CHEMISTRY & METALLURGY RESEARCH REPLACEMENT

CMMR Public Meeting, March 9, 2006

Volume 1

Los Alamos National Laboratory
Los Alamos, New Mexico

LA-UR-06-6199

TABLE OF CONTENTS

I. Agenda

Agenda

CMRR Public Meeting

Thursday, March 9th, 2006

Fuller Lodge

6:30 – 8:30

6:30 – 6:45	Welcome Ground rules Briefing on Public Comment Provisions Background and Purpose Introductions	Rosemary Romero
6:45 – 7:15	CMRR Project Overview CMRR Environmental Aspects	Tim Nelson Steve Fong
7:15 – 7:30	Question and Answer	Rosemary Romero
7:30 – 8:25	Public Comment	Rosemary Romero
8:25 – 8:30	Requests for topics for next meeting	Rosemary Romero
8:30	Next meeting announcement and adjourn	Steve Fong

DOE Host: Steve Fong
LANL Technical Host: Tim Nelson
LANL Environmental Outreach: Lorrie Bonds Lopez, Debora Hall: 667-2211, envoutreach@lanl.gov

II. Handouts

SETTLEMENT AGREEMENT
AMONG
THE NEW MEXICO ENVIRONMENT DEPARTMENT,
THE UNITED STATES DEPARTMENT OF ENERGY,
THE UNIVERSITY OF CALIFORNIA,
CONCERNED CITIZENS FOR NUCLEAR SAFETY,
NUCLEAR WATCH OF NEW MEXICO,
PEACE ACTION NEW MEXICO,
LORETTO COMMUNITY, TEWA WOMEN UNITED,
EMBUDO VALLEY ENVIRONMENTAL MONITORING GROUP,
AND
NEW MEXICO ENVIRONMENTAL LAW CENTER

This Settlement Agreement ("Agreement") is entered by and among the New Mexico Environment Department ("NMED"); the United States Department of Energy ("DOE") and the University of California ("University") (collectively referred to as "Applicants"); and Concerned Citizens for Nuclear Safety, Nuclear Watch of New Mexico, Loretto Community, Peace Action New Mexico, Tewa Women United, Embudo Valley Environmental Monitoring Group, and New Mexico Environmental Law Center (collectively referred to as "Interested Parties"), for the purpose of resolving specific disputes concerning the proposed Air Quality Permit No. 2195-N, issued by the New Mexico Environment Department Air Quality Bureau for the Chemistry and Metallurgy Research Replacement Building ("CMRR") Project at Los Alamos National Laboratory ("LANL").

DECLARATIONS

Whereas, the Applicants applied for a New Source Review (NSR) Air Quality Permit pursuant to 20.2.72.200 NMAC on March 1, 2005 for the construction of the CMRR Project;

Whereas, after application review and requests for additional information, NMED issued draft NSR Air Quality Permit No. 2195-N to the Applicants on June 10, 2005;

Whereas, pursuant to 20.2.72.206 NMAC, NMED issued a public notice and notified the Interested Parties that the pending application and draft permit were available for review and comment by the general public;

Whereas, the Interested Parties and the Applicants provided written comments and stated specific objections to NMED pertaining to the draft NSR Air Quality Permit No. 2195-N and NMED proposed to hold a hearing on the draft permit;

Whereas, the Parties to this Agreement have met to discuss the draft NSR Air Quality Permit No. 2195-N and objections to the draft permit, and negotiated resolution of those objections in good faith;

Now therefore, in consideration of the foregoing declarations and the following terms, conditions, and covenants to be kept, honored, and performed by NMED, the Applicants, and the Interested Parties, each of them agrees as follows:

I. AUTHORITY AND SETTLEMENT TERMS

A. AUTHORITY

1. **The Parties.** NMED is an executive agency of the State of New Mexico ("State"). DOE is an executive agency of the United States. The University is a contractor of DOE and operator of LANL. The Interested Parties are citizen groups and non-profit organizations with the authority to enter into legally binding agreements.

2. **The Facility.** The proposed CMRR Project is planned to be constructed at Technical Area 55 within LANL boundaries and on DOE land. The proposed CMRR Project will replace the existing Chemistry and Metallurgy Research Building at LANL. Pursuant to 20.2.72.200 NMAC, the Applicants are required to obtain an NSR air quality permit from NMED prior to commencement of construction of the CMRR Project.

B. SETTLEMENT TERMS

3. **Permit Application Revision.** The Applicants shall submit a letter within one business day of the effective date of this Agreement to NMED, with copies to the Interested Parties, revising the application submitted on March 1, 2005, limiting the application to only Phase A and B of the CMRR Project. Phase A and B of the CMRR Project include construction of the Radiological Laboratory and Office Building, and a Utility Building (referred to as the RLUOB). The Applicants will affirm in the letter that the March 1, 2005 application will not apply to Phase C of the CMRR Project and that they will request a revision of the construction permit from NMED prior to initiating construction of Phase C. Phase C includes construction of the Security Category I, Hazard Category 2 nuclear facility. Revision of the permit to include construction of Phase C shall be subject to the requirements of 20.2.72.200 NMAC. If for any reason the Applicants are unable to construct Phase C of the CMRR Project, the Applicants shall not incorporate any functions of Phase C that require an air quality permit into the CMRR Project for Phases A and B, without first obtaining an air quality permit for such functions.

4. **Public Comment on DOE Request for Approval from EPA under 40 CFR Part 61, Subpart H.** The Applicants shall publish a public notice and mail notification to the Interested Parties about the availability for review of the Applicant's request to the U.S. Environmental Protection Agency ("EPA") for pre-construction approval of Phase C under 40 CFR Part 61, Subpart H. The Applicants shall hold a public meeting and provide an opportunity for dialogue among the Applicants, the Interested Parties, and other members of the public, including local governments. The Applicants shall provide at least thirty (30) days for public comment and shall

respond in writing to any written comment they receive regarding the pre-construction approval request they make under 40 CFR Part 61, Subpart H to EPA. The Applicants shall submit the written public comments and the written responses to EPA with their pre-construction approval request.

5. **CMRR Project Public Meetings.** The Applicants shall publish a public notice and mail notification to the Interested Parties about public meetings to be held at least once every six (6) months to discuss the CMRR Project until physical construction of Phases A, B, and C of this Project is completed; or, if a phase is cancelled, until the completion of the physical construction and turnover to DOE of the approved and funded phases; or until otherwise agreed by the Parties. The Applicants shall provide an opportunity for both written and oral public comment at the public meetings. The CMRR Project meetings shall be single subject meetings in addition to, and will not be combined with, other public meetings the Applicants may hold, including but not limited to, the Sitewide Environmental Impact Statement for LANL (SWEIS). It is understood by all Parties that security and procurement sensitive information cannot be briefed at public meetings.

6. **Annual TAP and VOC Summary Report.** Within one business day of the effective date of this Agreement, the Applicants shall submit a written request to NMED, with copies to the Interested Parties, that NMED include a provision in the permit that the Applicants shall submit to NMED an annual report summarizing emissions of toxic air pollutants (TAPs) and volatile organic compounds (VOCs) found in 20.2.72.500 NMAC, Tables 1, 2, A and B from the CMRR Project Phases A and B.

7. **Public Hearings on Permit No. 2195-N.** The Applicants and the Interested Parties agree that no public hearing is necessary regarding NSR Air Quality Permit No. 2195-N and further agree not to request a public hearing regarding NSR Air Quality Permit No. 2195-N for Phases A and B of the CMRR Project under 20.2.72.206 (B) (2) NMAC, or any other provision of the New Mexico Environmental Improvement Act or Air Quality Control Act or regulations. The Applicants , and the Interested Parties also agree not to appeal the final NSR Air Quality Permit for Phases A and B under 20.2.72.207 NMAC to the Environmental Improvement Board or to the New Mexico Court of Appeals. This Agreement does not preclude the Applicants or the Interested Parties from requesting a public hearing concerning or appealing revisions to the NSR Air Quality Permit authorizing Phase C of the CMRR Project.

8. **Costs.** NMED, the Applicants, and the Interested Parties each shall be responsible for its own costs of performance under this Agreement, except as otherwise provided in the Agreement.

II. JURISDICTION AND REMEDIES

A. JURISDICTION

9. **Jurisdiction.** The parties agree that the laws of the State of New Mexico shall govern any disputes arising under this Agreement and disputes arising under this agreement will be filed in a court of appropriate jurisdiction.

10. **Enforcement.** Should any Party determine that there has been a violation or deficiency in the actions of the other Parties under this Agreement including attachments to this Agreement, that Party will notify the other parties in writing of the violation or deficiency and propose a plan to correct the violation or deficiency. If the other Party fails to respond or fails to cooperate in correcting the violation or deficiency within twenty (20) days of receipt of the complaint, the complaining Party may seek enforcement of this Agreement in court.

11. **Enforcement of Certain Provisions of Agreement.** The Parties agree that enforcement of the public comment on the Applicants' request for approval from EPA under 40 CFR Part 61, Subpart H (paragraph 4 of this Agreement) and the CMRR Project Public Meetings (paragraph 5 of this Agreement) are not part of NMED's air quality permitting process for the proposed CMRR Project. The Parties agree that no Party shall hold NMED liable for enforcement of and the Parties agree to release NMED from all liability associated with the provisions found in paragraphs 4 and 5 of this in the Agreement.

B. REMEDIES

12. **Remedies.** Subject the terms of this Agreement, any Party to this Agreement may seek any equitable or other legal relief available under applicable laws, including attorney's fees and costs that a court awards to a prevailing Party in a legal proceeding that arises under the terms of this Agreement. NMED reserves the right to pursue any relief authorized by applicable statutes and regulations and reserves the right to enforce the permit and this Agreement by administrative or judicial action, which decision shall be in its sole discretion. NMED agrees that it shall not enforce paragraphs 4 and 5 of the Agreement administratively.

III. OTHER TERMS AND CONDITIONS

13. **Legal effect.** Unless otherwise stated in this Agreement, nothing in this Agreement will be construed to restrict any parties' authority to fulfill their responsibilities or assert rights under any federal or state statute or regulation. This Agreement shall be binding on the parties and their officers, directors, employees, agents, subsidiaries, successors, assigns, trustees, or receivers.

14. **Effective date.** This Agreement shall become effective upon execution by NMED, the Applicants and all of the Interested Parties.

15. **Authority of Signatories.** Each undersigned representative of a Party to this Agreement certifies that he or she is fully authorized to enter into the terms and conditions of the Agreement and to execute and legally bind such Party to this document.

16. **Duration.** This Agreement shall continue in effect until construction of Phase C of the CMRR Building is completed; or if Phase C is cancelled, until the completion of physical construction and turnover to DOE of the approved and funded phases; and shall then terminate. The Applicants will provide notice to NMED and the Interested Parties by certified mail of such termination.

17. **Amendment.** This Agreement may not be amended, modified, or altered except by written agreement executed by all Parties to the Agreement.

18. **Force Majeure.** Force majeure shall not apply to this settlement agreement.

19. **Notice.** Notices provided pursuant to this Agreement shall be deemed to have been given when delivered by electronic mail, facsimile, or deposited in the United States mail, postage prepaid, at the addresses listed below, unless the Party in question notifies the other Parties of a different address in writing.

