. Montano noted that there are many jobs to be had if the
19 effort was really put into clean-up. Let's not give the contracts back to LANS, but put it into
20 another entities' purview, that might help. He noted that this is what happens when you
21 privatize clean-up, these companies have a vested interest in keeping the effort going on for
22 as long as possible. He stated that the people who are relying on the clean-up may be
23 sacrificed in the process.

24 Mr. Montano stated that there was no clean-up completed at Rocky Flats. He stated
25 that it was an attempt to clean-up; however much of the dangerous material remains in
26 place. He stated that over time the effect of that decision is going to haunt the people of the
27 Denver area and surrounding communities. He noted that we need to stay focused on
28 avoiding that happening here.

29 Mr. Montano stated that he felt it would be nice for the NNMCAB to have its own
30 whistle blower hotline. He noted that it would allow LANL employees and others the ability
31 to share information without fear of retribution.

32
33 Mr. Sayre thanked Mr. Montano for his comments. Seeing no additional public
34 comment Mr. Sayre closed the public comment period at 3:51 p.m.

35
36 **IX. NNMCAB Discussion**

37 Mr. Sayre opened the floor for additional discussion from the board.

38
39 Mr. Puglisi asked if the transition was based on the assumption that NNSA failed in its
40 oversight of the LANS contract, and not that the problem occurred at the LANS contract
41 level.

42
43 Ms. Davis Lebak responded that the AIB was looking at all of the levels, and the report
44 would be out sometime in early 2015. She noted that they did know that there would be
45 deficiencies across the board.
46

1 Mr. Puglisi stated that he was not saying that NNSA needed to perform an analysis of its
2 staff; he was saying that the contractor needs to do an analysis of how they perform the “on
3 the ground” job. He stated that what he was hearing was that the new model would allow
4 the contract to focus on the M&O, implying that the EM functions were a burden to LANS.
5

6 Ms. Davis Lebak responded that it has been in their work scope since LANS took over
7 the contract. However, the government has chosen to configure the M&O work differently.
8

9 Mr. Puglisi asked if past performance was allowable in the consideration of contractors.
10

11 Ms. Davis Lebak responded that yes, past performance is considered before awarding
12 contracts.
13

14 Mr. Craig noted that it is the largest factor in awarding contracts. Additionally, stating
15 that a database is used to evaluate the work of all contractors not just the DOE contractors.
16

17 Mr. Martinez noted that we are looking at 250 employees being affected by the
18 transition and that’s a huge impact to the local communities. Mr. Martinez stated that he
19 had done some simple math, 250 people at \$50 thousand per employee was a \$12.5 million
20 dollar impact, add in some indicators and a multiplier and it’s almost \$19 million dollars. Mr.
21 Martinez stated that was a huge impact for areas that are pretty desperate right now. Mr.
22 Martinez noted that it was rough math and he could be wrong; however the number he was
23 looking at were the 250 possible lost jobs. He asked if any analysis of economic impact is
24 done for a transitional loss of jobs.
25

26 Mr. Craig responded that when talking about impacts, there is an impact from WIPP
27 being shut down and that has nothing to do with the transition. He noted that as we go
28 through the transition he did not see a lot of impact from the transition. He noted that the
29 same work that was being executed before the transition would be the same work under a
30 different contract arrangement. Mr. Craig did note that it would be up to LANS which
31 subcontractors they use.
32

33 Mr. Martinez noted that himself, members of the public, and one representative of a
34 coalition were concerned with the potential economic impact.
35

36 Mr. Craig acknowledged the comment.
37

38 Mr. Sayre asked Mr. Stroble for an update on Project Reach.
39

40 Mr. Stroble stated that the system has been procured and delivered; he noted that most
41 of it has been delivered underground. Mr. Stroble stated that the video mapping was
42 scheduled to begin on January 5, 2015 and should take approximately 2.5 weeks to
43 complete. Mr. Stroble noted that there was some contingency built into the schedule to
44 account for circumstances that might arise.
45

46 Mr. Schmelling commented that from his perspective he had a sense that there was
47 very little sense of urgency in getting things back together after the incidents at WIPP and

1 LANL. He noted that it seemed like we will put in our 40 hours this week with no sense that
2 people are working as hard as they can, as many hours as they can with all due concern for
3 public safety. Mr. Schmelling noted that there seems to be a growing back log of waste
4 piling up around the complex.
5

6 Mr. Stroble responded that on behalf of the Carlsbad employees he felt that they would
7 disagree. He noted that there are a lot of workers who have been working many hours and
8 sacrificing time away from their families. Mr. Stroble noted that it may look like that from a
9 distance but if you were to ask that question in the community of Carlsbad you would get a
10 completely different answer.

