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SEP 28

September 23, 2015

NMED
Hazardous Waste Bureau

Dear NNM CAB Members, Liaisons, and Student Representatives,

Enclosed is the information you will need for the NNM CAB meeting scheduled for September 30, 2015 at the Cities of Gold Conference Center in Pojoaque.

You will be electing a Chair and Vice-Chair for Fiscal Year 2016 and you will be welcoming four new members to the NNM CAB: Carla Abeyta, Max Baca, Diahann Cordova, and Rod Sanchez.

We are honored to have Governor James R. Mountain from the Pueblo de San Ildefonso presenting on the Cultural Perspectives of the Pueblo and we are pleased that Mr. Raymond Martinez will be giving an update from the Pueblo's Department of Environment and Cultural Preservation.

You will also hear updates from the NNM CAB Liaisons: Christine Gelles, Randy Erickson, and Jeff Kendall, NMED General Counsel.

Chairman Sayre has asked that you arrive before 1:00 p.m., so that a quorum may be established promptly.

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

Kindest regards,

Menice B. Santistevan
Executive Director
NNM CAB Support Office

Northern New Mexico Citizens' Advisory Board
94 Cities of Gold Road
Santa Fe, NM 87506
Phone: 505-989-1662 Fax: 505-989-1752
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37295



A U.S. Department of Energy
Site-Specific Advisory Board

NNM CAB Members

Douglas Sayre, Chair
Santa Fe, NM

Irene Tse-Pe, Vice-Chair
Pueblo de San Ildefonso,
NM

Carla Abeyta
Chimayo, NM

Max Baca
Las Vegas, NM

Diahann Cordova
Santa Cruz, NM

Mary Friday
Taos, NM

Nona Girardi
Los Alamos, NM

Angelica Gurulé
Española, NM

Joshua Madalena
Pueblo of Jemez, NM

Gerard Martinez
Santa Fe, NM

Tessa Mascareñas
Española, NM

Daniel Mayfield
Nambe, NM

Manuel Pacheco
Ranchos de Taos, NM

Alex Puglisi
Santa Fe, NM

Angel Quintana
Pueblo of Pojoaque, NM

Rod Sanchez
Corrales, NM

Ashley Sanderson
Santa Fe, NM

Stephen Schmelling
Santa Fe, NM

Joey Tiano
Santa Fe, NM

Carlos Valdez
Albuquerque, NM

Michael Valerio
Taos, NM

Mona Varela
Albuquerque, NM

Joseph Viarrial
Pueblo of Pojoaque, NM

Michael Whiting
Albuquerque, NM

Ashley Herrera
Student Representative

Alyssa Schreiber
Student Representative

James Valerio
Student Representative

Northern New Mexico Citizens' Advisory Board Meeting

September 30, 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
	Welcome and Introductions	Doug Sayre, Chair
	Approval of Agenda	
	Approval of Minutes of July 29, 2015	
1:10 p.m.	Old Business	
	a. Written Reports – See Packet Enclosures (5 minutes)	
	b. Report on Fall Chairs Meeting (September 1 – 3) Santa Fe	Doug and members
	c. Report on RadWaste Summit	Steve and Irene
1:30 p.m.	New Business	
	a. Report from Nominating Committee	Ashley and Michael W.
	b. Election of Chair and Vice-Chair for FY '2016	
1:45 p.m.	Update from Deputy Designated Federal Officer(s)	Lee Bishop/Michael Gardipe
2:00 p.m.	Pueblo de San Ildefonso Department of Environment and Cultural Preservation	
		Raymond J. Martinez, Director
2:30 p.m.	Break	
2:50 p.m.	Cultural Perspectives of the Pueblo de San Ildefonso	Governor James R. Mountain
3:30 p.m.	Consideration and Action on Draft EM SSAB Chairs' Recommendation	Doug Sayre
4:00 p.m.	Update from Liaisons	
	a. Update from U. S. Department of Energy	Dave Nickless
	b. Update from Los Alamos National Laboratory	Randy Erickson
	c. Update from New Mexico Environment Department	Katie Roberts
4:45 p.m.	Public Comment Period	
5:00 p.m.	Wrap-up Comments from NNM CAB Members	
	a. Were your questions answered regarding the presentations?	
	b. Requests for future presentations or information	
	c. Proposed Recommendations	
5:15 p.m.	Adjourn	Lee Bishop

Los Alamos, NM

1. Head west on Orange St toward Nickel St
2. Turn left onto Diamond Dr
3. Turn left onto Trinity Dr
4. Continue onto NM-502/E Rd
Continue to follow NM-502
5. Continue onto Los Alamos Hwy
6. Turn right onto Cities of Gold Rd
Destination will be on the left

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
2. Turn left onto NM-68 S/Paseo Del Pueblo Sur
Continue to follow NM-68 S
3. Continue onto S Riverside Dr
4. Continue onto US-205 S/US-04 E/Santa Fe Hwy
5. Take the NM-502 W exit toward Los Alamos
6. Turn left onto Los Alamos Hwy
7. Turn right onto Cities of Gold Rd
Destination will be on the left

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
2. Turn left onto Cathedral Pl
3. Turn left onto L Palace Ave
4. Take the 1st right onto Washington Ave
5. Turn left onto Paseo De Peralta
6. Turn right onto N Guadalupe St
7. Take the ramp onto US-285 N/US-84 W/N St Francis Dr
Continue to follow US 285 N/US 84 W
8. Turn right toward Cities of Gold Rd
9. Turn left onto Cities of Gold Rd
Destination will be on the right

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.

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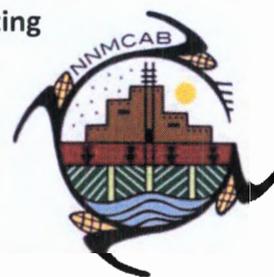
Northern New Mexico Citizens' Advisory Board Meeting

July 29, 2015

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

Sagebrush Inn Conference Center

Taos, New Mexico 87571



Minutes

Meeting Attendees

Department of Energy

1. Christine Gelles, Acting Manager, Environmental Management Los Alamos Field Office
 2. Lee Bishop, Co-Deputy Designated Federal Officer
 3. Michael Gardipe, Co-Deputy Designated Federal Officer
 4. David Nickless, Environmental Management Los Alamos
 5. Robert Pfaff, Environmental Management Los Alamos
-

NNMCAB Members

1. Doug Sayre, NNMCAB Chair
 2. Irene Tse-Pe, NNMCAB Vice-Chair
 3. Nona Girardi
 4. Carlos Valdez
 5. Mary Friday
 6. Angel Quintana
 7. Joey Tiano
 8. Gerard Martinez
 9. Angelica Gurulé
 10. Michael Whiting
 11. Ashley Sanderson
 12. Michael Valerio
 13. Stephen Schmelling
 14. Mona Varela
-

NNMCAB Student Liaisons

1. Alyssa Schreiber
 2. Alicia Bowyer
 3. James Valerio
-

1 **NNMCAB Excused Absences**

- 2 1. Joseph Viarrial
- 3 2. Manuel Pacheco
- 4 3. Danny Mayfield
- 5 4. Tessa Jo Mascareñas
- 6 5. Alex Puglisi

7
8 **NNMCAB Member Absences**

- 9 1. Joshua Madalena

10
11 **NNMCAB Support Staff**

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

15
16 **Guests**

- 17 1. Kathryn Roberts, New Mexico Environmental Department
- 18 2. Frazer Lockhart, SN3
- 19 3. Shannon Farrell, CH2M
- 20 4. Charles Broom, Ares Corp.
- 21 5. Jody Benson, Public
- 22 6. Gil Vigil, Eight Northern Indianan Pueblo Council, Executive Director
- 23 7. Sheri Byington, Public
- 24 8. Peter Alden Hyde, Los Alamos National Security
- 25 9. Kaitlin Martinez, Los Alamos National Security
- 26 10. Lon Burnam, Nuke Watch New Mexico
- 27 11. Scott Kovac, Nuke Watch New Mexico
- 28 12. Andrea Romero, Regional Coalition of LANL Communities
- 29 13. Andrew Gonzales, Town of Taos, Regional Coalition of LANL Communities
- 30 14. MJ Whiteman, Public
- 31 15. Jean Richards, Public
- 32 16. Nithin Akuthota, Wastren Advantage, Inc.
- 33 17. Lisa Cummings, National Nuclear Security Administration
- 34 18. Marilyn Hoff, Public
- 35 19. Margarita Denevan, Public
- 36 20. Jeanne Green, Public
- 37 21. Kelly Canady, Public
- 38 22. Steve Threet, Edgewater
- 39 23. Michele Jacquez-Ortiz, U.S. Senator Tom Udall's Office
- 40 24. David Wardell, Public
- 41 25. Craig Douglass, Los Alamos National Security
- 42 26. Floyd Archuleta, Portage, Inc.