U. S. Department of Energy
CMRR Federal Project Director
Los Alamos Site Office
528 35th Street
Los Alamos, NM 87544
Phone: 505-665-5534
Fax: 505-667-1039
Email: sfong@doeal.gov

Loretto Community
113 Camino Santiago
Santa Fe, NM 87501
Phone: 505-983-1251
Fax: no fax
Email: pmsl@cnsp.com

New Mexico Environment Department
Air Quality Bureau
2048 Galisteo
Santa Fe, NM 87505
Phone: 505-827-1494
Fax: 505- 827-1523
Email: Richard.Goodyear@state.nm.us

NM Environmental Law Center
1405 Luisa Street, Suite 5
Santa Fe, NM 87505
Phone: 505-989-9022
Fax: 505-989-3769
Email: dmeiklejohn@nmelc.org

CCNS
107 Cienega St.
Santa Fe, NM 87501
Phone: 505-986-1973
Fax: 505-986-0997
Email: ccns@nuclearactive.org

Peace Action New Mexico
226 Fiesta Street
Santa Fe, NM 87501
Phone: (505) 989-4812
Fax: 505-989-4812
Email: peaceactionnm@aol.com

Nuclear Watch of New Mexico
551 W. Cordova Road, #808
Santa Fe, New Mexico 87505
Phone: (505) 989-7342
Fax: (505) 989-7352
Email: jcoghlan@nukewatch.org

Tewa Women United
RR5, Box 442T
Santa Fe, NM 87506
Phone: (505) 747-3259
Fax: (505) 747-4067
Email: tewawum@msn.com

Embudo Valley Environmental Monitoring Group
P.O. Box 291
Dixon, NM 87527
Phone: 505-579-4076
Fax: no fax

Email: serit@cybermesa.com

University of California
Los Alamos National Laboratory
Group Leader, Meteorology and Air Quality Group
Post Office Box 1663, MS J978
Los Alamos, NM 87545
Phone: (505) 665-8855
Fax: (505) 665-8858
Email: davefl@lanl.gov

20. **Delay or Omission.** No delay or omission in the exercise of any right or duty under this Agreement shall impair such right or duty nor shall it be construed as a waiver of or acquiescence to a breach or default of this Agreement. No Party shall construe the conduct, delays, or omissions of another as altering in any way its own agreements as set forth in this Agreement. Any waiver, allowance, or approval of any claimed breach or default under this Agreement must be in writing and no Party shall raise unwritten waiver or estoppel as affirmative defenses to such claimed breach or default.

21. **Cooperation.** NMED, the Applicants and the Interested Parties shall cooperate fully with each other and act reasonably and in good faith and in a timely manner in all activities under this Agreement so that each of them may obtain the benefits contemplated under this Agreement and for which they have negotiated. No Party shall unreasonably deny, withhold, or delay any consent or approval required or contemplated for any action or transaction proposed to be taken or made in this Agreement. NMED, the Applicants, and the Interested Parties shall consult with and assist each other in good faith and without delay as to all matters that require their cooperation.

22. **Assignment and Subcontracting.** No Party to this Agreement shall assign or transfer any interest or responsibility under this Agreement without prior written approval by all Parties; provided that the University may assign its rights and obligations under this Agreement to its successor as contractor for DOE and operator of LANL. In addition, no Party to this Agreement shall subcontract any portion of the services to be performed under this Agreement without prior written approval of all Parties.

23. **Obligation.** The obligations of the Parties to this Agreement are not affected by the actions of others who are not Parties to this Agreement.

24. **Headings.** The section headings and subheadings of this Agreements are used only for convenience of reference and are not intended and shall not be construed to modify, define, limit, or expand the intent of NMED, the Applicants, or the Interested Parties in this Agreement.

25. **Severability.** If any provision of this Agreement is held invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

26. **Delivery of Written Requests.** If the Applicants fail to deliver the written requests described in paragraphs 3 and 6 of this Agreement to the NMED within one business day after the date when the NMED notifies the Applicants that the last party has signed the Agreement, all Parties are released from their obligations under this Agreement.

27. **Integration.** This Agreement incorporates all the agreements, covenants and understandings between the Parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understanding, oral or otherwise, of the Parties or their agents shall be valid or enforceable unless embodied in this Agreement.

28. **Facsimile Copies.** Signed copies of this Agreement that are sent by facsimile transmission to the Parties to this Agreement shall be treated as originals.

_____ Date 9/14/05
Secretary, New Mexico Environment Department

_____ Date _____
_____, U.S. Department of Energy

_____ Date _____
_____, University of California

_____ Date _____
Concerned Citizens for Nuclear Safety

_____ Date _____
Nuclear Watch of New Mexico

_____ Date _____
Peace Action New Mexico

_____ Date _____
Loretto Community

_____ Date_____
Tewa Women United

_____ Date_____
Embudo Valley Environmental Monitoring Group

_____ Date_____
New Mexico Environmental Law Center

26. **Delivery of Written Requests.** If the Applicants fail to deliver the written requests described in paragraphs 3 and 6 of this Agreement to the NMED within one business day after the date when the NMED notifies the Applicants that the last party has signed the Agreement, all Parties are released from their obligations under this Agreement.

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_____ Date_____
Secretary, New Mexico Environment Department

_____ Date_____
_____, U.S. Department of Energy

Carolyn Mazzeo Date September 15, 2005
Assoc. Director, University of California

_____ Date_____
Concerned Citizens for Nuclear Safety

_____ Date_____
Nuclear Watch of New Mexico

_____ Date_____
Peace Action New Mexico

_____ Date_____
Loretto Community

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_____ Date_____
Secretary, New Mexico Environment Department

_____ Date 9/14/05
Assistant Manager for Environmental Stewardship
Los Alamos Site Office
U.S. Department of Energy

_____ Date_____
University of California

_____ Date_____
Concerned Citizens for Nuclear Safety

_____ Date_____
Nuclear Watch of New Mexico

_____ Date_____
Peace Action New Mexico

16. **Delivery of Written Requests.** If the Applicants fail to deliver the written requests described in paragraphs 7 and 8 of this Agreement to the NMED within one business day after the date when the NMED notifies the Applicants that the last party has signed the Agreement, all Parties are released from their obligations under this Agreement.

17. **Integration.** This Agreement incorporates all the agreements, covenants and understandings between the Parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understanding, oral or otherwise, of the Parties or their agents shall be valid or enforceable unless embodied in this Agreement.

18. **Facsimile Copies.** Signed copies of this Agreement that are sent by facsimile transmission to the Parties to this Agreement shall be treated as originals.

Secretary, New Mexico Environment Department — Date 9/14/05

U.S. Department of Energy — Date

University of California — Date

Committee for Nuclear Safety — Date 9.15.05

Nuclear Watch of New Mexico — Date 9/15/05

Peace Action New Mexico — Date 9/15/05

Loretto Community — Date 9/15/05

Town Women United Date 9/15/05

Embudo Valley Environmental Monitoring Group Date

New Mexico Environmental Law Center Date 9/15/05

Date

Tewa Women United

Date September 15, 2005

Embudo Valley Environmental Monitoring Group

Date

New Mexico Environmental Law Center

CMRR and Nuclear Facility Consolidation

As part of the Department of Energy's nuclear facility consolidation, LANL and NNSA are consolidating LANL's nuclear operations into fewer facilities and security areas. In April 2000, LANL had 1.8 million sq ft of nuclear facility space. Nuclear facility consolidation will reduce LANL's nuclear facility gross square footage by more than half the April 2000 footprint.

As part of nuclear facility consolidation, the CMRR Project will upgrade existing CMR facilities, reduce operating and security costs, improve recruitment by providing state-of-the-art infrastructure and workspace, and ensure compliance with current environmental, safety, and health requirements.

More Information

Dr. Timothy O. Nelson
CMRR Project Director
Phone: 505-667-2326
Email: ton@lanl.gov

CMRR/MS G751
Los Alamos
National Laboratory
Los Alamos, NM 87545

Chemistry and Metallurgy Research Replacement (CMRR)

Los Alamos National Laboratory

Los Alamos NATIONAL LABORATORY EST. 1943

NNSA National Nuclear Security Administration

CHEMISTRY & METALLURGY RESEARCH REPLACEMENT

Austin

LALP-06-006

CMRR Project

CMRR Project: An Overview

The Chemistry and Metallurgy Research Replacement (CMRR) Project primarily supports Defense Program activities at Los Alamos National Laboratory (LANL). Costing $745M to $975M over 8 to 12 years, construction is planned in three phases:

A Radiological Laboratory Utility Office Building (RLUOB)

B Special facilities equipment, including long-lead equipment and instrumentation

C Nuclear Laboratory Facility

The CMRR Project will provide the capabilities the National Nuclear Security Administration (NNSA) and LANL need to continue the nuclear mission to maintain and certify the US nuclear stockpile through work in the following areas:

- Pit manufacturing, surveillance, and disassembly
- Enhanced surveillance
- Milliwatt radioisotope thermoelectric generator surveillance
- Retired stockpile component processing
- Aboveground subcritical experiments
- Special nuclear material readiness and materials storage
- Advanced design/production technologies
- Dynamic materials properties
- Material certification in a hostile environment
- Arms control and nonproliferation
- Advanced nuclear fuels

These analytical chemistry, materials characterization, and actinide research and development capabilities, currently housed in the 550,000 sq ft CMR building, will move to the new CMRR facilities as they are completed.

Phase A:

Radiological Laboratory Utility Office Building (RLUOB)

Phase B:

Special facilities equipment, including long-lead equipment and instrumentation

Phase C:

Nuclear Laboratory Facility

Phase A: Radiological Laboratory Utility Office Building

The RLUOB will house radiological laboratory space; a training center, 4 classrooms, and 2 nonradiological training simulation labs; a utility building that supports all CMRR Project facilities; and office space to support 350 personnel in segregated (cleared and uncleared) areas.

An Entrance Control Facility will connect a tunnel from the RLUOB to the Nuclear Laboratory Facility.

The RLUOB also will have a Facility Incident Command Center, an operations center, and space for future support of the existing Technical Area 55 Plutonium Facility, PF-4.

A design-build contract, a procurement method already successfully demonstrated at LANL, was issued to Austin Commercial Contractors, LP, of Dallas, TX, in November 2005.

The proposed RLUOB total project cost performance baseline is $164M (contract life is 1095 calendar days). Approximately 300 construction workers will be employed during the RLUOB contract.

Phases B and C

Preliminary design work is under way on Phases B and C. Construction work for Phase C is scheduled to begin in 2008 and is expected to be complete by 2013.

n

alShelter

Animal St., has canine ncluding

are given ring the ely novel), ad given

snug with his rescuer until she started a family, he would probably do best in a home with no young children or other pets. He needs a home that will respect his needs and boundaries.

Cats in foster care (call

Dogs

Believe it or not, we are fresh out of adoptable dogs this week. Congratulations, Los Alamos!

Dogs in foster care

• *Lola* is a shy, young blonde chow/American Eskimo cross that blossomed

Pet of the Week

Smokie is a beautiful long hair light gray neutered male cat given for adoption. He is 9 years old and very affectionate. He might be best as an only cat and might enjoy limited outdoor privileges. Come give him a "skritch"!

with her owner and is the star of her basic manners class.