11 Mr. Stroble stated that in regards to the waste piling up around the complex his
12 program has put a lot of emphasis and time into alternatives that the sites can employ while
13 WIPP is down. He noted that he was encouraging the sites to continue to get waste ready to
14 ship to WIPP, for when the site reopens.
15

16 Mr. Valdez asked what the above grade storage looked like at WIPP and if there was any
17 possibility of expanding.
18

19 Mr. Stroble responded that expansion had been considered at the national level;
20 however, it was currently not a priority at WIPP. He stated that the priority at WIPP is
21 currently getting the site reopened; however, as time progresses it may work itself up the
22 priority list.
23

24 **X. Adjournment**

25 Mr. Sayre noted that the next NNMCAB meeting would be held January 28, 2015 at
26 Cities of Gold Conference Center in Pojoaque from 1:00p.m. - 5:15 p.m. Additionally, he
27 noted that the NNMCAB would have a Combined Committee meeting on January 14, 2015
28 at the NNMCAB office from 2:00 p.m. - 4:00 p.m.
29

30 With no additional business to discuss Mr. Bishop adjourned the meeting at 4:17 p.m.
31

32 **Respectfully Submitted,**



33 **Doug Sayre, Chair, NNMCAB**

34 ***Minutes prepared by William Alexander, Technical Programs and Outreach, NNMCAB**
35

36 **Attachments**

- 37 **1. Final NNMCAB Meeting Agenda for 12/10/2014**
 - 38 **2. Presentation by Jack Craig, DOE, "Los Alamos Legacy Cleanup Completion Project Bridge
39 Contract."**
 - 40 **3. Biography on Mr. Jack Craig , Director, Environmental Management Consolidated Business
41 Center**
 - 42 **4. Written Comments, Scott Kovac Nuke Watch New Mexico**
43
-

1 **Public Notice:**

2 ***All NNMCAB meetings are recorded. Audio CD's and Video DVD's have been placed on file for review**
3 **at the NNMCAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written minutes are**
4 **intended as a synopsis of the meeting.**

5 ***Reference documents listed in the attachments section of these minutes may be requested for**
6 **review from the NNMCAB Office by calling (505)989-1662.**

Report from the Chair
January 28, 2015
NNMCAB Board Meeting
Cities of Gold Conference Center

Activities since last NNMCAB meeting in November, 2014

- A. Executive and Combined Committee meetings in December were not held due to the Holiday Season and the scheduled meeting for January 14, 2014 was cancelled due to inclement weather.
- B. On December 6, 2014, NMED issued Administrative Compliance Order 14-20 identifying 24 violations at LANL and Administrative Compliance Order 14-21 identifying 13 violations at WIPP. Respondents must file a request for hearing and answer within 30 days or the Orders become final.
- C. On December 10, 2014, a special meeting of the NNMCAB was held to hear a presentation by Jack Craig, Director of the Environmental Management Consolidated Business Office on the transition of clean-up work at Los Alamos from NNSA Oversight to the Office of Environmental Management Oversight. Most of us were interested in why, how, and what are the effects of the Bridging Contract on the Legacy Clean-up. Based on the questions asked, the content and status of the contract would be a very worthwhile topic for presentation and discussion at the March Board Meeting.

Also at this meeting, there was considerable discussion about the status of EM funding work at Los Alamos and WIPP. Based on discussions with staff and congressional representatives, Los Alamos EM work was to be reduced and WIPP budget increased.

- D. On December 15, 2014, the respective Site EM-SSAB Chairs held a conference call with DOE Headquarters. The primary item of discussion was the EM Budget Update from Connie Flohr. The requested budget was \$5.62B and the allocated budget was \$5.861B, which is an increase of about 4.64%. The only EM budget that was decreased from previous years was that for Los Alamos. I requested that the NNMCAB would like to know the reasoning for the Los Alamos EM budget decrease and was advised that it came from "The Hill", but they would look into the thinking for the reduction and advise our office. To date, no reasons have been provided.

Mark Fennerly, with Frank Marcinowski's office, provided considerable discussion about the WIPP Recovery Plan. He discussed the following:

- 1) Increasing the ventilation capability to twice the current capacity;
- 2) Rock Bolting Program to be restarted and increased;
- 3) Decontamination of areas;
- 4) Closing of Panel 6;
- 5) Project Reach; and
- 6) Working up response to Compliance Orders.