- 1 27. Randy Erickson, Los Alamos National Security
- 2 28. Lindi Douglass, Regional Coalition of LANL Communities

3 ***All NNM CAB meetings are recorded. Audio CD's and Video DVD's have been placed on file for**
4 **review at the NNM CAB office, 94 Cities of Gold Road, Santa Fe, New Mexico, 87506. The written**
5 **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 July 29, 2015 at Sagebrush Inn Conference Center, Taos, New
 5 Mexico. Mr. Lee Bishop, Co-Deputy Designated Federal Officer (CDDFO) stated that on
 6 behalf of the Department of Energy (DOE) the meeting of the NNMCAB was called to order
 7 at 1:05 p.m.

8 Mr. Bishop recognized Mr. Doug Sayre, the NNMCAB Chair. The Mr. Sayre presided at
 9 the 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, 13 members were present. Ms. Tse-Pe arrived at 1:20 p.m. and Ms. Friday arrived
 16 at 1:15 p.m.
 17

18 **b. Excused Absences**

19 Mr. Alexander recorded that the following members had excused absences: Mr.
 20 Joseph Viarrial, Mr. Manuel Pacheco, Mr. Danny Mayfield, Mr. Alex Puglisi, and Ms.
 21 Tessa Jo Mascareñas.
 22

23 **c. Absences**

24 Mr. Alexander recorded that Mr. Joshua Madalena was absent.
 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.
 29

30 Taos Council Member Mr. Andrew Gonzales also welcomed the NNMCAB members to
 31 Taos. He stated that Taos was happy to welcome the NNMCAB meeting and he looked
 32 forward to a good and productive meeting for its members.
 33

34 **IV. Approval of Agenda**

35 The board reviewed the agenda for the July 29, 2015 meeting, Mr. Sayre opened the
 36 floor for questions or comments.
 37

38 Mr. Martinez made a motion to approve the agenda as presented; Ms. Varela seconded
 39 the motion. The motion to approve the agenda as presented was unanimously passed.
 40

41 **V. Approval of Minutes**

42 The board reviewed the minutes from the May 20, 2015 meeting. By ongoing instruction
 43 from DOE Headquarters, the minutes were previously reviewed and certified by the
 44 NNMCAB Chair. Mr. Sayre opened the floor for questions or comments.
 45
 46

1 Mr. Valdez made a motion to approve the minutes as presented; Mr. Tiano 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 questions on the written reports. Mr. Sayre gave a
7 brief overview of the chairs written report. He noted that the members should also
8 review the Executive Director's report for important dates of upcoming meetings and
9 events, in addition to an update on the membership.

10
11 **b. Other Items**

12 Mr. Sayre opened the floor for discussion on old business that the members might
13 have.

14
15 Mr. Schmelling asked where the \$73 million for the Supplemental Environmental
16 Projects was coming from.

17
18 Ms. Gelles responded that the funding was coming from the fee that was not
19 awarded to the Los Alamos National Security (LANS) contractor, and a portion was
20 coming from future budget set asides.

21
22 With no additional old business to discuss, Mr. Sayre moved to the next item on the
23 agenda.

24
25 **VII. New Business**

26 **a. Report from Nominating Committee.**

27 Mr. Sayre asked Mr. Whiting from the nominating committee for an update on the
28 nominees for the officer elections.

29
30 Mr. Whiting stated that Ms. Sanderson and himself had polled the members and
31 that the following members had been nominated for chair: Mr. Carlos Valdez, Mr.
32 Joey Tiano, and Mr. Douglas Sayre. He stated that the following members had been
33 nominated for Vice-Chair: Mr. Gerard Martinez, Ms. Ashley Sanderson, and Mr. Joey
34 Tiano.

35
36 Mr. Valdez and Mr. Tiano stated that they were declining their nominations.

37
38 Leaving the list of nominees as Mr. Sayre for Chair, and Ms. Sanderson and Mr.
39 Martinez for the Vice-Chair position.

40
41 **b. Other Items**

42 With no additional items to discuss Mr. Sayre move onto the DDFO update.

1 **VIII. Update from the Deputy Designated Federal Officer**

2 Mr. Bishop noted that the liaisons today would be providing an update on the EM-LA
 3 office. He noted that there were a few events coming up that the members should be aware
 4 of. Mr. Bishop stated that the week of September 8, 2015, Mr. Schmelling and Mr. Sayre
 5 would be attending the Rad Waste Summit in Nevada.

6 Mr. Bishop stated that there was not an exact date, but EM-LA is planning to publish an
 7 environmental assessment (EA) on the Chromium Project. He noted that EM-LA is planning
 8 to have at least one public meeting on the EA to provide the NNMCAB with an opportunity
 9 to provide comments on the EA. Additionally, Mr. Bishop noted that the Environmental
 10 Impact Statement on Greater Than Class C Waste is close to being published. He stated that
 11 there is a recommendation being drafted by the Nuclear Regulatory Commission that
 12 requests a deferral of the commission's assignment, to the State of Texas.

13
 14 Mr. Valdez asked what had become of the remainder of the 3706 Campaign TRU waste.

15
 16 Mr. Bishop noted that at this time, work in Area G is on hold and in a safe condition,
 17 pending the remediation of the nitrate salt drums.

18
 19 Mr. Valdez asked about the creation of temporary storage at the Waste Isolation Pilot
 20 Plant (WIPP) and if that request has been looked at.

21
 22 Ms. Roberts responded that the short answer is no. Additionally stating that the
 23 Principal of Agreement signed at the end of April, allows the NMED to consider that request;
 24 however, that request has not been made.

25
 26 Dr. Girardi asked as far as WIPP receiving above ground storage space, would that
 27 require legislation or a modification to the permit.

28
 29 Ms. Roberts responded that it would require a modification to the permit but not a
 30 change to the legislation.

31
 32 **IX. Presentations**

33 **a. LANL TRU Waste Update**

34 Mr. David Nickless, EM-LA, Manager Legacy Waste Group gave a presentation to the
 35 NNMCAB members "Los Alamos National Laboratory TRU Waste Update." An
 36 electronic copy of the presentation may be obtained from the NNMCAB website;
 37 <http://www.nnmcab.energy.gov/7-presentations/presentations.htm>. Video of the
 38 presentation is also available on the NNMCAB's YouTube Channel (NNMCAB).
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b. Questions

Mr. Valdez asked if the waste containers still in storage had the same ingredients as the breached drum at WIPP.

Mr. Nickless responded that though the drums come from the same waste stream they are not all exactly the same. He noted that if they were exactly the same there would likely have been 60 breached drums rather than one.

Ms. Friday asked if there was a chance that if the drums were not under the cooling system would there be a possibility of a breach.

Mr. Nickless stated that DOE does not believe that to be the case based on data that it currently has on the drums.

Ms. Gurulé asked what the timeline is for reprocessing of the nitrate salt drums.

