REGIONAL COALITION OF LANL COMMUNITIES

City of Espanola – Los Alamos County - Ohkay Owingeh - Pueblo of Jemez – Rio Arriba County – Santa Fe County – City of Santa Fe – Taos County – Town of Taos

DRAFT Meeting Minutes
June 27, 2019

Española City Hall Council Chambers, 405 N Paseo de Oñate, Española, NM 87532
1:30 pm to 4:05 pm

A. Call to order – Chair Henry Roybal called the meeting to order at 1:40 p.m.

B. Confirmation of Quorum
Attendees: Chair Henry Roybal, Vice-chair Darien Fernandez (came in later), Secretary David Izrailevitz, Commissioner Leo Marquez, alternated for excused Board member Leo Jaramillo. Board member, Mayor Javier Sanchez, Alternate Councilor Peggy Sue Martinez. Absent: Treasurer Peter Ives - excused; Board member Mark Gallegos - excused; Board member Governor Ron Lovato, Ohkay Owingeh Pueblo – excused; Jemez Pueblo representative excused. Due to Board member Darien Fernandez running late, Chair opted to hear public comments. Darien Fernandez joined the meeting at 1:54 p.m. and a quorum was established.

C. Approval of Agenda
Motion to approve agenda by Board member Mayor Sanchez, Second by Secretary Izrailevitz. Motion carried.

D. Approval of Minutes
Approval of minutes of June 7, 2019. Motion to approve minutes by Board member Mayor Sanchez, Second by Secretary Izrailevitz. Motion carried.

E. Public Comment
1. Scott Kovac with Nuclear Watch New Mexico, expressed his concerns about the storage of the spent nuclear waste and how it is transferred, the private firms profiting, and licensing. Congress should not pass certain bills. The N.M. Land Commissioner and the N.M. Governor do not approve of the Holtec project.
2. Patricia Cordova - Sierra Club Co-chair and serves on the Sierra Club nuclear taskforce member. Sierra Club is against the temporary storage site due to the site being poor land use and it is not sustainable. They are concerned because of the impacts the health of ranching, farming, plants and population near the area. She also stated that the Holtec project would create a risk of no investment in that area from other industries. Urging board not to support any resolution or proposal for Holtec.

F. Treasurers Report
1. Executive Director Vasquez reviewed the budget report with the board. He stated the Los Alamos County report should reflect the date of June 27, 2019, as it was updated for this meeting. Both Santa Fe County and the City of Santa Fe’s dues are on their way. Chair Roybal called for questions. Secretary Izrailevitz for clarification on line item “Other Professional Services”. Executive Director Vasquez stated that the $10,000 was for the special audit conducted by the State Auditor's office. Alternate Councilor Martinez wanted Executive Director Vasquez to talk about the funding from the D.O.E. grant. Executive Director...
Vasquez stated that the RCLC did not submit for the grant due to efforts in getting its house in order by complying with the state auditor's recommendations. Furthermore, the D.O.E. office that handles that grant is also completing an investigation by the Department of Inspector General (I.G.). He has had conversations with the D.O.E. staff and as long as the RCLC continues to abide by the audit recommendations, he feels they will be able to continue to submit for the D.O.E. grant funding in the future. Alternate Councilor Martinez asked about the timeframe on notifications. Executive Director Vasquez mentioned all audit recommendations should be in compliance and the final investigation from the I.G. completed first. He does not know when that will be at this time. Board member Mayor Sanchez asked if Executive Director Vasquez intentionally did not apply for the D.O.E. grant. Executive Director Vasquez stated yes. Board member Mayor Sanchez asked if the D.O.E. had any indications that they were not going to grant us money. Executive Director stated that the IG investigation has been ongoing since late last year and it was his understanding that certain items may need to be addressed before approval of any funding. Chairman Roybal wanted to state for the record that Vice-Chair Fernandez arrived and that they now have a quorum. Hearing no other questions, he closed this item. He went back to the agenda for approval.