Be sure to plan ahead for

Or they can be downloaded a www.cyberanimals.net/~fos/ . See you there.

Shelter hours are from 10 a.m.-1 p.m. daily. For additional information, call 662-8179, 662-8222, 660-8532 or 660-8396.

You can contact Friends of the Shelter at 662-2773 to make a donation of time, money or materials. Also, be

tion and to register.

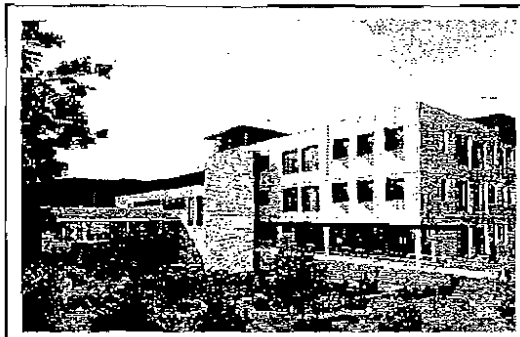
Blood Pressure Check

n 10 a.m. - 9 p.m.

Weight Room
Investment Group
Theraband Exercise Class
Hookers and Stitchers
Benefit Counseling
Poker Plus

Walkers
8-Ball Pool
Weight Room
Sit & Be Fit
Pinochle

Pool, dominoes, table tennis



Chemistry & Metallurgy Research Facility Replacement (CMRR)

Project Update

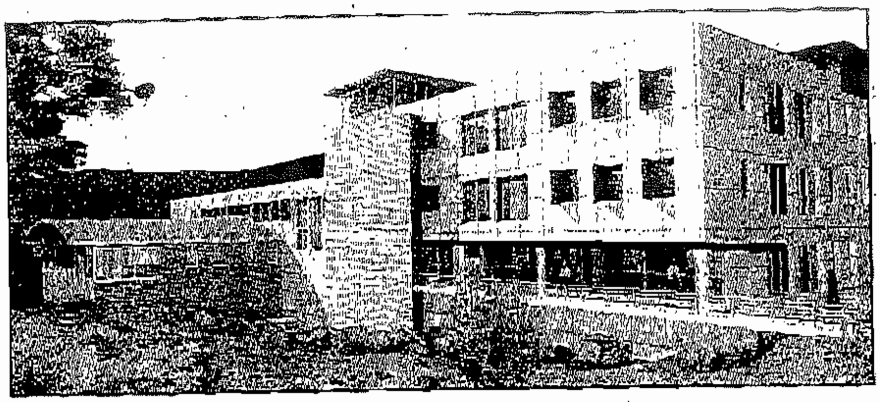
Fuller Lodge • 2132 Central Avenue
Los Alamos, NM
Thursday, March 9th, 2006
6:30 p.m. – 8:30 p.m.

Agenda: Project Update, Environmental Aspects, Public Comment

Public Meetings for the CMRR Project at Los Alamos National Laboratory will be held every six months per a cooperative agreement among the New Mexico Environment Department, the Department of Energy, the University of California, Concerned Citizens for Nuclear Safety, Nuclear Watch of New Mexico, Peace Action New Mexico, the Loretto Community, TEWA Women United, the Embudo Valley Environmental Monitoring Group and the New Mexico Environmental Law Center. The CMRR Project supports a continued capability for the nuclear mission associated with maintaining and certifying the U.S. nuclear stockpile. Project work is expected to extend through the year 2013. For more information or questions, email envoutreach@lanl.gov or call 667-2211.

Reemplazo del Complejo de la Investigación de Química y Metalurgia (CMRR)

Actualizacíon del Proyecto



Un Alojameinto mas Completo
2132 Central Avenue, Los Alamos, NM
Jueves, 9 de Marzo, 2006-02-27
6:30p.m. - 8:30p.m.

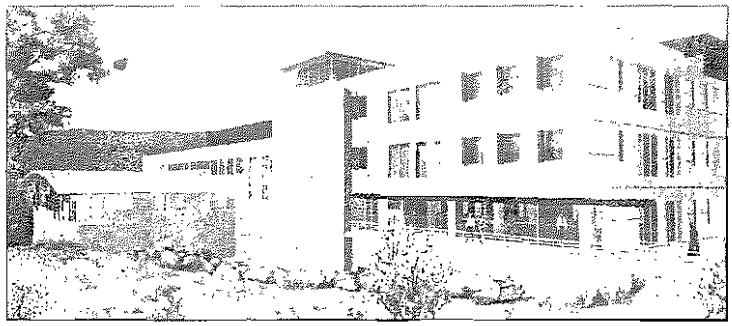
Agenda:

- **Actualizacíon del Proyecto**
- **Aspectos Ambientales**
- **Comentarios Públicos**

Las Reuniones Publicas para el Proyecto (CMRR) en El Laboratorio Nacional de Los Alamos nos sostienen cada seis meses por un acuerdo cooperativo entre El Departamento del Ambiente De Nuevo México, El Departamento de Energía, La Universidad de California, Ciudadanos Preocupados por la Seguridad Nuclear, El Cuidado Nuclear de Nuevo México, Accion de la Paz en Nuevo México, La Comunidad de Loretto, Mujeres Unidas de TEWA, El Grupo de Control del Medio Ambiente de Embudo y El Centro de la Ley Ambiental de Nuevo México. El proyecto CMRR apoya una capacidad continuada para la misión nuclear asociada a mantener y a certificar la reserva nuclear de Estados Unidos. Se espera que el trabajo del proyecto se extienda hasta el año 2013. Para preguntas o información, email envoutreach@lanl.gov o llamar al 505 667-2211.

Chemistry & Metallurgy Research Facility Replacement (CMRR)

Project Update



Fuller Lodge
2132 Central Avenue Los Alamos, NM
Thursday, March 9th, 2006
6:30 p.m. – 8:30 p.m.

Agenda:

- **Project Update**
- **Environmental Aspects**
- **Public Comment**

Public Meetings for the CMRR Project at Los Alamos National Laboratory will be held every six months per a cooperative agreement among the New Mexico Environment Department, the Department of Energy, the University of California, Concerned Citizens for Nuclear Safety, Nuclear Watch of New Mexico, Peace Action New Mexico, the Loretto Community, TEWA Women United, the Embudo Valley Environmental Monitoring Group and the New Mexico Environmental Law Center. The CMRR Project supports a continued capability for the nuclear mission associated with maintaining and certifying the U.S. nuclear stockpile. Project work is expected to extend through the year 2013. For more information or questions, email envoutreach@lanl.gov or call 667-2211.

III. Transcript

TRANSCRIPT
of
PUBLIC MEETING

Chemistry and Metallurgy Research Replacement (CMRR) Project
March 9, 2006

[The meeting was called to order at 6:30 p.m. in the Fuller Lodge, Los Alamos, NM, by Meeting Facilitator Rosemary Romero.]

ROMERO: Welcome. I'm Rosemary Romero, and I'm from Santa Fe. And, I heard it earlier, I'm hoping for a snow day tomorrow, too. In Santa Fe, like everywhere, we are desperate for water. I am thrilled to be up here again; I'll be here again in another two weeks. I'm working on the Los Alamos County water conservation plan so you may be seeing me again in a couple of weeks.

This is a public meeting. [ASIDE]: Hey Joni [ARENDS]. I hope that you all can see. I'm kinda in the way here, but I will get out of the way shortly, but if you want to move closer to the middle, I'll promise not to pick on you, if you can see. From there you are fine. Okay. We are doing the low-tech version tonight.

[Slide 2]
ROMERO: I am gonna to ask folks to introduce themselves before I talk about the agenda and other things just to see who is here. Do you mind starting? Please, just say who you are.

[THEREAFTER FOLLOWED INAUDIBLE INTRODUCTIONS FROM THE AUDIENCE BETWEEN ROMERO'S ACKNOWLEDGEMENTS.]

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Okay, thank you.

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thanks Mark [DINEHART].

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Great.

[INAUDIBLE NAME]

ROMERO: Thank you Paul [TERP].

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thank you Becky.

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thanks Patty [PHONETIC SPELLING].

JONI ARENDS: [An inaudible question about “procedure,” including “why are we doing this?”]

ROMERO: I’m just quickly going around Joni [ARENDS]. I just want to see who’s here.

[INAUDIBLE NAME]

ROMERO: Thank you. Yes sir?

ROGER SNODGRASS: Roger Snodgrass.

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thank you.

PHIL WARDWELL: Phil Wardwell.

ROMERO: Thank you.

SCOTT KOVAC: Scott Kovac.

ROMERO: Thank you.

TIM NELSON: Tim Nelson.

ROMERO: Thank you.

JUAN GRIEGO: Juan Griego.

ROMERO: Thank you.

TOM WHITACRE: Tom Whitacre.

ROMERO: Thank you.

STEVE FONG: Steve Fong.

[INAUDIBLE NAME]

ROMERO: Welcome.

[INAUDIBLE NAME]

ROMERO: Thank you.

[INAUDIBLE NAME]

ROMERO: Thank you.

TORI GEORGE: Tori George.

[INAUDIBLE NAME]

ROMERO: Great.

ROMERO: Did I miss anybody? Lorrie [BONDS LOPEZ]?

LOPEZ: Lorrie Bonds Lopez.

ROMERO: Terrific. The meeting is being recorded, audio recorded, so when you speak you will have to speak into these mikes, I've got one here, and I'll put it back, and we'll pass it around. So let me talk--thank you for introducing yourselves.

ROMERO: I want to talk about a couple of things here, about what we are doing. [ACKNOWLEDGING QUESTIONER], Yes ma'am?

JONI ARENDS: How is the audio going to be used?

ROMERO: There [are] a couple of ways audio is used, Joni; it's, uh, I can either record on flip chart or on the audio as a record of the meeting. Lorrie [BONDS LOPEZ], do you want to give any more detail on that? I think it's as a record for the meeting.

LOPEZ: It's just a record for the meeting.

ROMERO: And is it available for people, copies of it?

LOPEZ: Not yet. [LAUGHTER BY ROMERO AND LOPEZ].

ROMERO: After the meeting?

ROMERO: Great. All right. I'm going to walk through the agenda and then I'm going to talk about how I am going to run the meeting. My job is to facilitate the meetings, and your job will be to participate in the meetings. And then, as pointed out, the meetings are being audio recorded, but I also keep notes on flip charts at different times, and I've written the agenda also on the flip chart notes. So, I'm going to try to stay out of your way here so you all can see. I'm going to walk through a couple of the overviews of the ground rules, purpose of the meeting.

This is the, now, [PAUSE] I hope you are all at the right meeting. This is the Chemistry and Metallurgy Research Replacement, CMRR. And I've learned to say it out loud just because oftentimes we get tuned into our own acronyms, NMED, EPA, DOE, LANL, and it is just helpful to say what it is that we are here for.

Project Overview: And I am going to turn the mike over to Tim Nelson and Steve Fong. And then it is going to come back to me for the Q&A part.

[Pause]

ROMERO: All right.

[Slide 3]

ROMERO: I am going to talk quickly about a couple of things. I hesitate to say ground rules. I call them rules of courtesy. And I am hoping that you all ...Oops, I think I need to turn my cell phone off. Listen respectfully, share the air time with other participants [SHORT BLANK ON TAPE], your neighbors. Wait until you are called upon to speak. Please turn off cell phones or on mute. I know that some folks have kids or other lives, so just make sure that you've turned them off. And then, no personal attacks. This is a public meeting and you will get a chance to speak. All right? Folks okay?