Mr. Nickless responded that the timeline has the waste being reprocessed in fiscal year 2017.

Mr. Schmelling asked why it was taking so long to reprocess the waste with the current level of knowledge of the drums.

Mr. Nickless responded that the short answer is that DOE still has work to do. DOE wants to make sure that it is only done once with a high level of review and that it is done safely and efficiently.

Mr. Valdez noted that it does not seem to him that Los Alamos is totally to blame for what happened. He asked what quality controls were being put into place to ensure that this doesn't happen again.

Mr. Nickless responded that DOE is working to incorporate the Judgements of Need that were identified in the Accident Investigation Board Report. He noted that there would be a broader look at how the waste is processed before it is repackaged.

c. Overview of EM-LA Projects

Mr. Bob Pfaff, EM-LA, gave a presentation to the NNMCAB members "Overview of EM-LA Projects and Planning." An electronic copy of the presentation may be obtained from the NNMCAB website; <http://www.nnmcab.energy.gov/7-presentations/presentations.htm>. Video of the presentation is also available on the NNMCAB's YouTube Channel (NNMCAB).

1 **d. Questions**

2 Ms. Gurulé asked what the Bridge Contract is.

3
4 Mr. Pfaff responded that the Bridge Contract will be used as a bridge between the
5 new EM contracts that will be used to separate the EM cleanup work from the LANS
6 NNSA scope.

7
8 Mr. Valdez asked what the 2015 budget looks like.

9
10 Mr. Pfaff responded that the budget for FY'15 was \$188.6 million.

11
12 Mr. Valdez asked about sequestration.

13
14 Mr. Pfaff responded that on September 30, 2015 the two year period for
15 sequestration expires. If no budget is passed then sequestration re-evokes on October
16 1, 2015.

17
18 Mr. Valdez noted that none of the FY'16 budget numbers have funding for the
19 Bridge Contract.

20
21 Ms. Gelles stated that EM-LA is in the process of negotiating the Bridge Contract
22 with LANS. She noted that the contract is planned to bridge the FY'16 and FY'17 years
23 so that the new EM contracts can be put into place for FY'18.

24
25 Mr. Sayre asked if the new well on San Ildefonso land would be in place before the
26 end of the calendar year.

27
28 Mr. Pfaff noted that the well is planned to be completed before December 31, 2015.

29
30 Mr. Valdez asked if TA-16 was where the bomb testing was done and if similar
31 activities had occurred in TA-49.

32
33 Mr. Craig Douglass, Division Leader for the Environmental Remediation Program Soil
34 and Water, noted that TA-49 contains Material Disposal Area AB and is adjacent to TA-
35 16 RDX work.

36
37 Mr. Sayre asked when EM-LA expects to complete the NEPA assessment for 33
38 Shafts.

39
40 Mr. Pfaff stated that it is currently on the schedule for FY'17.

41

1 Ms. Gurulé asked if the NEPA Assessment was already under way for the 33 Shafts.

2
3 Mr. Nickless stated that the NEPA review has not been started, he noted that the
4 work that Neptune is working on will be a feeder into the NEPA Assessment for the 33
5 Shafts.

6
7 Mr. Schmelling asked if the activities that are further out would require a larger
8 level of funding.

9
10 Mr. Pfaff stated that due to the sensitivity of information he couldn't go into
11 specifics; however, EM-LA has put together a plan to a funding target and laid out the
12 work to completion.

13
14 Dr. Girardi asked when it is permissible to discuss the budget request in more detail.

15
16 Mr. Pfaff responded that the information should be available in the next few
17 months, possibly late October.

18
19 Mr. Sayre asked if the NEPA Assessment on the 33 Shafts would be open for public
20 comment.

21
22 Mr. Nickless responded that NEPA is a public process and has public comment built
23 into the process.

24
25 Mr. Schmelling asked about the Corrective Measures Evaluation for Material
26 Disposal Area G and what has happened with the report.

27
28 Ms. Roberts noted that the report has undergone three revisions and the last
29 revision was submitted to NMED in 2011. She noted that the shift in work from
30 remediation to waste removal at Los Alamos due to the Las Conchas fire effectively
31 put the report review on hold.

32
33 Mr. Valdez asked who the regulator is for radiation components.

34
35 Ms. Gelles responded that it is regulated by the Atomic Energy Act and DOE self-
36 regulated the radiation component of waste.

37
38 Mr. Martinez asked if there was additional information on stormwater controls.

39

1 Mr. Pfaff noted that EM-LA is in the process of updating information posters and
2 that he would make a commitment to get the information to the NNM CAB once the
3 posters are updated and approved.

4
5 **X. Update from Liaisons**

6 **a. Update from the Department of Energy**

7 Ms. Christine Gelles, Acting Manager of the EM-LA Field Office, noted that the EM-
8 LA office was stood up 4 months ago. She stated that the EM-LA office currently has
9 22 employees and that she has proposed 4 additional positions, for which EM-LA is in
10 the process of hiring. Ms. Gelles stated that Mr. Douglas Hintze had been selected as
11 the new permanent Manager for the EM-LA field office, noting that he would be
12 taking over at the end of September.

13 Ms. Gelles stated that the presentations from Mr. Pfaff and Mr. Nickless had
14 covered a great deal of information. She noted that she would like to emphasize the
15 safe storage of the nitrate salts and the joint Federal Corrective Actions Plan that is
16 being drafted to address the findings in the WIPP Accident investigation. Additionally,
17 noting that the plans would be available to the NNM CAB and public once they are
18 approved. Ms. Gelles noted that the monitoring well being installed on San Ildefonso
19 land is not the only well that has been put on Pueblo land; however, it is the first to be
20 installed under the new Memorandum of Understanding. She noted that the
21 Chromium EA that was discussed could possibly be available to the public in the next
22 few weeks to a month. She noted that it is the assessment of the interim measure not
23 the final remedy for the plume. Ms. Gelles stated that there was a problem with the
24 previous airport landfill cover, noting that the design had caused subsidence. She
25 stated that EM-LA is working with NMED to understand what happened and that the
26 new cover will be engineered to keep that subsidence from occurring again.

27 Ms. Gelles noted that there was lots of regulatory coordination going on for
28 discharge permits, permit renewals, and regulatory requirements. She noted that
29 there are many dynamic factors that have to come together for the budget process
30 and that EM-LA is committed to producing a quality product. She noted that there
31 would not be any public information available for FY'17 until February 2016.

32 Ms. Gelles noted that she had signed off on the NNM CAB membership package. She
33 stated that she had read all the resumes and bios and congratulated the NNM CAB on
34 its diversity both geographic and representation and background. She thanked the
35 members for their hard work.

36
37 Dr. Girardi asked (1.) Are laboratory scientists separate from management at LANS
38 and would they be staying on at the Lab after the contract shift. (2.) Can you say
39 anything about the possibility of LANS getting the Follow On Contract? (3.) Will LANS
40 keep the NNSA M&O contract also?