2. **Invoice for review and possible approval.** Chairman Roybal called for questions. Executive Director explained that the funding for the invoice is from the unrestricted funds. Secretary David Izrael evitz mentioned that on future reports that the Executive Director provide fund balances for each fund so they know which ones are expended. Alternate Commissioner Marquez stated that the D.O.E. grant fund should reflect a zero balance. Executive Director stated that he will get with the fiscal agent and the new accountant to address it. Board member Mayor Sanchez asked about the D.O.E. grant fund balance in the FY19 budget and asked if that was correct. Executive Director said he would have to get back to him after speaking with the fiscal agent. Secretary Izrael evitz asked to have whatever is in the fund balance for each of the checking accounts, be listed. Chairman Roybal clarified that this is an action item. Board member Mayor Sanchez motioned for approval, Secretary Izrael evitz second. Alternate Councilor Martinez addressed Alternate Commissioner Marquez and clarified that the contract with CPLC, New Mexico, Inc. is approved by the board and these monthly invoices are for payment toward that contract. She also asked Executive Director Vasquez to provide answers to these questions at the next meeting. Chairman Roybal stated they had a motion and second and motion passed.

G. **Discussion/Action Items**

1. **N3B Presentations**

a. **Update on community commitment initiative presented by Todd Nelson.**

Mr. Nelson reviewed the presentation in the packet and stated that, as the contractor, they have made a commitment to community outreach. They contribute five percent to the community. That community outreach program consists of three elements. The first one is to fully involve the community in cleanup decisions. Secondly, to develop an apprentice program in which they are currently working with Northern New Mexico Community College. The apprentice program is for an Associate’s degree in radiation control. They had 5 positions open and over 35 applicants. This
program pays for the school credits, 40 hours per week and provides a job for one year. The third element is the local nonprofit distribution. The five percent commitment amounts to $400,000. One third of that will go to the apprentice program and two thirds of that will be distributed to area nonprofits. The breakdown is 50% to education, 20% arts and culture, 20% health and human services and 10% to civic and cultural programs. All information is available on their website. Chairman Roybal asked for questions. Board member Mayor Sanchez asked if a government agency could apply. Mr. Nelson stated that as long as they are tax exempt. Alternate Councilor Martinez asked about the process to grow the apprentice program. Mr. Nelson stated five more will be added each year. Secretary Izralevitz asked if they could collaborate with Triad. Mr. Nelson said that is an option they are looking at. Chair Roybal thanked Mr. Nelson for his presentation.

b. "Chromium expert update" presented by Danny Katzman. Mr. Katzman briefed the board on recent information regarding the chromium plume. The first presentation slide represents the geography and the location of the ground water contamination area and wells. R70 well. New tests are being analyzed and they are sharing the information to include the environment department. The interim extraction measures have begun and completed by the end of July. Chairman Roybal called for questions from the board. Alternate Councilor Martinez asked why, in 2016, there was a big drop in the chemicals. Mr. Katzman stated the water supply is a seasonal variation. Alternate Councilor Martinez asked if different depths are monitored. Mr. Katzman stated that wells are set at specific depths. Secretary Izralevitz asked if the R70 monitoring well may not be deep enough to detect lower plumes. Mr. Katzman stated that they utilize a number of tools and study the variations of the plume. They rely on conceptual models and new testing analysis is ongoing. Chairman Roybal asked about the plume being close to San Ildefonso Pueblo. Mr. Katzman said it is actually going away from that boundary. Chairman Roybal asked how far it has moved and Mr. Katzman said several feet. Chairman Roybal thanked him for the presentation.

2. **Holtec International presentation regarding the proposed interim storage facility in southeast New Mexico, Ed Mayer, Program Director.**