I am going to keep moving along. Yes ma'am?

[INAUDIBLE VOICE FROM AUDIENCE]

ROMERO: Oh, we need to record this, so we are going to get the mike to you. It's linked to the audio.

UNIDENTIFIED PERSON: When it says "wait until you are called upon to speak," does that mean that you raise your hand or you go up to the microphone and stand in line?

ROMERO: Both. You are going to have to raise your hand so I can call on you and get you into the queue and then you'll have to, we'll get the mike to you so that it's audio recorded. Only because, as I noted earlier, all the comments are going to be audiotaped and they only work if you speak into the mike. Okay? Thanks for asking.

[Pause]

ROMERO: Steve [FONG], I like this low-tech version here rather than the Power Point. This is great.

[Slide 4]

ROMERO: I want to give a little of the background and purpose of the public meeting. Settlement provided for segmented air permitting matching, project phased development, and public involvement. The parties included:

- New Mexico Environment Department (I didn't hear anybody from the Environment Department here), okay
- Department of Energy (I did hear [someone from])
- University of California
- Concerned Citizens for Nuclear Safety
- Nuclear Watch of New Mexico
- Peace Action of New Mexico
- Loretto Community
- TEWA Women United (I didn't see Kathy [SANCHEZ] here)
- Embudo Valley Environmental Monitoring Group
- New Mexico Environmental Law Center

And these meetings will be held every six months to update the public on the progress of CMRR construction. So this is an update.

[Pause]

ROMERO: All right. I think we are set, Steve [FONG], for, I'm going to turn the mike over to you and just get right into it so that we are clear that we have got some time here to keep moving along. All right?

FONG: Is this my mike here?

ROMERO: You have got the lavaliere and you've got mike and I'm going to take this one back and put it here.

RECORDING TECHNICIAN: We are going to turn your mike on.

[Pause]

ROMERO: Great.

STEVE FONG: I think it is on.

ROMERO: It is on.

FONG: Okay.

ROMERO: Thanks.

[SHORT INAUDIBLE EXCHANGE.]

[Slide 5]

FONG: Come on up Tim [NELSON]. I'm Steve Fong. I'm a federal project director, one of five federal employees at the Los Alamos Site Office. That's a site office located here in town. I am co-located with the project and we work with our counterparts in the University of California, and Tim Nelson.

TIM NELSON: So I'm Tim Nelson. I'm the project director for the overall CMR Replacement Project for the Laboratory for the University of California.

ROMERO: I just have a quick question for both of you. Do you prefer to take any questions in your presentation or just hold them 'til the Q&A part?

FONG: It doesn't matter. We can try responding to questions if it works.

ROMERO: If it works. All right, let's try.

[Slide 6].

NELSON: Sure. I'm going to provide some background information, give you a status of where we are at. Steve's going to get into a little bit more detail about some of the design philosophies and some of the things we're doing to improve safety relative to maybe some of the activities that are going on in general. If you looked at the existing CMR Building, [it] was built in 1949–1952, which puts it in a greater-than-50-year-old time frame.

The primary capabilities or activities that occur in the existing CMR Building are analytical chemistry, materials characterization, and actinide R&D. And those are the capabilities that we are going to replace with the new building since they provided a facility to put those capabilities in and operate those capabilities. The 1996 Stockpile Stewardship and Management Programmatic Environmental Impact Statement, the PEIS, describes essentially what types of activities that are going on at the Laboratory that would include activities that the CMR capabilities support.

[Pause]

[Slide 7]

NELSON: I'm going to kinda jump to the risk management strategy, which is the second bullet here, associated with the existing CMR Building that was the

risk management strategy put in in 1999 by the DOE, that says essentially that we are going to get out of the existing building. They limited operations in the existing building. And, as part of the CMR Replacement Project there was actually a decision made in terms of whether the building, there'd be a new building built. And if you looked at our Environmental Impact Statement-type documentation, a record of the decision for that. Essentially the decision was made then that we'd build a new building at TA-55. Actually there's multiple buildings. And I'll explain those different buildings and what the purpose of those are.

[Slide 8]

NELSON: So I jumped ahead a little bit. And this is the Environmental Impact Statement in blue and a record of the decision is the, these documents. As part of the record of decision, it was also determined that the existing CMR Building would be D&D'd, that it would be returned to essentially what is called the "brown field" site. In that record of decision there's discussion about having a singular nuclear facility, and what we are talking about there is what is called the Security Cat I, Security Category I, Hazard Category 2 nuclear facility, and then a separate building, which we call the radiological laboratory, utility, office building would also be built. Steve [FONG] can probably talk about this a little bit more, but essentially right now there's an activity at the Laboratory associated with the Site-wide Environmental Impact Statement as an update of the essentially original, or previous, Environmental Impact Statements.

[Slide 9]

NELSON: So if you looked at the, this is essentially the TA-55 site, and on that site the two buildings that we were talking about, the nuclear facility for CMR replacement is this building and then the radiological laboratory, utility, office building is outside the security fence. And this is an artist's sketch [PICTURE ON LEFT IN SLIDE] that we put together as part of conceptual design activities. Now if you looked in the context of overall operations at the Laboratory, there's a goal, if you will, to consolidate nuclear operations, and we call that activity "nuclear facility consolidation." And CMRR, the replacement facility, plays an important role in that consolidation effort. Part of that consolidation effort is to be more efficient, both in operations, but in cost, what the expenses are of operating these type of facilities.

[Pause]

[Slide 10]

NELSON: These are updated drawings, um, associated with what is the radiological laboratory, utility, office building. And essentially, if you are on Pajarito Road, this would be the view that you would have looking at the new radiological laboratory.

[Slide 11]

NELSON: This slide is going to depict a little bit more about the status of the different phases that we have. What the CD-I cost estimate range is, and the schedule estimate range. There's three phases of this project. Phase A is this radiological lab, utility, office building. And in that project effort we're actually in the design-build construction version of that phase of the project. The nuclear facility is Phase C. This is where your Security Cat I, Hazard Category 2 operations are. And the equipment that goes in essentially in both these phases is Phase B. So we call that Special Facilities Equipment. It would be the containment systems, the gloveboxes, open-front gloveboxes, open-front hoods that are used to contain the chemicals that are used during operations, actinides, stuff like that. As well as the instrumentation. And essentially the April time period, the ESAAB (Energy Secretary Acquisition Advisory Board) review was done for what is called Critical Decision I with the acquisition executive who is the Deputy Secretary Clay Sell. And he approved our Critical Decision I for the overall project, all three of these phases. And in October this Phase A portion, what is called the Critical Decision, in this case, for design-build acquisition, 2-3, was approved that we could go out and execute essentially the construction and design of the radiological laboratory.

For Phase B and C, when we received CD-I, the critical decision I from the deputy secretary, that allowed us to go do the next engineering design phase of those two project phases. And that is called "preliminary design." So if you looked at engineering sequences in design you have, typically, a pre-conceptual phase, then a conceptual phase, then a preliminary design phase, and a final design phase. After that final design phase you'd go to construction. So we're essentially in this middle design phase, if you will, called "preliminary design," for those two figures.

NELSON: [ACKNOWLEDGING SOMEONE]: Sure.

[INAUDIBLE COMMENT OR QUESTION FROM UNIDENTIFIED PERSON]

NELSON: For Phase B and C.

[INAUDIBLE COMMENTS FROM TWO UNIDENTIFIED PERSONS]

SCOTT KOVAC: I'm sorry, I missed that. You're in the preliminary design phase for B and C?

NELSON: Right.

KOVAC: Thank you.

NELSON: Now Phase A, because the acquisition approach is different, we actually finished conceptual design with the contract awardee. And they are starting preliminary design also. But we don't have to go back for another approval from the deputy secretary to proceed with that project, that sub-project. The CD-I cost estimate range for all three project phases was $745 million to $975 million, and the estimate to completion at CD-I was eight to 12 years. I'm going to turn it over to Steve [FONG].

STEVE FONG: Thanks Tim for providing a general overview of the project and where we are at.

[Slide 12]

FONG: What I'd like to do is focus in on a couple of important areas, four areas, for the remainder of this discussion. The first being our integration of safety into design. Then I go over, I'll talk a little about our LEED criteria certification that we are trying to achieve. That's Leadership in Energy and Environmental Design. Then I'll focus a little bit on air quality and finally a discussion about some geotechnical information that is coming out the project.

[Pause]

[Slide 13]

FONG: There's nothing like having the opportunity to, the opportunity that is provided by a new design. And the scientists and engineers, technical folks that are on the project are taking basically advantage of that opportunity. And one of the key things that, uh, [we] on this project are trying to do is to integrate safety into design. In fact, it's required by law, so we are taking that very seriously. So we are stepping through this whole process in a real deliberate process. Every safety system and [its] components will be regularly assessed throughout the project life. Throughout we will be implementing a defense-in-depth strategy. By that I mean that we are not going to rely on any one single safety barrier or control when it comes to protecting the worker, the public, or the environment. We are trying to do our best to learn from what's going on throughout the complex. We are trying to look basically, um, investigate lessons learned from all the projects that are happening throughout the complex. We've engaged this person called the chief [of] defense nuclear safety. That's James McConnell. You'll note the acronym "NA-2." He reports directly to the administrator for NNSA. So he's the highest technical authority for NNSA, and he is engaged in this project. And of course the Defense Nuclear Facility Safety Board has a lot of focus on this project, so we are interacting with them on a continual basis as we were this morning.

[Slide 14]

FONG: A little bit about the LEED certification. For Phase A only, the rad lab utility office building, we are going to be looking for silver certification for the LEED criteria, which is a US Build Green Council's rating system for voluntary independently verified, for basically sustainable designs. Uh, we will be applying that on this facility, and we look for silver certification. To find out more about the LEED criteria, there is the website below that I hope you can see on your handouts.

[http://www.usgbc.org]

[Slide 15]

FONG: This LEED certification is a contractual term with our design builder for Phase A, and we are not quite sure how he is going to achieve the silver certification. But he's going to use one of the following criteria to achieve that. And we won't accept it until he does achieve the silver certification.

[Slide 16]

FONG: A little bit about air quality. Um. The current CMR Building is over fifty years old and has served us well and as new environmental, EPA, and NMED regulations were promulgated, uh, this facility was basically grandfathered in. We are building new construction for the CMRR, so, we are required to meet the latest standards and permitting requirements. And we are going to be doing that, so there is going to be an increase with this new facility in regulatory reporting and regulatory inspection. We are going to have much better emissions controls. And we are going to have a reduction in the number of stacks that emit. Right now the CMR facility has about 14 emission points, and we are going to be going down to a handful. I'm not sure what it is going to be, but it's not going to be up in the neighborhood of 14. And we hope to sample with the latest technology that's out there to report our emissions to EPA and NMED, to EPA.