41

1 Ms. Gelles responded that it is up to LANS to decide what happens to the personnel
2 currently working at LANS. She noted that EM is not removing the incumbent
3 contractor but simply removing a portion of the scope that LANS has. She noted that
4 LANS exists as a corporate entity and that there is not currently any reason to
5 preclude them from competing for the Follow On Contract. Ms. Gelles noted that she
6 could not comment on the NNSA portion of the contract.
7

8 Mr. Schmelling asked if LANS would have a separate division under the Bridge
9 Contract to support the EM-LA activities.
10

11 Mr. Randy Erickson responded that it will be a little of both, some of the
12 organizations that are in the directorate will be supporting the Bridge Contract and
13 other divisions will be brought in to support as needed.
14

15 Ms. Gurulé asked is TRU waste typically budgeted by EM or does it come out of
16 LANS budget.
17

18 Ms. Gelles responded that TRU waste is a legal term and applies to a type of waste.
19 She noted that EM budgets and manages the legacy wastes and mission waste (newly
20 generated waste) is covered by the NNSA/LANS budget.
21

22 Mr. Sayre asked who would be in charge of dealing with Buckman.
23

24 Ms. Gelles responded that it is a DOE function that will continue as an EM-LA
25 function.
26

27 **b. Update from Los Alamos National Laboratory**

28 Mr. Randy Erickson, LANS Associate Directorate for Environmental Programs, stated
29 that the Bridge Contract phase of the work shift is an important step in understating
30 the complexities in what will be needed for EM-LA and LANS to work together under
31 the Follow On Contract. Mr. Erickson stated that the mercury clean-up project by the
32 Smith's Market Place was completed successfully and ahead of schedule. Mr. Erickson
33 noted that there is a technical concept for how to manage the nitrate salts waste;
34 however, it is awaiting approval that it is the appropriate path to take.
35

36 **c. Update from New Mexico Environment Department.**

37 Ms. Katie Roberts, Director, NMED Resource Protection Division provided the
38 update for NMED. She noted that she would be briefly talking about the Settlement
39 Agreement and the Consent Order. Ms. Roberts noted that the Supplemental
40 Environmental Projects (SEPs) was in part due to the NNMCAB's recommendation.

1 She noted that there would be a settlement agreement for LANL and one for WIPP,
2 targeted to be signed at the end of August.

3
4 Mr. Valdez asked if NMED would be overseeing the implementation of the SEPs.

5
6 Ms. Roberts noted that yes, NMED would be overseeing the implementation of the
7 SEPs projects at both LANL and WIPP.

8
9 Ms. Roberts noted that many lessons had been learned about the Consent Order.
10 She noted that there are a lot of great things about the document and some not so
11 great things. Ms. Roberts stated that signature on the Settlement Agreements needs
12 to be completed before NMED can move forward with the reworking of the Consent
13 Order. Additionally, she noted that there is information in the Consent Order that
14 defines what is necessary for the termination of the order; however, there is not
15 actually an end date associated with the Consent Order. Ms. Roberts noted that the
16 original document was released for public comment for 30 days; however NMED
17 wants to release the new document for a 60 day comment period. Ms. Roberts stated
18 that NMED would like to use the NNMCAB as part of the public outreach for the
19 Consent Order changes. Lastly, she stated that the tables at the back of the current
20 Consent Order need to be completely reworked as they are grievously out of date. She
21 noted that for the new Consent Order, NMED was looking into the possibility of using
22 a model like the one used at the Savanna River Site.

23
24 Dr. Girardi asked what we can do as a board since we can't lobby congress. She
25 asked do you have any political strategies or recommendations.

26
27 Ms. Roberts noted that NMED does not have a political strategy per say. She noted
28 that the board getting the information out to the public is one process that it can use
29 to accomplish this goal.

30
31 Mr. Valdez stated "that there is less than half a year to go on a Consent Order that is
32 10 years old and now we are finding out it does not have an end date, which is hard to
33 believe." Mr. Valdez asked do we know what is left in the Consent Order and is it
34 possible to use a campaign approach in the reworked Consent Order.

35
36 Ms. Gelles responded that we do know what is left of the Consent Order work and
37 EM-LA is working on updating the information that was used for the announcement of
38 the possible campaign approach two years ago. She noted that the prioritization of
39 the Life Cycle Baseline will be used to incorporate some of that information and
40 prepare EM-LA to have the Consent Order discussions.

41

1 Ms. Roberts stated that even though the current Consent Order does not have a
2 termination date, which does not mean that it goes away. The current Consent Order
3 will stay in place and govern the cleanup at LANL until a new Consent Order is put into
4 place.

5
6 Mr. Schmelling asked do you see the Consent Order as a valid document and will the
7 rework of the document be a minor change or a major change.

8
9 Ms. Roberts responded that her staff would not be starting from scratch on
10 rewriting the Consent Order. She noted that the existing document would be used;
11 however, there would be major modifications to the document such as the schedule
12 tables and some of the legal documentation in the document.

13
14 Ms. Friday asked about the prioritization of the funding that the NNMCAB had
15 completed at its Combined Committee meeting, and how far that would get on the
16 prioritization.

17
18 Mr. Bishop responded that the work that had been done at the committee meeting
19 was for FY'16 and FY'17 budget input. He noted that was a great precursor to the
20 work that would need to be completed for the reworking of the Consent Order, which
21 looks at a much broader timeline.

22
23 Mr. Martinez asked for clarification on the expiration language in the Consent
24 Order.

25
26 Ms. Roberts responded that it is a difficult question as it is subject to interpretation;
27 however, based on NMED's legal review it is not specifically called out as December
28 15, 2015 being the termination date of the Consent Order.

29
30 Mr. Martinez asked if it was worth looking at drafting a new document. He noted
31 that he was glad to see the participation of all parties. He asked that the new
32 document also have contingencies in the document not just consent order deadlines.

33
34 Ms. Varela asked where does the enforcement on the milestones come from and
35 what are the repercussions of not meeting those milestones. Additionally, would
36 there be a public comment on the Consent Order revision.

37
38 Ms. Roberts responded that the milestones are enforceable through the use of
39 stipulated penalties. She noted that the format for enforcement may be different
40 depending on the model that is chosen for the Consent Order document. She noted
41 that the first year would have a number of milestones and a milestone date; if the

1 document is not submitted by that date, enforcement action can be taken by NMED.
 2 She noted that NMED can use Administrative Orders, Notice of Violations, or
 3 Stipulated Penalties. Ms. Roberts stated that a 60 day comment period is proposed for
 4 the review of the Consent Order document. She noted that as it stands right now
 5 there will not be an opportunity for a public hearing, only a public comment period
 6 with responses to the public comments.

7
 8 Mr. James Valerio asked about drum 68660 and what the material of the glove in
 9 the drum was.

10
 11 Mr. Nickless responded that it is a bismuth tungsten lined glove, with a polymer
 12 outer shell.

13
 14 Mr. James Valerio asked what the temperature of the drum was at the time the
 15 drum ruptured.

16
 17 Mr. Nickless responded that there is a current requirement within the isolation plan
 18 to maintain the temperature below 90 degrees Fahrenheit. He noted that the
 19 temperature at WIPP at the time of the breach was nominally 70 degrees Fahrenheit.

20
 21 **XI. Public Comment Period**

22 Mr. Sayre opened the floor for public comment at 4:47 p.m. He invited Mr. Lon
 23 Burnam from Nuke Watch New Mexico (NWNM) to address the board.

24
 25 Mr. Burnam stated that he had worked with the Texas Legislature for 18 years and
 26 had worked on issues related to the Waste Control Specialists Facility (WCS). He
 27 stated that the maps for the facility had been changed such that the facility no longer
 28 appears to be over the aquifer. He noted that he would like to warn the NNMCAB that
 29 State Government is not always what it should be. Mr. Burnam stated that 3 whistle
 30 blowers had quit the agency over the incident and one person was transferred that
 31 was trying to hold WCS accountable to the Law. Mr. Burnam noted that where the
 32 money goes is where your values are. He stated that the NNMCAB members seem to
 33 be very polite and understated in expressing their frustrations. Mr. Burnam stated
 34 that some still think that the production and activity that goes on at LANL is relevant
 35 to our national security mission; or national security mission needs to shift. He noted
 36 that it is about protecting the safety, health, and welfare of the citizens. He stated
 37 that neither DOE nor the State of New Mexico has had that as its priority. Mr. Burnam
 38 noted that he would urge the NNMCAB to be more direct and succinct and tell the
 39 NMED that it is doing an inadequate job of protecting the safety, health, and welfare
 40 of the citizens. Additionally, stating that the NNMCAB should tell DOE that a mission

1 that was created over 70 years ago is no longer relevant to our national security, in
2 fact it is interfering with our national security.