The Chairs then discussed the status of the recommendation concerning additional storage at WIPP. Since not all Boards had addressed taking a vote on the Recommendation, the consensus was to reconsider the content and wording of this recommendation and send the recommended modifications and/or revisions for consideration at the Spring 2015 Chairs meeting.

The final item for discussion was the Spring Chairs meeting. This meeting is to be hosted by the Savannah River Site in Augusta, Georgia during April 21-23, 2015.

- E. On January 8, 2015, DOE and NWP filed request for hearing and answer to Administrative Compliance Order HWB-14-21 relating to the WIPP facility and on January 9, 2015, DOE and LANS filed request for hearing and answer to Administrative Compliance Order HWB-14-20.
- F. The Chair attended the RCLC meeting in Santa Fe on the 16th of January, 2015. NMED Secretary Flynn was on the agenda and discussed the following:
 - 1) Los Alamos EM Budget was well below recommended amount of \$225M;
 - 2) The Los Alamos Site was the only EM budget cut and there was no merit to the reduced amount;
 - 3) Said DOE should be increasing budget to get problems solved;
 - 4) Said he would be glad to go to Washington with RCLC members to try to get budget increased; and
 - 5) He indicated if fines are levied, they go to the Hazard Waste Emergency Fund.

Mayor Javier Gonzales asked if there is a current priority list available on how the \$185M would be used. He was advised that a priority funding list would be requested of LANS.

Some of the RCLC Board is planning to go to Washington in early February to discuss an EM funding increase and related items.

Respectfully submitted by:
Doug Sayre
Chair, NNM CAB
January 20, 2015

**Northern New Mexico Citizens' Advisory Board
Executive Director's Report
January 28, 2015**

Board Membership: The Northern New Mexico Citizens' Advisory Board (NNMCAB) currently consists of 19 members. The Los Alamos Field Office submitted a nomination package to Department of Energy Headquarters in December, requesting the re-appointment of 5 members to another two-year term and the appointment of 3 new members to the NNMCAB. We expect letters of appointment in April.

Executive Committee: The Executive Committee met on January 21, 2015 at the NNMCAB conference room. The committee discussed the FY'16 Budget, WIPP Recovery, and reviewed and approved the agenda for this meeting. The committee also discussed board membership, future presentations, NNMCAB travel to national conferences and draft recommendations.

EM-SSAB Chairs' Meeting: The NNMCAB is scheduled to host the Chairs' meeting in September 2015 and has scheduled the meeting for Sept. 1-3, 2015 at La Fonda in Santa Fe. The planning committee also discussed the LANL tour; Patti Jones has prepared a draft agenda for the tour and has worked on transportation for approximately 65 individuals that are expected to attend. The spring EM-SSAB Chairs' Meeting will be hosted by the Savannah River Site CAB, April 21 – 23, in Augusta, Georgia. The Executive Director is on the planning committee for this meeting.

Board Meeting Preparations: I prepared the Draft Agenda and submitted the notice to *The Federal Register*, in compliance with the Federal Advisory Committee Act. The NNMCAB staff made all arrangements at the Cities of Gold Conference Center, including meeting room set-up, catering, and reservations for overnight accommodations for NNMCAB members. Lee Bishop and I coordinated the speakers and the Liaison attendance. All meeting materials were copied and collated by Bridget Maestas and 60 meeting packets were mailed out on January 21, 2015. All Pueblo Governors in northern New Mexico were sent a meeting packet. An advertisement for the meeting was placed in *The Albuquerque Journal North*. Press Releases were sent to all newspapers for publication. Meeting time and venue were posted to the newspapers Community Calendar sections. Notices were posted on the NNMCAB website, Facebook, and Google+ by William Alexander. Flyers advertising the meeting were also posted around northern New Mexico.

Outreach: The bi-monthly meetings are telecast via public access channels in Santa Fe, Los Alamos, Albuquerque and Taos and are posted on YouTube. The NNMCAB also has Facebook and Google+ pages. All presentations, recommendations, and correspondence are posted on the NNMCAB's web site: www.nnmcab.energy.gov

Important Upcoming Dates:

February 18th	Executive Committee Meeting from 11:30 a.m. to 1:30 p.m. at the NNMCAB Office Combined Committee Meeting from 2:00 to 4:00 p.m. at the NNMCAB Office
March 11th	Executive Committee Meeting from 11:30 a.m. to 1:30 p.m. at the NNMCAB Office
March 25th	NNMCAB Bi-monthly meeting from 1:00 to 5:15 at La Fonda in Santa Fe