Mr. Mayer discussed the slide presentation topics: About Holtec International, nuclear fuel storage, consolidated interim storage, consolidated interim storage facility and transportation. He described safety measures taken regarding the interim storage. Such as how the spent fuel is designed and built to withstand natural and man-made events with no release of radioactivity. The storage system and facility provide an impregnable fortress for protecting the spent fuel against most egregious attacks. Pending agreement with D.O.E. and/or nuclear utilities and/or others, construction startup would be in 2021; construction completion 2024; and acceptance of first shipment in 2024. Chairman Roybal called for questions from the board. Board member Mayor Sanchez asked what would be the end plan solution for storage. Mr. Mayer said that national solution would be the Yucca mountain area or something like that, and this project is only an interim solution. Board member Mayor Sanchez asked if the helium in the canister could react to anything inside the canister. Mr. Mayer said no
and that the canisters can last up to 200 years in which they will be
monitored. Board member Mayor Sanchez asked if anything is in the
canister that can degrade. Mr. Mayer said yes, and it becomes less and less
reactive in 50+ years. Board member Mayor Sanchez asked how will
corrosion of the surface level in regards to the concrete pad be prevented.
Mr. Mayer stated that it sits in a carbon stainless steel silo canister that does
not corrode. He explained that in the storage facilities near the ocean,
corrosion is at the highest levels. Where it will be in New Mexico, it would
only be a fraction of that over time. Board member Mayor Sanchez asked Mr.
Mayer he is aware that the D.O.E. was changing the definition of high-level
waste. Mr. Mayer said he wasn’t aware of the details and is concerned.
Secretary Izraelievitz asked if he can give examples of other similar facilities
and the monitoring and any issues that they have discovered. Mr. Mayers
stated that Calloway has been there eight years with same technology and
no issues. Secretary Izraelievitz asked what is the difference is in
transportation to our site versus other sites. Mr. Mayer stated transportation
is not what he does, but understands that the Navy has been shipping by
railcar across the country and the same technology would be used. Secretary
Izraelievitz asked what questions have been most asked at other
presentations and what research they still have to do. Mr. Mayer stated that
they have made several presentation to the NM leadership and Cabinet
Secretaries and will be addressing concerns of the Governor and the Land
Commissioner and prove to the community the safety and security of this
project and economic benefit is secondary. Vice-chair Fernandez asked if
Holtec would be getting any tax credits from this project. Mr. Mayer stated
none that he is aware of but may get some small ones. Vice-chair Fernandez
asked what guarantee would we have regarding the amount of jobs
promised for this project. Mr. Mayer stated that they claim over 200 jobs -
100 construction jobs over 10 years, average 2.4 billion dollar economic
impact. Councilor Martinez asked what ratio of waste would come from New
Mexico versus other states. Mr. Mayer stated he did not have that
information but would get back to her. He estimates it would be just a
fraction. Board member Mayor Sanchez asked if they sell SMR’s to anyone in
New Mexico and if they would be stored at this facility. Mr. Mayer stated that
may be a possibility. Alternate Councilor Martinez asked if any of the waste
could come from overseas. Mr. Mayer said absolutely not. Secretary
Izraelievitz stated that there is no commercial spent fuel at Los Alamos.
Chairman Roybal thanked Mr. Mayer for the presentation.

3. **Review on status of 2018 OSA audit report and current status on corrective measures.** Executive Director Vasquez discussed the RCLC update on responses and adopted controls regarding audit findings under Tab 5. Executive Director Vasquez stated that 15 of the 18 audit findings are under compliance and three are in the process of compliance. Councilor Martinez asked to discuss the three findings that are not currently in full compliance.
Finding number2018-004 – JLH Media, Inc. - Charged NM GRT on mileage and travel and per diem expenditures resulting in double taxation to the RCLC. (Significant deficiency)
Adoption of Areas of Control: The RCLC has contracted with an independent accountant that begins in July 2019. This fiscal agent, Los Alamos County are
in the process of developing and implementing an agreement that specifies
the delineation of duties of the independent account and the fiscal agent
reviewing all expenditure and payments prior to issuance. (Partial
compliance – Fiscal Agent has not completed the agreement and the
Accountant agreement has an amendment to be approved.)
Finding 2018-010 Breach of fiduciary duty by the fiscal agent – Los Alamos
County (Material Weakness)
Adoption of Areas Control: The RCLC adopted policies and procedures for
the processing of transactions to be approved by the Treasurer, voted on by
the Board, and reviewed by the accountant prior to payment processing and
review by the fiscal agent. Develop training for all members, contractors and
fiscal agent staff on policies, procedures, related rules and regulation
regarding issuance of public monies. (Partial compliance as the training
coordination is currently being developed).
Finding 2018-011 – Failure to comply with State Audit Act (Material
Weakness)
Adoption of Areas of Control: The RCLC has contracted with an OSA
approved auditor to complete audits on the previous six years. In addition,
the FY 2020 RCLC budget includes funding for an annual audit.
(Partial compliance as the completion of the previous six year audits will be
completed by end of month.) Chairman Roybal called for questions. Board
member Mayor Sanchez asked if we will owe any monies once the audits are
completed. Executive Director Vasquez said at this time, he is not aware.
Secretary Izraelevitz asked if the adopted policies and procedures have been
shared with the accountant. Executive Director Vasquez stated in the
affirmative. Secretary Izraelevitz also stated that we can share these policies
and procedures with our contractors. Chairman Roybal stated that when the
audits are complete and reviewed by legal council, depending on the
findings, they may look at recovering some of the funding determined by the
audit. Executive Director Vasquez stated that he has three references from
the board for legal council and is asking for more.
4. Executive Director update
D.O.E. High Level Waste (HLW) Interpretation Update: On June 5, 2019,
D.O.E. published a federal register notice for a “supplemental notice”
concerning DOE’s interpretation of High-Level waste. “as amended such that
some reprocessing wastes may be classified as not HLW (non-HLW) and
may be disposed of in accordance with their radiological characteristics.”
LANL would not be directly affected, however, a possible increase in waste
deliveries to WIPP may cause a potential bottleneck situation slowing waste
removal from LANL site. He will continue to monitor.
DNSFB update: U.S. Senators Udall and Heinrich have announced they have
proposed three amendments to the FY 2020 National Defense Authorization
Act (NDDA). In particular, the amendment would suspend the DOE’s recent
revised order 140.1. Input of concerns from the RCLC were concurred and a
statement to the press stating that order 140.1 undermines the DNFSB’s
oversight responsibility by restricting its ability to get health and safety
information from D.O.E. sites.
Santa Fe Forum on Nuclear Waste Storage and Disposal. Executive
Director Vasquez attended the June 19, 2019, meeting in Santa Fe. Panel
participants included State Representative Christine Chandler, NM Land
Commissioner Stephanie Garcia Richard and staff, Don Hancock, Director
SW Research and Information Center, Sally Rodgers, Environmental Policy
Advisor and founder of CVNM. Holtec representatives did attend.