3
4 Mr. Sayre asked Mr. Kovac from NWNM to address the board.

5
6 Mr. Scott Kovac from NWNM stated that the Consent Order is based on
7 deliverables, noting that, "in my personal opinion the Consent order ends when the
8 last deliverable is due." He stated that the Consent order ends on December 6, 2015
9 based on Schedule 7-3 in the Consent Order tables. Mr. Kovac stated that \$180 million
10 is not enough for the cleanup at Los Alamos, we need to spend based on the work to
11 be done not base the work on the amount to be spent. He stated that we are still
12 waiting to see the Life Cycle Baseline and we need that as soon as possible. Mr. Kovac
13 noted that the suspect drums that had been the subject of discussion today represent
14 about 10% of what was left in the 3706 Campaign or about 400 cubic meters of TRU
15 waste. Mr. Kovac asked if the Life Cycle Baseline that is coming up includes the 47,000
16 cubic meters from pits one through eight. He stated that it is mostly mixed TRU waste
17 and needs to be characterized at the very least. The 47,000 cubic meters is LANL's
18 own estimate, this is basically 100 times the amount of TRU waste that we are talking
19 about cleanup with the nitrate salt drums. "I appreciate that we are working to clean
20 up the nitrate salts, but we need to address the real problem the 47,000 cubic meters
21 buried at MDA G." He stated that MDA G is labeled as a Low Level Waste Cell at the
22 convenience of DOE. It allows them to address and only estimate the effects for 1,000
23 years. Mr. Kovac noted that the waste at MDA G is 65 feet deep; the waste at WIPP is
24 2000 feet deep, yet WIPP has to be compliant to 10,000 years. Where is our
25 compliance date for TRU waste at MDA G, we have knocked it down to 1,000 years
26 and called it good, that cannot be. "Just because it is a DOE rule that they don't have
27 to address waste before 1988 and certainly before 1971, it just does not exist except
28 that it is really out there. Since DOE is making the rules they can make a rule to deal
29 with this." Mr. Kovac noted that MDA G is not a Low Level Waste Dump.

30 Mr. Kovac stated that for the Consent Order, we expect a full Class III Permit
31 Modification request before the end compliance date. He noted that, "we have asked
32 for this before and it's in the RCRA regulations and there is an end compliance date
33 with all due respect."

34
35 Mr. Valdez asked what NWNM would consider an appropriate clean up budget for
36 LANL.

37
38 Mr. Kovac responded that at least \$250 million; however, it should be closer to \$400
39 million.

40 Mr. Sayre invited any other members of the public to come forward and address the
41 board if they would like.

1
2 Ms. Jeanne Green thanked everyone for being here and stated that she hoped the
3 NNM CAB recommendations are listened to. Ms. Green noted that she had four
4 different questions that she would like to ask. One on the mitigation of chromium
5 contamination in San Ildefonso aquifer; however, how do you do that, pay them
6 money for poisoning their water, or sucking contaminates out, or blocking the
7 progress of contaminates.

8
9 Mr. Bishop noted that there were several presentations on the chromium project on
10 the NNM CAB web site. Additionally, he responded that DOE/LANL is looking at an
11 experimental pump and treat to extract the chromium.

12
13 Ms. Roberts responded that a final remedy would be selected to address the
14 chromium plume, stating that it will likely contain multiple solutions. She noted that
15 Kirtland Air force Base just brought on their first extraction well for the cleanup of the
16 fuel spill there and it is working very well.

17
18 Ms. Gelles stated that there are two phases, the Interim Measure which is the pump
19 and treat that EM-LA is working to implement as quickly as possible. The interim
20 measure will hopefully decrease the concentration and pull the plume back onto the
21 DOE boundary. The second phase is to characterize the plume to inform the remedy
22 proposal, which will decide the final remedy or remedies that will be used to
23 remediate the plume completely.

24
25 Ms. Green asked how many drums like 68660 are still above ground at LANL and
26 how are they protected from wild fires.

27
28 Mr. Erickson responded that there are 60 drums at LANL that are currently being
29 protected. He stated that the permacon has environmental and radiological controls
30 in place, in addition to the wildland fire mitigation and vegetation control around the
31 facility. Mr. Erickson noted that ember transport could be a concern; however LANL
32 has taken steps to address the issue.

33
34 Ms. Green stated that at Rocky Flats, land was given away or sold and to her
35 understating that is occurring at LANL. She asked what testing is done on the land that
36 is given away or sold, how deep do you test the soil, and how many acres have already
37 been dispersed.

38
39 DOE responded that, The Department of Energy/National Nuclear Security Agency
40 transfers the property by Public Law 105-119, the "Departments of Commerce,
41 Justice, and State, the Judiciary, and Related Agencies Appropriations Act," 1998,

1 which directed the Department to convey or transfer parcels of DOE land in the
2 vicinity of LANL to the Incorporated County of Los Alamos, New Mexico, and the
3 Secretary of the Interior, in trust for the Pueblo of San Ildefonso. The Act sets forth
4 the criteria, processes, and dates by which the tracts were selected, titles to the
5 tracts reviewed, environmental issues evaluated, and decisions made as to the
6 allocation of the tracts between the two recipients defined in the Act. Ultimately, the
7 lands were divided between the Los Alamos County and the San Ildefonso Pueblo by
8 mutual agreement.

9
10 Ms. Green stated that she was really appalled to see that Cap and Cover of MDA
11 G/TA-54 is still on the table. She asked, "NNMCAB please protect us we need you to
12 help us. The Regional Coalition of LANL Communities is not protecting us. They are a
13 lobbying group for LANL weapons production. So we need for you to keep your eyes
14 open, do not accept Cap and Cover as a solution; this is not a disposal site. There are
15 major earth quake faults, we cannot leave the waste in the soil, cover it up and
16 pretend it is not there."

17
18 Ms. Margarita Denevan stated that Ms. Gelles made a comment that one of the
19 things that was going to be very important for this body to do is to clear up the
20 situation, so that Los Alamos can get back to its core mission. She noted that to her,
21 the core mission is more production of nuclear waste. Ms. Denevan stated that
22 DOE/LANL has not been able to solve the problem of the waste that you already have.
23 She noted that Mr. Kovac pointed out to you the magnitude and the seriousness of
24 cleaning up what has already been produced. Ms. Denevan stated "I think that what
25 this body really needs to consider is national security. I don't think the issues of
26 national security is possibility of nuclear attack by another country, the whole world
27 knows that the United State has the greatest number of nuclear weapons available
28 right now. Also I think we understand that nobody wins in a nuclear war, so who is
29 going to take the responsibility for firing the first nuclear weapon. I think your real
30 concern is clearing up the nuclear waste that exists right now and secondly, see to it
31 that this country, that this entire world does not produce any more. We are so
32 concerned with Iran getting a nuclear bomb, yet you're actually considering producing
33 more. You do not call them bombs you call them plutonium pits, but they are bombs.
34 Please think about what our national security really is."

35
36 Ms. Marilyn Hoff stated that there is a huge amount of government bureaucracy
37 behind the manufacture of nuclear weapons. We see people representing the State of
38 New Mexico and the Department of Energy. It is a prime example of a self-
39 perpetuating bureaucracy devoted to the manufacture of something that must never
40 be used. "You are never going to get rid of the cesspool until you get rid of the
41 outhouse."

1
2 Mr. Sayre closed public comment at 5:13 p.m.

3
4 **XII. Wrap-up Comments from NNM CAB Members**

5 Mr. Sayre opened the floor for comments from the members.

6
7 Mr. Martinez thanked the staff for the great meeting. He noted that as a point of
8 order, the public comment portion is just that, a comment period. It is not typical that
9 we entertain so many questions, maybe there is a way that the public can address
10 questions after the meeting. He thanked Ms. Gelles for her service at the EM-LA
11 office.