[Slide 17]

FONG: Now, here in the near future, well for the nuclear facility we will be submitting air quality permit applications to the New Mexico Environment Department and a pre-construction application to the EPA. This is strictly just for the nuclear facility. The NMED would be on the timeline above in the green; the rad air application would be those things that are below here in the blue. It turns out that the next public meeting will about the time frame when we will have that application put together, so we hope to be back here to discuss a little about that permit application. And then the following, probably the third public meeting, we can also discuss a little bit of the rad pre-construction application to EPA. But we hope to have all these permits in place by the time we go into final design and construction.

[Pause]

FONG: So we've actually have invested in a [Microphone feedback.]

FONG: Whoa!!

AUDIENCE: Whoa!!

FONG: Did I do that?

PERSON IN AUDIENCE: That was a wake-up call.

FONG: Oh, I woke up.

AUDIENCE: Wooo. [Laughter from audience and Fong]

FONG: Wow. Okay. Will that happen again? I guess, I hope not.

AUDIENCE: [More laughter]

FONG: Okay, okay, okay. That was interesting.

[Slide 18]

FONG: We actually have a lot of geotechnical information that is in the area of where we want to, plan to place the nuclear facility, but we are going to further that investigation. Um, by this summer or this spring we are going to be fully excavating that site and looking for anything that might be a seismic consideration such as a fault or a displacement. That information is gonna feed this thing call the probabilistic seismic hazard assessment, and that will feed into our design. So we are gonna have all that data before we start construction.

[Slides 19 and 20]

FONG: So, to summarize, remember that CMRR is a replacement facility. We are replacing capabilities that are key to NNSA and Los Alamos. We are not building anything new; we are replacing a structure that we know about, for the last ..., that we've been operating for the last 50 years. When we do so, we are going to take advantage of it. What we are going to build is what we call the responsive infrastructure. It's gonna support our modernization efforts of facilities. We'll increase efficiencies in our operations, and we are going to enhance our posture in both security and environmental considerations. I just want to make sure that the key message here tonight is that as we go forward, that integrating safety with design is paramount. We are not going to, uh, I mean that is held sacred for us, and we're gonna make sure that we go through that in a logical fashion. And so, for the next public meeting, I think we're gonna have, we should have some information regarding our non-rad air application and then some more of the, about the general status of where we are at in development. So that's what I had to say. Rosemary?

[ROMERO]?

ROMERO: Oooh, I'm afraid to speak into the mike now, for fear.

FONG: Did you do that?

ROMERO: I didn't. I was trying to stand away from it.

FONG: So Tim and I are available?

ROMERO: You're available. So, just remind folks that came in, you'll have to speak into the mike, only because the meeting is being audiotaped and it is helpful. Lorrie [LOPEZ] will pass the mike to folks--if you'll just say your name when you come up. Scott [KOVAC], I'm going to pick on you, you said you wanted to speak. I'm just trying to gauge, a lot of folks said that they were here to just learn, because they said "no" they didn't want to speak, but you've got, you want to definitely speak, so I'm going to turn to you. Okay.

[Pause]

SCOTT KOVAC: Now?

ROMERO: I'm going to pick on you right now.

KOVAC: Thanks.

ROMERO: Thanks. Thanks, Lorrie [Lopez].

KOVAC: Hello.

ROMERO: Is it on?

[INAUDIBLE VOICES]

KOVAC: Hello. Thank you. Um, I had a question. I'm not sure who to direct this to. Um, the location in your drawing of the Phase A building, the RLUOB building, it doesn't seem to be in either of the locations of the..

ROMERO: Oops. Sorry.

KOVAC [continues]: ... um, that were suggested in the supplemental analysis. Is that an actual, that's where it's going, right in that little corner?

UNIDENTIFIED PERSONS: [Unintelligible response.]

KOVAC: Uh, like that?

UNIDENTIFIED PERSON: Yeah.

KOVAC: That's where it is going?

FONG: That is where it's going.

FONG: And there is a CMRR EIS, that, I think it was a slide previous, so that location was the place, yes.

KOVAC: Okay.

FONG: Now there's other, there's a supplemental that looked at some other impacts surrounding the area.

KOVAC: Right, that's the one that I was referring to, so you decided not to go with [any of those] in the supplemental analysis. I have another question: Is the Phase C building the radiological facility, is that above ground or under ground?

NELSON: Phase C is the nuclear facility portion?

KOVAC: Yeah, nuclear facility, yes. Have you decided that yet?

NELSON: It's kinda neither.

[LAUGHTER]

KOVAC: Half and half.

NELSON: It's basically at grade. The roof of the building is at grade.

KOVAC: Um hm.

NELSON: It's a conceptual design.

UNIDENTIFIED PERSON: Yeah, pretty much. There's basically a contour down in this direction ...

ANOTHER UNIDENTIFIED PERSON: Oh, I see.

UNIDENTIFIED PERSON: [continuing] going into it.

ANOTHER It's kinda bermed in.

[Slide 9]

NELSON: So this picture shows it above ground. It's not, it's essentially not that way. It's more flat with the earth.

KOVAC: [Acknowledging someone.] Um hm.

KOVAC: Um, um, can I ask another question? I'm kinda, ...

ROMERO: You're on a roll?

ANOTHER No, I need to ....

ROMERO: Lemme share the mike, lemme share a little bit. Okay.

ANOTHER: Sure, sure.

ROMERO: Lemme get this ... All right, I'm gonna take a couple of folks in the queue. Joni [ARENDS], can we get the mike to others on this side? All right? So stay up here.

ARENDS: I have a question about the existing road on the west side. Are you going to have to move that road? The existing road.

NELSON: The road on the east side, which is Pecos Drive?

ARENDS: Yes.

NELSON: We are not moving that road, um, per se. There's other activities going on that would eventually impact that road, and we're integrating with them. So, to build this building, I don't have to move that road. Does that answer your question?

[Pause]

ARENDS: Are other people going to move that road?

NELSON: There's a potential for other projects to look at changing that road.

ARENDS: So, when we visualize where the utility building is gonna go, we can visualize that it's gonna be on the west side of that, of Pecos Drive.

NELSON: Yeah, all the documentation says that this is where the utility building is gonna be.

ARENDS: Okay. May I ask another question?

ROMERO: Sure.

ARENDS: Who, Steve, when you talk about the lessons learned from within the DOE complex, what specifically, what projects are you looking at in terms of lessons learned?

FONG: There's a variety of the lessons; you know, when we looked at the use of design-build strategy we looked within house, the NISC facility, the SCC were all used in a design-build strategy, very similar to the NISC facility.

ANOTHER QUESTIONER: What are your acronyms?

FONG: Oh, NISC? Non-proliferation International Security Center.

UNIDENTIFIED PERSON: Thank you.

FONG: And the SCC, which is the Strategic Computering Complex, the Strategic Computing Center, or Complex.

ARENDS: I'm sorry. Say the last one again, Steve?

FONG: Strategic Computing and the "C" might be "Center" or "Complex."

QUESTIONER: Okay. Thank you.

FONG: Okay. Okay.

ARENDS: So, but on the PowerPoint™, or on the handouts, you're saying that you are looking throughout the whole DOE complex.

FONG: Yeah. Right.

ARENDS: And those two facilities,

FONG: Those are up here.

ARENDS: [continuing] They are not nuclear facilities. So, specifically, I am asking about nuclear facilities within the DOE complex.

FONG: Right. So the NISC facility is much like the rad lab, which is also a radiological facility. Not to the nuclear status or Hazard Category 2 status. Outside the facility, for instance, just today we were looking at, we were talking about the H[E]UMF facility out in Oak Ridge, which, um, I'm not gonna go through the acronym because I'll mess....

NELSON: Highly Enriched Uranium Manufacturing Facility.

ROMERO: Hfoof!

ARENDS: Can you speak slowly?

ROMERO: Say it again.

FONG: Highly Enriched Uranium Manufacturing Facility. HEUMF at Y-12. We are looking at the TEF facilility, Tritium Extraction Facility, at Savannah River Site.

ROMERO: Okay.

FONG: Um, MOX Fuel Fab Facility, MOX Fuel Fab Facility, the Pit Reassembly [and] Conversion Facility, National Ignition Facility at Livermore.

ARENDS: So you are looking at the lessons learned from the NIF, and also from the vit [rification] plant at Hanford?

FONG: The WTP? I'm not sure if that's the vit plant.

ARENDS: The vitrification plant.

FONG: Okay.

ARENDS: Are you looking at those facilities as well?

FONG and NELSON: Yeah.

ARENDS: I mean there's some really big lessons to be learned from a

FONG [Interjects]: Exactly.

ARENDS [Continues]: billion dollar project.

FONG: In fact we had discussions with people about the WPT just last week.

ARENDS: Okay. So who is the contractor that you've chosen for this project?

FONG: Well, right now, for the rad lab, that was chosen already, for the design build. That's Austin Commercial.

ARENDS: And?

FONG: There's a little pamphlet, I think there's, their emblem is on the cover.

ARENDS: Okay. And who are they? I haven't heard of them before.

FONG: Actually, I can't go through, Tim do you want to go through ... ?

NELSON: They are a firm out of Dallas. They've done a number of chemical laboratory-type projects.

[ANOTHER INAUDIBLE VOICE]

QUESTIONER: I'm sorry.

NELSON: They are a firm out of Dallas. They've done a number of chemical laboratory-type projects, medical-type projects, um, clean-room type efforts.

ARENDS: And are they associated with Bechtel in any way?

NELSON: No.

ROMERO: Okay.

ARENDS: Okay. Are any of the other new contractors?

NELSON: No.

ARENDS: BWTX?

NELSON: BWXT. Or WGI, no.

ARENDS: Okay.

ROMERO: All right. Thanks, Joni [ARENDS]. Others?

ROMERO: I am going to point out a couple of ways to also, for those that are shyer, there is a comment form that might be helpful to also fill in if you are so motivated, can leave this, Lorrie, they can't mail it, they need to leave it here if they are going to fill it out?

LOPEZ: Yeah.

ROMERO: Okay. So that's another way to get the information in or comments in. And I've got a hand back here, please?

[Pause]

PEGGY PRINCE: I probably should already know this, but could you ...

ROMERO: And, say your name please [pause] just because it's going to the audio mike.

PRINCE: Peggy Prince.

ROMERO: Thanks Peggy.

PRINCE: Could you please explain what the term "design build" means? And, why it's a term like that.

ROMERO: So what the term "design build" means, Steve or Tim?

FONG or NELSON: It's uh,

ROMERO: Is your mike on? It doesn't sound like it.

FONG and NELSON: It says it's on.

TIM: The battery looks like it might be dead.

ROMERO: You have to speak up.

FONG or NELSON: I think mine's dead too.

FONG or NELSON: I'll grab a mike.

NELSON: So "design build" basically means it's an acquisition strategy approach to do design and construction. Um, in the case of the radle, radiological utility office building, uh, in a design-build process, acquisition strategy, you're gonna combine critical decisions. This is when you go to the deputy secretary and ask for approvals, and in the case of [the] rad lab, we went and asked for a critical decision that was combined for essentially to proceed with design and construction rather than going back and independently asking for those decisions, um, continuous, you know, after each
finished point of the design.

PRINCE: Does that mean, perhaps, that you are building portions of the building while you are still designing it?