Executive Director Vasquez attended the NMMCAB meeting on June 19, 2019. CAB is considering conducting a public survey to solicit regional population in order to prioritize issues.

First environmental management cleanup forum on legacy waste at LANL was held June 26, 2019. NM Environment Secretary James Kinney spoke and mentioned that NMED would be holding a public forum in Los Alamos on July 8 to discuss NMED issues and would reveal some “major developments” at that time.

Website development is ongoing. A new sandbox version of the website is available for the board to review.

RCLC Elections in accordance with the bylaws, regular elections for officers are to occur at the first meeting of the board held on or after July 1st of each year. During the RCLC retreat held in January 2019, a recommendation was put forward to move the elections to a date after the new year to allow newly elected members the opportunity to help elect the board. The first RCLC meeting in FY 2020 will be held on July 12, 2019. The proposal to amend the bylaws to place elections in January will be a discussion and possible action item.

Upcoming RCLC related events are NMED Community meeting on July 8 at 5:30 p.m. at Fuller Lodge in Los Alamos. National Cleanup Workshop on September 10-12 in Alexandria, Virginia RCLC staff and available board members plan to attend.

Chair Roybal called for questions. Chair Roybal asked Executive Director Vasquez if the decision not to apply for D.O.E. funding was put on the agenda as a discussion item. Executive Director said informally, we were not in a position to apply for it since we were in noncompliance as the audit outlined. In addition, the D.O.E./I.G. investigation is still ongoing. Vice-chair Fernandez asked when the investigation would be completed and when we can see results. Executive Director Vasquez stated he has not received notification. Secretary Izraelevitz said that there was an application process to apply for the grant and that even if we were not moving forward that should have been brought before the board for approval. Executive Director stated that because of the time, he stated maybe an Executive Committee decision could have happened. Secretary Izraelevitz said if timing was an issue, a special meeting could have been called and that this decision needed board approval. Alternate Councilor Martinez did not agree with an executive committee decision. She feels that this board has been entrusted by the public to do their duty and should comply with the open meetings act. Secretary Izraelevitz said if timing was an issue, a special meeting could have been called and that this decision needed board approval.

Alternate Councilor Martinez did not agree with an executive committee decision. She feels that this board has been entrusted by the public to do their duty and should comply with the open meetings act. Secretary Izraelevitz wanted to clarify that a special meetings may need to be called if the meetings goes to a quarterly schedule. Alternate Councilor Martinez would not have a problem with an executive committee decision coming back to the board for final approval. Secretary Izraelevitz has come up with language for the creation of the executive committee and would like Executive Director Vasquez to share with the board for discussion. Vice-chair Fernandez asked who Executive Director conferred with to make this
decision? Executive Director stated after many informal discussions, he made the final decision.

H. Board Comments
No comments by the board

I. Adjournment
Chair Roybal called for a motion to adjourn. Motion to adjourn by Secretary Izralevitz. Second by Alternate Commissioner Leo Marquez. Meeting ending time 4:04 p.m.

END