12
13 Mr. Tiano thanked Ms. Roberts for coming out to the meeting and addressing the
14 questions so effectively.

15
16 Ms. Quintana noted that it was an informative meeting and that she was happy to
17 listen to the comments from the public.

18
19 Mr. James Valerio agreed that it was an informative meeting and he was glad to be
20 a part of it.

21
22 Ms. Friday thanked the members of the public for their comments. She noted that
23 she appreciated the information exchange and the time devoted to the meeting.
24 Additionally, she noted that she would not like a more forceful board as she likes the
25 way that the board respects everyone's opinion.

26
27 Mr. Valdez noted that it had been a pleasure working with Ms. Gelles. He asked that
28 at the next meeting the board have more discussion on Area G, the 33 Shafts and TA-
29 54. He noted that if we have already submitted three CMEs why are we going back to
30 the drawing board and reinventing the wheel.

31
32 Dr. Girardi stated that she was glad that there was a lot of public comment, she
33 noted that often we don't have very many attendees that are members of the public.
34 She asked if there had been different outreach or if it was the location or timeframe
35 that had allowed for the number of attendees. Dr. Girardi noted that she liked that
36 the public's questions had been answered and that DOE/LANL/NMED had taken the
37 time to direct the public to additional information. She noted that the NNM CAB can
38 only address legacy waste at LANL under DOE EM and that other waste would need to
39 be addressed outside of the NNM CAB.
40

1 Ms. Bowyer stated that the meeting was informational and that the input from the
2 public was very interesting. She thanked everyone for attending the meeting.

3
4 Ms. Tse-Pe thanked everyone for the great meeting. She noted that she respects the
5 strong opinions that the public has. Ms. Tse-Pe noted that she didn't think that the
6 public realizes all of the work that goes on during the committee meetings and
7 executive committee meetings. She noted that there is a lot that we are learning and
8 that there is information that the public may not fully understand.

9
10 Ms. Gurulé thanked the presenters for their participation. She noted that the hard
11 work that they do is appreciated. She thanked the staff for their thoroughness in
12 setting up the meetings. Ms. Gurulé agreed with Dr. Girardi and Ms. Boyer that the
13 public involvement was good; however, it should perhaps be facilitated as Mr.
14 Martinez suggested. She noted that for outreach that the NNMCAB should consider
15 Facebook and social media, stating that is the next generation's platform. Ms. Gurulé
16 noted that as a young professional environmentalist, she felt that Ms. Gelles was
17 admirable, professional, and articulate.

18
19 Mr. Whiting noted that today and been a successful meeting and that he would be
20 attending the NNMCAB tour in August.

21
22 Ms. Sanderson noted that the meeting today had been great. She tanked Ms. Gelles
23 for her thoroughness in her presentation to the NNMCAB.

24
25 Mr. Michael Valerio stated that the meeting was fantastic. He noted that he would
26 like to thank the public for their input. Mr. Valerio stated that the comment about the
27 NNMCAB being the eyes and ears of the public he felt was true. He noted that finding
28 a balance between citizen concerns and government concerns is what we are all
29 striving to do.

30
31 Ms. Schreiber thanked everyone for a great meeting and noted that she was thrilled
32 to still be able to participate. She thanked the speakers for the great presentations.

33
34 Mr. Schmelling noted that he thought that this had been an exceptionally
35 informative meeting. He thanked Ms. Gelles, Mr. Erickson, and Ms. Roberts for their
36 succinct and detailed answers to all questions. He stated that helps in creating
37 dialogue between the public and the NNMCAB. Additionally, he thanked the staff for
38 the well-organized meeting.

1 Ms. Varela thanked everyone for the information that had been presented today.
2 She also thanked the staff for the well put together meeting and the NNMCAB
3 members for the donation of their time to the meeting.
4

5 Mr. Sayre noted that it was an informative meeting with great information and
6 feedback from the public. He thanked the staff for the wonderful meeting.
7

8 Mr. Gardipe noted that it was a great meeting and that New Mexico has a great
9 CAB. He stated that he felt the exchange of information today was monumental, that
10 the amount of interaction was good. He noted that he had a sense that the public had
11 their questions answered in a timely and honest way. He thanked the members for
12 the donation of time out of their personal lives and work. Mr. Gardipe thanked the
13 public for attending the meeting and providing comments.

14
15 XIII. Adjournment

16 Mr. Sayre noted that the Chairs meeting would be at La Fonda on September 2,
17 2015 – September 3, 2015. He also noted that the TA-16 tour would be on August 12,
18 2015.
19

20 With no additional business to discuss Mr. Gardipe adjourned the meeting at 5:56
21 p.m.

22
23 Respectfully Submitted,



24 Doug Sayre, Chair, NNMCAB

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

26
27 Attachments

- 28 1. Final NNMCAB Meeting Agenda for 07/29/2015
 - 29 2. Final NNMCAB Meeting Minutes for 05/20/2015
 - 30 3. Report from the Chair, Doug Sayre
 - 31 4. Report from the Executive Director, Menice Santistevan
 - 32 5. Agenda for the August 12, 2015 TA-16 Area Tour
 - 33 6. Presentation by DOE, David Nickless, "Los Alamos National Laboratory TRU Waste Update"
 - 34 7. Presentation by DOE, Bob Pfaff, "U.S. Department of Energy Environmental Management Los
35 Alamos Field Office Legacy Cleanup Completion Project"
-

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

Activities and Happenings since last NNM CAB meeting on July 29, 2015

1. Tour of TA-16 and Groundwater Remediation Program.

On August 12, 2015, DOE and LANL provided the NNM CAB members with a very in-depth and interesting tour of the TA-16 Site which has considerable problems with RDX in the groundwater. We were briefed by Kiki Torres and Bruce Robinson at the Bradbury Museum about the Environmental Remediation Programs and were taken on a guided tour of TA-16 providing detailed information on the groundwater Initiative at some of the sites by Tim Goering, Danny Katzman, and Kent Rich. Of course the groundwater cleanup that is being conducted is very logical and in a methodical manner, but considerable concern is the health of the flora and fauna that inhabit the site. According to the current testing program and observations made during the tour, all seems to be thriving.

2. Regional Coalition of LANL Communities Meeting in Santa Fe.

I attended the Regional Coalition of LANL Communities Meeting in Santa Fe on August 14, 2015. There was a congressional delegation update and a presentation on the future of the of the LANL workforce which forecasted some gradual reduction in total workforce in most areas.

There was also an update on the ECA Meeting concerning the Manhattan Project National Historic Park. Establishment is proceeding but slowly. Approval was made to send some members and the Executive Director to the National Cleanup Workshop in Florida in September. The last part of regular business conducted was discussion about sending a letter to Dr. Monica Regalbuto, EM-1, in Washington. The letter indicates frustration with current funding levels for EM and that the Coalition has not been provided with details as to the full extent of cost, timelines, and risk factors concerning legacy waste cleanup. After a brief discussion by the Executive Director and the Board, it was decided to send the letter to Dr. Regalbuto.

3. New Member Appointments and Existing Member Reappointments.

We have four new members appointed to the Board. They are: Max Baca of Las Vegas, Rod Sanchez of Corrales, Diahann Cordova of Santa Cruz, and Carla Martinez of Chimayo. The current Board welcomes these new members and look forward to working with them on EM problems at Los Alamos.

We also have re-appointments of Tessa Jo Mascarenas, Mary Friday, Carlos Valdez, Nona Girardi, Danny Mayfield, Irene Tse-Pe and yours truly to the Board. Good to have the old crew back for additional work on the EM problems.