NELSON: It turns out that all that depends upon how you write your contract, and the approach that the company takes to go do that. In the case of the radiological laboratory, what they're allowed to do or wanting to do, is go prepare the site as opposed to, what you are referring to, there are cases in design-build contracting strategy where a company could go start construct-ing, pouring concrete and stuff like that, while they are still doing design. And in the case of our building, that's not the case. We are not doing that.

PRINCE: So you are doing a modified design build on the CMRR?

FONG or NELSON: Yeah, you can get into all sorts of terminology, but ....

PRINCE: It's just a very confusing term.

FONG or NELSON: Yeah, sure.

PRINCE: The other question that I had is, it seems to me that, in the former SWEIS that most of the seismic zones, and in your experience since then, it seems that there's been a pretty thorough investigation of where the seismic zones are, especially during the process of investigating the BSL-3 and I'm wondering what more you need to know before you know where you should be positioning this facility.

FONG: Well, we do know a lot of information where the nuclear facility will go, okay, and we are going to do more of this thorough an investigation [as] we can to put that question to rest. We don't want that to be questioned at all. We want to have a real definitive understanding about the, uh, basically the soils, where we're going to build the nuclear facility. So we, ... there've been a lot of resources applied to that area.

ROMERO: "SWEIS" is "sitewide EIS"? Is that the correct? Okay.

ROMERO: All right. I've got your hand. Lorrie [LOPEZ], you wanna get a mike over there, please.

SHERI KOTOWSKI: Yes, um, ...

ROMERO: Say your name.

KOTOWSKI: I'm Sheri Kotowski. And you're just talking about one pertaining to the first question that Peggy asked, and the second one, um, and I'll just follow up with the seismic, um, considerations, and that is, if you're designing and building while you are still doing seismological studies, that you, I mean, when you have to design a building to withhold certain seismological incidents, then you have to start with the foundation, so how can you already be designing and building when you haven't thoroughly considered all the seismology in the area when you have to start from the ground up, when you have to deal with that consideration?

FONG: I'm gonna say that we have. We had a full regime of boreholes drilled in that one area where the radiological laboratory is going to be.

KOTOWSKI: Now are those, is that publicly accessible information?

FONG: I don't know. I really don't know. I guess that's a good question to pose to us. Yes?

KOTOWSKI: Okay. We'd like to see it. And the other consideration is, I wasn't here, I didn't, if you said what the estimated cost of the building is, I'd like to know again what the estimated cost of the building is?

NELSON: The CD-I cost estimate is $745 million to $975 million.

FONG: It's located on the handouts also.

KOTOWSKI: It is? Okay. Because at the last, um, at the CMRG meeting that you proposed this whole thing to, I know, it was sometime ...

FONG: Last summer.

KOTOWSKI: [continues] in the summer, you were at over a billion dollars.

NELSON: Potentially up to, I think at one point we were up to $1.3 billion.

KOTOWSKI: $1.3 billion. Okay, now if you are designing and building at the same time, how do you figure in cost overruns and considering the heavy budget cuts that all of the areas of cleanup and environmental monitoring, how do you justify that?

NELSON: Well, the range does include for contingencies. We do look at that number, that range does, ... we had to go through a risk analysis, try to figure out what may happen and plan for those contingencies. So that range does include the contingencies. The whole budget that you see that's included here is included in our budget plans also and they're being supported at this time.

KOTOWSKI: Okay, are there ceilings that you aren't allowed to go over without having penalties imposed on you? for exceeding cost overruns?

NELSON: Ah, probably penalties to me. I mean, to the government, I'm not sure, but ....

KOTOWSKI: Or to anybody; I mean I ....

NELSON: That's to the project, using, applying project management discipline, we are trying to, our best, to maintain that cost schedule.

KOTOWSKI: Well, yeah, I mean, in private corporations, trying to maintain your best is not adequate.

NELSON: That's correct. If for instance, for the first phase, Phase A, the rad lab, we have a fixed price contract. So, there are penalties to the contractor if they don't achieve the scope ...

KOTOWSKI: Okay.

NELSON: or costs.

LOPEZ: [Inaudible]

ROMERO: Hold on. I've got Scott [KOVAC], then I'll come back to Peggy. And then, anybody on this side here?

SCOTT KOVAC: Thank you. Could you briefly describe your, how you're cooperating with the DNFSB, the Defense Nuclear Facilities Safety Board?

NELSON: Essentially we have meetings with them on more than an occasional basis. Like this month we have right now scheduled four meetings. Um, today we went over, in a two-and-a-half-hour televideo conference, essentially, the radiological laboratory and what is going on there.

ROMERO: Peggy, I think we've got yours back here?

PRINCE: This is Peggy again. I'm sorry I forgot to ask you one question. I'm thinking back a little bit to the CMR Building. Has the CMR Building already been demolished?

NELSON: No.

PRINCE: Now I understand that there have been problems in the ductwork of the CMR Building in the past, plutonium dust and things like that. What criteria are you going to have to use in order to, in order to complete your deconstruction of that building in a safe manner?

NELSON: First of all, the D&D of the current CMR facility will occur after our facility is constructed. So we're looking at the range right now, is eight to 12 years. So the planning of that will be much later on. In fact there's money being applied for that, those studies in the out-years, in the, I believe, the '09 time frame. And those things will be investigated. It won't be part of our project, but it'll be a separate project led by a different team. Um, I don't have those specifics right now.

ARENDS: Steve, can you translate what he just said?

ROMERO: Yes. We might want to move this up just a little bit, Steve, your mike.

ARENDS: Steve would you be so kind as to translate what he just said?

FONG: Well there is a commitment in the record of decision of the CMR EIS that says that we are committed to D&Ding the entire CMR facility, but that will occur post-construction and turnover of the CMRR facility. Towards the tailend, probably in the '09 time frame, we'll be preparing, not our team, but another team, will be preparing studies to, uh, look at how to best accomplish that activity.

ROMERO: Okay. We are going to get the mike to you. And say your name please.

PENELOPE McMULLEN: I don't remember, I probably knew once, uh ... does the, or will the ...

ROMERO: You'll have to say your name, just for the mike.

McMULLEN: Oh, I'm sorry.

ROMERO: That's all right.

McMULLEN: Penelope McMullen.

ROMERO: Thank you.

McMULLEN: Ah, will the air permit request include the deconstruction of the old building?

NELSON: No. No. The permits that will be submitted here in the near future, in the next two years, will be only for the nuclear facility.

McMULLEN: Okay, I also have a statement to read. It's two pages, so I don't know if you want to wait.

ROMERO: Ah, let me just quickly check in with other folks for other comments ‘cause it’s, and if folks don’t mind, then you could read it into the record, which is, I think is, what you are intending, right, to read into the record. So, lemme just check with others. Other folks want to speak? [Pause] Yes sir?

ROGER SNODGRASS: Roger Snodgrass.

ROMERO: Thank you.

SNODGRASS: Um, I wondered if you could explain the meaning of the agreement and why there is an agreement, I mean, and what is it in place of, I mean, this is the first time I’ve seen a public meeting that has been based on such a formal agreement.

FONG: Well ....

ROMERO: Thank you.

FONG: I’ll respond to that.

ROMERO: All right.

FONG: For the radiological facility, Phase A, we applied for a nonrad air permit with the New Mexico Environment Department. Uh, the, those that were listed, I think it was on the second slide, had comments on our application and [there] was a decision, and I’m not sure if I can, well, Phil, can I even go into these discussions? I’m not sure.
PHIL WARDWELL: We can certainly say what the result was.

FONG: The result was, um, that we would hold public meetings to have a project status, and that’s basically the outcome. So. I guess, I don’t think I can go into the negotiation discussion.

ROMERO: Well, and outside there’s a, I think, there’s a handout that’s the settlement agreement copy. Right Lorrie [LOPEZ]? There’s copies for folks that want to know more about this, there’s the settlement agreement copy that’s on the table. And then, Joni [ARENDS], I’m gonna hand you the mike. Is it about the settlement agreement?

ARENDS: Yes.

ROMERO: Okay.

ARENDS: Let’s be clear, Steve. The Department of Energy and the University of California applied for an air permit for the entire [END OF FIRST SIDE OF TAPE, GAP IN RECORDING]

FONG [Continuing]: … that we hold currently.

ARENDS: Right, which is confusing because you have a different Phase A and B on your slides, so, don't be confused.

FONG: I don't believe so, but okay. I'll look into that.

ARENDS: Yeah. Um. And that because of citizen concerns we sat down at the negotiation table for several days with the state, with DOE, with the University of California to discuss our concerns. And as a result the state agreed with the citizens and said that because the rad facility will not be built for five years, and because the state permits are only good for five years, that there would be, they would not permit the rad facility. That they'll have to come back for the rad facility permit, the non-rad.

FONG: Or actually Phase C, our nuclear facility.

ARENDS: Yeah, for Phase C. And now, from what the handout says, it looks like the application is gonna go in to the state in September.

PHIL WARDWELL: Could I comment?

ROMERO: Sure. I'm gonna have Lorrie [LOPEZ] give you her mike. That way I won't have to take it away from you.

WARDWELL: Phil Wardwell and I was a lawyer, I am, a lawyer representing the University. And I'll be brief. I agree with what Joni [ARENDS] said for the most part, but I would say that there was a negotiated compromise here and as a result of that compromise, which all parties agreed to, and which is reflected, Mr. Snodgrass, in that agreement, uh, the citizen or activist groups withdrew their request for a public hearing on the permit on the air, and in return, DOE withdraw its application for Phase C. And the state issued the permit. And the conditions of the agreement are spelled out in the written agreement which you have, and if anybody wants one there are more copies in
the foyer.

ROMERO: Okay. And then is that about the settlement agreement? Okay? And then there [are a] couple of other hands.

PENELOPE McMULLEN: I just want to clarify that the citizen organizations agreed to withdraw the request for a hearing just for the Phase A and B, but not for Phase C.

WARDWELL: That is absolutely correct.

ROMERO: And before I turn to you to read the fuller statement, I'm gonna' ask a couple of other folks who had their hands up. There was a, to pick on a few, um, Penny [McMULLEN] and Sheri [KOTOWSKI] both want to speak also.

KOTOWSKI: I already have.

ROMERO: You already have? Great.

KOTOWSKI: And I'm [trails into inaudible words].

ROMERO: Yep. Absolutely. Okay. Others? [Pause] All right, so you are gonna read a statement that is a two-pager. Folks can just be patient, please. Thank you.

McMULLEN: Again, my name is Penelope McMullen. And this is a statement from the Loretto Community. And I am the regional peace and justice coordinator for the Loretto Community of Sisters and Co-Members. The sisters of Loretto came to New Mexico in 1852, so we have a 154-year history of serving the people of this Land of Enchantment.

At a previous meeting some of the people of Los Alamos referred to Sisters as dogooders who don't know what they are talking about." So first I want you to know that Ihave been studying and actively involved in nuclear issues for 30 years. When I lived in New York in the 1980s, I worked with internationally renowned Dr. Bertell whose research showed that even low-level radiation from each step involved in producing nuclear weapons has devastating effects on employees and the surrounding environment. So I'll speak today of the environmental aspects of any nuclear work. Dr. Bertell studied the report by the UN scientific committee on the effects of atomic radiation, which estimated the ionizing radiation dose to the public from nuclear activities between 1943 and 1990. Using their figures Dr. Bertell concluded that over 30 million fatalities and serious injuries have or will result from nuclear activities that took place during the first five decades. This is more than 3,000 times the death toll from all four terrorist attacks on September 11, 2001.