4. EM SSAB Chairs Meeting in Santa Fe, September 1 - 3 in Santa Fe.

I thought we had a very eventful and interesting meeting with the EM Headquarters personnel and the Chairs from the eight respective EM sites. The meeting schedule was initiated with a bus tour of LANL starting with the Bradbury Science Museum, a movie on "The Town that Never Was", then a windshield tour of TA-54, Area G waste operations, with discussion on the nitrate salt waste processing by Scott Miller. We next went to Mortandad Canyon for a detailed discussion on the Chromium problem in the groundwater and the very careful manner of trying to resolve the issue. Discussion was initiated how this chromium pollution problem differs from the one at Hanford. We were then provided with a detailed tour of Tsirege Pueblo and the cultural preservation program including discussions by Governor James Mountain from the Pueblo of San Ildefonso. We finished the LANL portion of the tour by going to the White Rock Overlook and having a presentation on the surface

water protection program. The final part of the schedule was a tour of the NNM CAB offices in Pojoaque. All in all a very interesting and rewarding tour of the Los Alamos area and facilities.

The actual meeting of the SSAB Chairs started on September 2nd with welcoming remarks by David Borak, EM SSAB Designated Federal Officer, Santa Fe Mayor Gonzales, and Christine Gelles. We had an EM Waste Management update by Frank Marcinowski, Deputy Assistant Secretary for Waste Management, in which he summarized Waste Deposition at all EM sites. We then had presentations by Chairs on their respective site topics and accomplishments for the past year. Christopher Honkomp provided detailed discussions on EM contracting and project management which provided for contract types and totals, sum \$1.624B. He concluded with discussion of the DOE EM Goal of Seven Improved Project and Contract Management Strategies.

Next we had a discussion by Tania Smith from the Office of Site Restoration. She identified the Mission and Goals and the discussed some of the Hot Topics in Technology Development relating to Soil and Groundwater Remediation, Monitoring, and Modeling; Deactivation and Decommissioning; 3-D Simulation Technologies; Cross Cutting Technical Teams; and Aging Infrastructure and Excess Contaminated Facilities. We then had considerable discussion about Environmental Compliance as DOE has some 40 compliance agreements as well as 200 some enforceable milestones annually. Most agreements have near term requirements as well as out-year target milestones. Most of the agreements stipulate fines and penalties if milestones are not met. We were also informed that DOE has experience with SEPs and similar agreements at Richmond and now New Mexico.

On Thursday morning we had a WIPP update by Frank Marcinowski. He talked about the key recovery steps which are: Documented Safety Analysis Revisions, Safety Management Program Revitalization, Underground Restoration, Expedited Mine Stability, Initial Panel 6 and 7, Room 7 Closure, Interim Ventilation, and Supplemental Ventilation Modifications. He indicated that additional surface storage at WIPP is being considered. New schedule for opening of WIPP should be available in the near future.

One of the final items accomplished was the consideration and the extensive discussion of the NNM CAB recommendation to the Chairs for Supplemental Environmental Projects. After some modifications and additional discussion, The Chairs passed a recommendation to DOE concerning SEPs. The final recommendation agreed to is on our September 30 meeting agenda.

Very positive comments were made about this Chairs meeting with most reps wanting to come back again to Santa Fe for a meeting very soon. Our staff, Menice, Bridget and William did a tremendous job of getting everything required together and making the Washington staff requirements for the agenda and accommodations easier and everyone's time here very enjoyable. My most hearty congratulations to you three as well as the Los Alamos staff, especially Christine, Lee, Michael, and Kaitlin, on a meeting very well done.

5. WIPP Public Information Meeting

All CAB members please note that there will be a Public Information Meeting here in Santa Fe on October 13 from 3pm to 5pm at the Marriott Courtyard regarding the Requested Modification to the Hazardous Waste Facility Permit for the WIPP. It would be worth our while to some members to attend this hearing to get details regarding the proposed modification.

Respectfully submitted by:

Doug Sayre Chair, NNM CAB

September 23, 2015

**Northern New Mexico Citizens' Advisory Board
Executive Director's Report
September 30, 2015**

Board Membership: The Northern New Mexico Citizens' Advisory Board (NNMCAB) currently consists of 24 members and 3 student representatives. On August 28, 2015, Dr. Monica Regalbuto (EM-1) appointed four new members to the NNMCAB: Carla Abeyta, Max Baca, Diahann Cordova, and Rod Sanchez. Six members were appointed to serve another two year term: Mary Friday, Nona Girardi, Tessa Jo Mascareñas, Danny Mayfield, Doug Sayre, and Irene Tse-Pe. Manuel Pacheco (term limited) and Joseph Viarrial will be leaving the NNMCAB in November.

Tour of TA-16: In lieu of a committee meeting in August, the NNMCAB members toured Technical Area-16 on August 12, 2015.

EM-SSAB Chairs' Meeting: The NNMCAB hosted the fall Chairs' meeting at La Fonda in Santa Fe, September 1 – 3, 2015. NNMCAB staff planned and executed all logistics for the meeting including: hotel, meeting room, A/V support, and networking reception. NNMCAB staff worked with Los Alamos National Security staff to plan the tour of Los Alamos National Laboratory, which took place September 1, 2015. This tour included a visit to the NNMCAB Office. Planning and preparation were ongoing over the past year. The attendees were very pleased with all logistics and gave the NNMCAB high marks for hosting a successful meeting. The spring meeting of the EM SSAB Chairs will take place April 19 – 21, 2016 in Oak Ridge, Tennessee.

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. Electronic meeting packets were sent out on September 23rd. 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.

NNMCAB Website: William Alexander is working to transfer the NNMCAB website content from its existing site to a site hosted by DOE Headquarters. William is also assisting with the production of the EM-LA website.

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:

October 14, 2015: Executive Committee Meeting from Noon to 1:30 p.m.; Combined Committee Meeting from 2:00 p.m. to 4:00 p.m. at the NNMCAB Office

November 18, 2015: Bi-monthly meeting at Ohkay Owingeh Conference Center from 1:00 p.m. to 5:15 p.m.

Note: Date for new member tour and orientation will be announced soon.

Report
Ninth Annual Rad Waste Summit
September 08 – 11, 2015
Steve Schmelling

Irene Tse Pe and I attended the Ninth Annual Rad Waste Summit, held in Summerlin, Nevada on September 08 – 11, 2015. Although the meeting seemed to be oriented to practitioners and vendors, it also provided a very good overview of the issues involved with Rad Waste management and disposal, including high-level waste, TRU waste, and low-level waste. Basically a portion of the meeting was devoted to each of these topics.

Keynote Speaker: Congressman Chuck Fleischmann (R-Tenn.) whose district includes the Oak Ridge cleanup sites and the Y-12 plant, sits on the House Appropriations Committee, is Vice-Chairman of the Energy and Water Subcommittee, and is also Chair of the Congressional Nuclear Cleanup Caucus. (I believe that Ben Ray Lujan is also a member of this caucus, but we might want to check on this) Congressman Fleischmann strongly emphasized the need to get WIPP up and running again. He said that there is bi-partisan support for nuclear waste cleanup, but the when it comes to funding; the “squeaky-wheel” rule kicks in. The Congressman also said that the Caucus holds about three meetings per year, with the next, and last one of 2015, coming up on September 30. It would probably be a good idea for the NNM CAB to at least be aware of these meetings and possibly to attend, depending on the topic under discussion.