In the 1940s, Loretto Sisters in Socorro taught children of some of the scientists who worked on the Trinity Test. (Is this still working? It sounds different.) The day after the test of the first nuclear bomb, the children brought to school what they called "clinkers," the melted blobs from the bomb tower. These clinkers were passed around the school before it was known that they were radioactive. While this would not happen today, no matter how careful you try to be, accidents and mistakes will continue to occur.

Even without accidents and mistakes, all nuclear production from mining and milling of uranium ore to transportation, manufacturing, testing, and disposal of radioactive waste causes some harm, not only to the workers, but also to the environment, which in turn affects people and animals and plants that are impacted by any contamination of land, water, and air. Since no part of the weapons-producing process can avoid exposing workers to some degree of radiation, governmental agencies have set "permissible" levels of radiation exposure. However, these permissible levels are really the levels of illness and deformed children which the regulatory agencies think the public will accept in return for the supposed benefits of nuclear technology. Today most scientists agree that the effects of low-level radiation are much more serious than [we] were originally aware of, a thousand times more damaging than is commonly believed. Many radiobiologists agree with Dr. Bertell that any degree of exposure to radioactive particles causes some biological damage, and that there is no level of radiation exposure that can truly be called safe, especially when it is continuous.

The Petcau study conducted by the Canadian Atomic Energy Department proved that radiation has a cumulative effect on the body. Each time you are exposed it builds up in your body. Each of us who lives or works or goes to school near or downwind or downstream from a nuclear facility or along a nuclear transportation route can be exposed to “safe” levels again and again and again until the radiation build-up is no longer a safe level and produces cancer or genetic defects in our children. National security requires environmental health. The ordinary New Mexico citizen does not feel secure when nuclear facilities can harm us all, not just today, but for generations to come.

The Loretto Community in New Mexico and worldwide opposed the building of the CMRR building, which would create more plutonium pits and therefore oppose any air permit because we do not believe that the air could be kept uncontaminated.

The Bush administration talks a lot about morality. In 1979 the entire body of Loretto members gathered for that year’s general assembly, wrote by consensus, and publicized our commitment to working for nuclear disarmament “as an urgent moral imperative.” We concluded that even if nuclear weapons are not used, the mere production and stockpiling of them is immoral. Thank you.

ROMERO: Lorrie [LOPEZ], when you get ....

KOVAC: Thank you. I had question about the little brochure, um, on the, about half way down on the first inside page, uh, “The CMRR project will provide the capabilities the NNSA and LANL need to continue the nuclear mission to maintain and certify the US nuclear stockpile through the work in the following areas:” And number one is pit production. I know that these things always get worded kinda in a round-about way, but could you explain how the CMRR project will provide the capabilities that LANL and NNSA need for pit production?

NELSON: So the analytical chemistry, materials characterization, actinide R&D activities, that we talked about?

KOVAC: Yeah.

NELSON : Those are used in, in supporting pit production.

KOVAC: Right.

NELSON : It’s not the pit production lines that you might be ....

KOVAC: I, I can read that, but I just wanted to hear it ....

NELSON: It’s really analytical chemistry, materials characterization, actinide R&D.

KOVAC: Thank you.

ROMERO: Thanks Scott.

PEGGY PRINCE: I couldn't hear what he was saying.

ROMERO: Oh, from who? Scott or from Tim?

PRINCE: I couldn't hear what Tim was saying. Is his microphone on?

NELSON: Well.

ROMERO: He's going to try another mike here.

NELSON: So, Scott is your name? So what['s] Scott is raising I'll call an ambiguity in the brochure that might suggest that we're doing CMRR to do pit production. And that's not what we are doing. We are doing analytical chemistry, materials characterization, and actinide R&D, and actually support those missions that are in the list in the brochure.

PRINCE: I still couldn't hear the last phrase that you said. It always goes down [more inaudible words.]

ROMERO: Oh, you know what happens is--we're gonna try this. If he turns his head away from the mike, it, that's, it dies. So, keep it close. Try it again.

NELSON: Okay. So, we are doing analytical chemistry, materials characterization, and actinide R&D, that support these list of programs that are in the brochure. It's not that we are doing those specific activities like pit production or surveillance or certification. But there's analytical chemistry, as an example, that looks at, um, maybe the impurities that are in the plutonium.

ROMERO: Okay? Thank you. Now we've learned something about these mikes: you have to talk right into them.

NELSON: Yeah, I'm sorry about that.

ROMERO: Want to give that back to you? Anyone else? [Pause] Let it snow. Op. Scott [KOVAC]?

KOVAC: I'll shut up.

ROMERO: Well, then, if no one else is raising their hand, we'll keep picking on you.

KOVAC: Thank you. Um, Scott here again. Could you please briefly describe the environmentally sustainable and pollution prevention and waste minimization initiatives that are, have been incorporated into the design phase? of both the Phase A and Phase C?

ROMERO: Okay. Steve [FONG]?

FONG: Just .... Am I on?

ROMERO: You're on, and you'll just have to speak straight down into your mike.

FONG: [Laughs]. Put my chin to my chest. The LEED criteria is only going to be applied for Phase A. That's the rad lab, that's the design-build facility. And that is a, we've requested as a contract term, a LEED certification. So, Phase C, we plan to, as good [voice fades off mike]

[LAUGHTER FROM FONG AND AUDIENCE.]

FONG: ... as good engineers and scientists we will try to, um, I'm not trying to avoid you Scott, I'm trying to not squeak, but apply the best principles of that. But you know, with the safety aspects of a nuclear facility we are going to be pouring a lot of concrete. There's just no way that we are gonna meet and achieve a LEED certification. But we will, we're, we can, uh, try to, uh, put in those smart, sustainable-type of features in the nuclear facility. Um, so, if that's .... [pause] Okay.

[INAUDIBLE VOICES.]

ROMERO: Any other questions? Peg?

PRINCE: Sorry, it's Peggy. Just a clarification, Tim. If you are saying that CMRR is going to conduct work in support of, for example, pit production–is the CMRR facility in the same general area as TA-55?

[Slide 9]

NELSON: What do you mean by "general area"? Physically it's located in the same general area.

[continues while Prince asks next.]

PRINCE: So, it's like, next door?

NELSON: Yeah. If you looked at, or actually at 55, 55 is this area right here.

[INAUDIBLE VOICES]

PRINCE: I can't see it.

NELSON: This area right here.

FONG: This is the curve.

NELSON: Seems like 55 starts at Pecos Drive and Pajarito and goes this way.

PRINCE: Okay. So, um, how many pits per year are you anticipating that TA-55 will produce within the next 10 years? How many pits per year are you anticipating to gear up to?

FONG: We don't know. That, you could ask the question and we could probably find somebody to ....

[Microphone feedback.]

ROMERO: You two will stay separate, just because I think [laughter]. Sorry to separate you but that's part of the feedback [problem].

FONG: I don't know.

[Pause.]

ROMERO: Others? [Pause] Okay.

[INAUDIBLE VOICE]

ROMERO: Penny [McMULLEN], we're going to wait until we get the mike. Thank you.

McMULLEN: Penny again. Um, so if you say that this is just the CMRR project is to support any pit manufacturing that might go on in the area, um, will any of the pits be made at the CMRR Building?

NELSON: No.

ROMERO: Okay.

McMULLEN: So where will they be made?

NELSON: I'd say where they are made now, right, PF-4.

McMULLEN: PF-4.

NELSON: Um hm.

ROMERO: Is there a map for that? Do you need a map?

NELSON: It's actually on those drawings.

[Pause as someone points to Slide 9.]

[INAUDIBLE VOICES]

FONG: So right here.

NELSON: Essentially in that area.

[Pause]

ROMERO: All right. Others? We're gonna stay. Right? Okay.

KOTOWSKI: I have one.

ROMERO: We are gonna get you the mike.

KOTOWSKI: [continues] non-specifically .... This is not specifically about the project. It's more about having this be a true public meeting and in the spirit of public meeting. I think that we would like to request that the meetings be rotated because the effects of this building aren't confined to the city or the county of Los Alamos. It's a regional concern and we people who live in more northern parts of New Mexico and live in downwind areas are very concerned about this project and we would also like to be considered to have this meeting in a place that's a lot closer for us. I mean I drove down from Taos, and it's a really long way, and it would be really respectful of the other participants in this meeting to at least rotate the meetings.

ROMERO: And to rotate the meetings in a fifty-mile radius, or uh ..wha? I'm sorry.

KOTOWSKI: No, I mean, ... Espanola. We would be happy to be able to be able to commute to Espanola and that

ROMERO: Okay.

KOTOWSKI: [continuing] means it will be a centrally located meeting for people in Santa Fe, for people in Los Alamos, and for people who live in the Embudo Valley and Taos. And we are all involved in this project.

ROMERO: Okay.

UNIDENTIFIED PERSON: Dixon?

KOTOWSKI: Dixon. Embudo Valley. Um hm.

[Pause]

[INAUDIBLE VOICES]

ROMERO: It sounds like we are transitioning away into some of the next topics. Joni [ARENDS] I'm gonna get the mike to you over there. [Pause] This isn't topics, I wrote it on that topics.

KOTOWSKI: Was I out of turn?

ROMERO: No, no, you were fine.

ARENDS: To follow up on what Sheri [KOTOWSKI] has said, these meetings would not be taking place but for [WHISPERED SIDE CONVERSATION OCCURS] ... the settlement agreement. And we believe that these meetings should be rotated. And that the interested parties should have time on the agenda to be able to present the work that we've done in order to facilitate these meetings. There may be 10 to 12 of these meetings over the course of the next five or six years, and I really feel disrespected for the work that I put into it and my organization to bring these issues forward, to not have the opportunity to present what we did as community groups representing people living in downwind communities of the Los Alamos National Laboratory. And so I would like you to put that up there [on a flip chart]. I would also ask that tonight we set the meeting time for the September meeting and that we set up a phone call in August to be able to talk about the agenda for the meeting because things may change between now and September and perhaps the seismic issues will be much broader or perhaps the air permit issues may be much broader than what we think they might be tonight.

ROMERO: Joni [ARENDS], there's time for presentations right now. I think what you are talking about is the preparation for the future meetings, which would include maybe a phone call in August or September. So we've jumped kinda toward the end. But there's plenty of time if there's other, um, presentations that folks wanna make now before we lose people. So just to make sure that you understand, is there's plenty of time to present, um, um anything that you've got, if you've got anything, any kind of handouts, or other kinds of presentations, we've got time.

[WHISPERED SIDE CONVERSATION OCCURS.]

ROMERO: I'll return to you.

[WHISPERED SIDE CONVERSATION CONTINUES.]

ROMERO: Let's see, there's a couple of hands on this side.

PRINCE: I have comment to make.

ROMERO: Sure.

MALE VOICE [Whispers]: I know I can't.

PRINCE: This is Peggy. I have a comment on what you just said and that is that because it was implied that there would be no time for other groups to make presentations, it's, I think, unless they are peered and they have their handouts, and it's very difficult to prepare for these things.

ROMERO: Um hm.

PRINCE: And it takes, it's very time-intensive and groups like CCNS and Nuclear Watch have their hands full with a lot of different things, and so what they need is advance notice. ...