High-Level Waste: The bulk of this part of the meeting concerned “consent-based” interim storage. There was a lot of time devoted to the meaning of “consent”, as well as some discussion about what was meant by “interim” and whether or not it makes sense to have interim storage if there is currently no permanent storage to transfer the waste to at the expiration of the interim period. All of this has little to do with the NNM CAB, except that one presentation described a proposal by the Eddy Lea Energy Alliance, to create an interim storage facility in southern New Mexico not far from WIPP. The Eddy Lea Energy Alliance is composed of Eddy County, Lea County, and the e Cities of Carlsbad and Hobbs, and owns 1000 acres in that area, which they propose to use as an interim high-level waste storage facility,

TRU Waste: This session, on Thursday, included two presentations on WIPP and the outlook for reopening it in the near future. Ryan Flynn, the New Mexico Secretary for the Environment, said that both he and Governor Martinez want WIPP to reopen, but there are still a number of things that have to happen before it can. In particular, there is a need for an improved safety culture, particularly in the mining part of the operation. He noted that the date of the reopening is strongly dependent on the level of resources provided by DOE and Congress. There is also a need to put new operational policies in place, and a lot of other work to be done so that it can reopen with safety as a number one priority. He

also said that temporary on-site storage at WIPP is a possibility. Frank Marcinowski gave a presentation similar to the one he gave at the SSAB chairs meeting the week before. Neither speaker gave any more specific date for reopening WIPP, nor a date when the expected opening date would be announced, although they expect it to be sometime this fall. Christine Gelles also gave a presentation similar to the one she gave at the chairs meeting about work going on at LANL and the new EM office at Los Alamos. She did say that the responses to the Accident Investigation Board Report should be out soon. I would hope the CAB would be able to get these in a timely manner.

Low-Level Waste: There was a session on revisions to regulations for low-level radioactive waste disposal. This would potentially be of interest to the CAB in terms of the use of TA-54 as a low-level waste disposal site, but it did not seem to be an issue that the CAB needed to address at this time.

Summary: This was an interesting and worthwhile meeting in terms of giving one a broad look at the range of issues regarding radioactive waste management and disposal, with some topics such as WIPP being of direct relevance to the work of the NNM CAB, and others being more in the nature of providing general background on issues only peripherally related to the work of the CAB. There were, so far as I was aware, no representatives from other SSABs.

ENVIRONMENTAL MANAGEMENT SITE-SPECIFIC ADVISORY BOARD

Hanford
Oak Ridge

Idaho
Paducah

Nevada
Portsmouth

Northern New Mexico
Savannah River

Dr. Monica Regalbuto
Assistant Secretary for Environmental Management
U.S. Department of Energy, EM-1
1000 Independence Avenue, SW
Washington, DC 20585

Dear Dr. Regalbuto:

Background

The Department of Energy (DOE) Environmental Management (EM) sites with legacy waste awaiting permanent off-site disposal have been, or could be, subject to large fines from their respective regulatory agencies for failure to meet legally mandated deadlines for permanent disposal of legacy waste. For example, the New Mexico Environment Department recently fined Los Alamos National Laboratory (LANL) and the DOE Waste Isolation Pilot Plant (WIPP) \$54 million for failures connected to a radiation leak when a drum of waste processed at LANL breached a year ago at WIPP, shutting down the nation's nuclear waste repository. LANL has also acknowledged it will miss deadlines set for later this year for long-term waste cleanup at LANL set in a binding consent decree.

Payment of real or potential multi-million dollar fines has the effect to further reduce the ability of these EM Sites to successfully meet mandated and legally binding cleanup goals. In most cases states have the option to use the funds collected on fines for work unrelated to the issues that led to the fine or for the direct benefit of residents of the affected area. A more effective use of funds would be to use the money collected from fines to fund supplementary environmental projects, given that EM funding allocated to DOE and/or the National Nuclear Security Administration for EM work should be used to protect and/or improve the health and environment of the citizens of the geographic area and population affected by the previous disposal of legacy wastes at the DOE sites.

Comments and Observations

In lieu of fines and penalties that could be required and instituted at the respective facilities, the EM Site-Specific Advisory Board (SSAB) recommends that DOE-EM consider Supplemental Environmental Projects (SEPs) as a beneficial and amenable means to help accomplish the legally mandated cleanup goals at DOE facilities.

An SEP is defined as an environmentally beneficial project which a violator voluntarily agrees to undertake in settlement of an enforcement action but which is not legally required by law. In

addition, the U.S. Environmental Protection Agency (EPA), and most state regulatory agencies, allow for the implementation of SEPs in lieu of a portion of civil penalties calculated under the Civil Penalty Policy, when such payment of fines and penalties are imposed;

There are seven common categories of projects that can be acceptable SEPs:

- Public Health
- Pollution Prevention
- Environmental Protection
- Environmental Restoration
- Environmental Assessments and Audits
- Environmental Compliance
- Renewable Energy

Recommendation:

The EM SSAB recommends that DOE-EM;

1. Pursues SEPs in lieu of fines and penalties issued by regulators.
2. Pursues SEPs, in lieu of new fines and penalties imposed by a new compliance order issued by regulators for violations.
3. Proposes SEPs in settlement of enforcement actions by regulators that meet the following restrictions:
 - Are consistent with the EPA SEP policy and Region implementing guidance
 - Are consistent with or advances the Resource Conservation and Recovery Act
 - Have adequate nexus to the violation as determined by the relevant regulators sole discretion, with site stakeholder and public engagement.
 - Involve the management or administration of the project or funds by the relevant regulator; (state and/or EPA) and benefits the community and/or environment near the impacted site by the violation while providing educational opportunities with contractors and public institutions of higher education.
4. Uses SEPs to primarily benefit the community that is directly impacted by the violation.

In Summary:

It is the intent of the EM SSAB to ensure that DOE-EM funds programmed and allocated for the cleanup and mitigation of legacy waste disposal at sites are used for those purposes and for the benefit of the citizens of the affected areas, where the basis of the violations cited by the relevant regulator occurred.

References:

1. EPA Guidelines for Supplemental Environmental Projects
2. State Supplemental Environmental Project Policy Act/Regulations

Steve Hudson, Chair
Hanford Advisory Board

Herbert Bohrer, Chair
Idaho National Laboratory
Site EM Citizens Advisory
Board

Donna Hruska, Chair
Nevada SSAB

Doug Sayre, Chair
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Harold Simon, Chair
Savannah River Site
Citizens Advisory Board

Best Practices for Informed Budget Recommendations

Budget priorities – EM wants to continue to partner with stakeholders to better align cleanup priorities and commitments with expected performance and funding levels.

Mark Whitney, 9-17-2014

Introduction

This document serves as a general guide of best practices for use by DOE Environmental Management (EM) site advisory boards when developing recommendations for consideration during the annual budget prioritization process. Effective budget discussions with DOE EM site management should focus on near-term as well as mid- and long-term goals.

Principles and Considerations

- Maintain regularly scheduled meetings between advisory boards and the DOE to address budget priorities and concerns and to ensure that current and future budgets are transparent and reliable.
- Ensure that budget recommendations from advisory boards are robust, well-founded, and based on relevant board and community values.
- Request a detailed response from the DOE such that the priorities of the advisory board recommendations can be evaluated against site budgets as planned for final submittal to DOE Headquarters.
- Consider that economic stability is an important and persistent factor that characterizes cleanup success; efforts to identify potential sources for community stability are a necessity.

Information

- Performance assessments that detail how changes to current budgets have affected goals and cleanup deadlines should be provided by DOE prior to advisory board consideration of a proposed future budget.
- Budget information, particularly before and after an embargo or budget release, must be transparent to enhance the reliability and usefulness of the information.
- Budget information, when shared with the general public, must be accessible and written in a clear and concise manner. Critical concepts, terms, and acronyms must be thoroughly discussed and clearly defined.
- Budget information related to potential work delays resulting from budget shortfalls must be shared in a timely manner.
- Budget information should help audiences to differentiate between funds allocated for site cleanup and funds allocated for site infrastructure, security, general maintenance, and other essential services.

Education

- Budget prioritization opportunities should be included in board and subcommittee work plans.
- Lessons learned and successful strategies for working with site management in regard to budget issues should be shared and applied, when suitable, across all site advisory boards.
- Exercises that engage board members in ranking budget priorities across selected criteria stimulate critical thinking and board discussions; such exercises benefit from the support of subject matter experts (SMEs).

Communication

- Budget information shared by the DOE with advisory boards and the general public must be received in a timely manner to ensure that corresponding comments and recommendations can be integrated into the decision making process.