ROMERO [Interjects]: Okay.

PRINCE: ... so that they can prepare and get their slides and their information together. So I think it's sort of an ambush to tell them that they can present now.

ROMERO: Right. And lemme be clear. We've got lots of time that if other folks had preparation or had any information that we could make sure that we included that. I think I had your hand next, and then let's see if there's others down there.

KOTOWSKI: Yeah, I just wanted to add, because I agree with what Peggy said, and I really, it's very unfair of you to say, "Oh, well guess what, we have time now so you can make your presentations." It, I mean, how long did Steve have to prepare for his presentation? How long did the other gentleman prepare for his presentation? I mean, you can't, you don't just throw these things together ...

ROMERO: Yeah. Yeah.

KOTOWSKI: [continuing] and it should have been on the agenda saying,
"The citizen groups will have presen..., this will be the presentation that the citizen groups will offer

ROMERO: Okay.

KOTOWSKI: [continuing] at this meeting."

ROMERO: All right.

KOTOWSKI: [continuing] I mean, we are not an afterthought.

ROMERO: No, no. And what I'm saying is, in preparation for any of the future meetings, is maybe even change the loc, your suggestion was change the location. If that worked out, let people know that they can prepare meetings. So,

KOTOWSKI: [Unintelligible words over end of Romero's speech.] What we would like is to have is to have cooperation in having these meetings in the first place.

ROMERO: Okay.

KOTOWSKI: And be treated as the interested parties who negotiated to having these meetings in the first place. So, we want a place on every agenda. We want the meetings rotated. Because

this is just considering the effort that we put into these meetings in the first place.

ROMERO: Okay. All right. Others? [Pause] Do you want to talk a little about what should happen at the next meeting? Some of those topics that should be covered at the next meeting? Any ideas? or save that for August? Is there a time now that you want to get into that? I'm gonna point out, is [it's] there on the agenda.

UNIDENTIFIED PERSON: It's not on the agenda.

[INAUDIBLE WORDS]

ROMERO: Right. Um. Request for topics for [the] next meeting is on the agenda. So I'm jumping us to that section if you want to talk about what should be covered, because we've kinda gone in direction by the suggestions that have already been made. So I'm just checking in with all of you if there's any kind of topics, ideas for the, ah, next meeting. Or you can put 'em on the comment form. [Pause] Those are just ideas. I've got your hand, and then I've got Joni's [ARENDS] hand.

ARENDS: Yes, if we are going to be speaking about the non-rad air permit, it would be helpful for the state to be here as well.

ROMERO: Okay.

ARENDS: And so when we do, if we are able to have a conference call in August, that we could talk about possible issues in order to inform people about how they can participate in the non-rad air emission permit for the rad facility. [Sound of marker on flip chart.] It might be helpful to ask George Brozowski from EPA Region 6 to be present to give a presentation about the rad portion of the permit in order to inform people who are here for information purposes. We'd also like to learn more about the seismic compliance. And, as we are, it looks like we are gonna be focusing on the air issues, then let's have a presentation by the Defense Nuclear Facilities Board regarding the passive confinement and leak path factor analysis. And those issues, Rosemary [ROMERO], have been raised in reports that they have written about that.

ROMERO: Okay.

ARENDS: Especially in light of the fact that the design work is going forward. Um.

[SOUND OF PAGES TURNING, PAUSE.]

ROMERO: Okay.

ARENDS: And also I would like to understand more about why these meetings are recorded, number one, why these meetings are being transcribed, and where
that transcription is going.

ROMERO: Lorrie [LOPEZ], do you want to respond that way? Ah, uh, because the scripting, I'm only capturing a couple of notes to make sure that for the next meetings,—but we are also have the audiotape just to make sure that we've captured all the comments, bits [for] posterity just to make sure that we've got that. Oftentimes, I've, you've seen in other meetings that I have facilitated, I scribe a whole lot and then I produce a summary and send that to folks. This is just run a little bit differently in that way is that I'm not scribing all of the comments. They are all being audio recorded. Um, I see that there is also a video camera. I'm not quite sure what y'all, if that's gonna be available, that's, or personal. So I know from the LANL side we are, it is being audio recorded, but that is really for keeping track of the, of the comments that were made and make sure we don't lose anything. So, there's not that scripted summary that you are asking about, Joni [ARENDS]. I hope I answered that. Okay. Peggy?

PRINCE: Yeah. Now I think that's an excellent question because I know in the SWEIS process when there's a public hearing, um, the comments and questions and answers are transcribed and become part of the formal record. Do these meetings and what you are recording become part of the formal record of the CMRR work? Does it go into the SWEIS at some point, because CMRR is part of it?

ROMERO: Go ahead Lorrie [LOPEZ].

LOPEZ: Our main purpose in recording it was that part of the agreement is to take both written and verbal comments. So this is our way of taking verbal comments.

UNIDENTIFIED PERSON: Will they eventually become part of the formal SWEIS?

LOPEZ: There's, ... No, the SWEIS has its own process. This is just for the purpose of fulfilling on the agreement.

ROMERO: Okay. [Pause] Others? Other ideas? Penny? We're gonna get the mike to you, please.

PRINCE: So you did mention in the beginning that the transcripts would be available to anybody who wanted them?

ROMERO: No, no. I didn't. I was trying to clarify, uh, with Lorrie, what happens to the audio-tape and I'll just turn it to her to respond to that.

LOPEZ: I said they would be available.

ROMERO: Oh. Rosemary [ROMERO] didn't say they would be available.

UNIDENTIFIED PERSON: So Lorrie says [SPEECH BECOMES UNINTELLIGIBLE]

ROMERO: Lorrie said they would be available.

UNIDENTIFIED PERSON: How will they be available?

LOPEZ: We'll get them transcribed.

ROMERO: Wow.

UNIDENTIFIED PERSON: Will they go on a website or could we get them by mail? Or ....
LOPEZ: It will be by mail, probably on a CD because it will be sorta long.

ROMERO: Yeah. I know that for some of the public meetings I'm running in Santa Fe I'm started to just videotape them and put 'em on public access TV. It was just a quick way to get the word out because sometimes I wasn't summarizing fast enough, so, I mean that there's different ways to get the word out, and it sounds like this is gonna be a verbatim kind of effort, for sure, with the audiotape. But there's the combination of the written and the audio that will be made, is what it sounded like, Lorrie. Okay?

LOPEZ: No, we are not gonna distribute the audio. It'll be a transcription.

ROMERO: Just a transcription. Okay. All right? [Pause] Any other questions of Steve [FONG] or Tim [NELSON], folks? All right. So, I'm gonna, here's what I've captured to make sure that I got information correct that is going to go into the record as, in preparation for the Fall meetings, as I'm calling them. Some of the suggestions have been to use the August conference call as an opportunity to include other people like NMED, EPA, um, information about seismic compliance or, I may have captured this incorrectly, but, um, it sorta happens when you put pens in facilitator's hands is they forget how to spell, um Defense Nuclear Facility Board, and Joni [ARENDS], I hope I've shorthanded that one, and then maybe some ideas about what would work for any future meetings on recording. And I think that what Lorrie has described is really pretty accurate and, um, adequate, which is the, a transcription of the meeting, which is a summary, and that is different from I'll do sometimes—I think you've seen those Joni [ARENDS], is I do a summary of the discussions. So those are some of the topics and ideas that would, um, that people are asking for, maybe advance notice to prepare for information would create more cooperation because that's what you are looking for, is mechanisms for creating more cooperation between the entities and then, um, um, the idea that maybe meetings could get rotated between Taos, Embudo Valley, Espanola, Santa Fe, but some of those affected parties, as you noted. So those are some of the things that I've heard from folks.

SHERI KOTOWSKI: I think it would be adequate just— [resumes with mike] I think it would be adequate having them between Los Alamos and Espanola.

ANOTHER: Okay.

ROMERO: Fair. Others? Okay. My sense is that we are getting closer to the end of our time is what it is looking like. Steve [FONG], I'm looking to you. Others? We're gonna stay a little bit longer here in case if anybody wants to meet with anybody one-on-one. We've got that kind of time, but I'm gonna let you wrap up.

FONG: Okay.

ROMERO: Okay?

FONG: Well thank you for taking the time to come out here this evening. I hope we can look forward to the next meeting and put some of these points on the agenda. Um, we look forward to your suggestions and comments. Again, thank you for showing up.

ROMERO: Oh, Steve [FONG], I wanna say one more thing. I'm sorry, there's a comment form, if you, um, would like to fill out the comment form and leave it for us, we'd really appreciate it. There was a sign-in sheet that I hope that you signed in so that, um, so that you'd get on, is there a mailing list that goes out? So I hope you wrote your names clearly, and didn't scribble your neighbor's name on that. So, that's gonna go up to the front so that if you didn't sign in that you will have a chance to please sign in. And again, thank you all for attending, and, let's hope for snow.

IV. Slideshow

Chemistry & Metallurgy Research Replacement (CMRR) Project

Welcome

CMRR Project Update

Fuller Lodge, Los Alamos, New Mexico
March 9, 2006

Rosemary Romero, Meeting Facilitator

Agenda

6:30	Welcome Ground Rules Background and Purpose Briefing on Public Comment Provisions Introductions	*Rosemary Romero*
6:45	CMRR Project Overview	*Tim Nelson* *Steve Fong*
7:20	Question & Answer	*Rosemary Romero*
7:35	Public Comment	
8:25	Requests for Topics	
8:30	Thank You and Adjourn	*Steve Fong*

Ground rules

- Listen respectfully
- Share the airtime with other participants
- Wait until you are called upon to speak
- Turn cell phones off or on mute
- No personal attacks

Background and Purpose of Public Meeting

- Settlement provided for segmented air permitting matching project phased development and public involvement
- Parties included
  - New Mexico Environment Department
  - Department of Energy
  - University of California
  - Concerned Citizens for Nuclear Safety
  - Nuclear Watch of New Mexico
  - Peace Action New Mexico
  - Loretto Community
  - TEWA Women United
  - Embudo Valley Environmental Monitoring Group
  - New Mexico Environmental Law Center
- Meeting will be held every six months to update the public on the progress of CMRR construction

Chemistry & Metallurgy Research Replacement (CMRR) Project

CMRR Project Update

Fuller Lodge, Los Alamos, New Mexico
March 9, 2006

Presented by
Steve Fong, LASO
Dr. Timothy O. Nelson, LANL

CMR Replacement Project — Background

CMR Operations – 50 year history

1949 to 1952: The Chemistry and Metallurgy Research Building (CMR) is constructed to house analytical chemistry (**AC**) and material characterization (**MC**) operations involving actinide metals.

CMR supports assigned DOE mission

1996: The Stockpile Stewardship and Management Programmatic Environmental Impact Statement Record of Decision assigns a variety of science, research and development, and production operations to LANL to support the DOE mission.

Record of Decision (ROD) on the Final Programmatic Environmental Impact Statement (PEIS) for Stockpile Stewardship and Management
http://www.fas.org/nuke/guide/usa/doctrine/doe/n014.htm

Los Alamos NATIONAL LABORATORY EST.1943 NNSA

CMR Replacement Project — Background

CMR Operational Impacts Assessed

1999: LANL Site-Wide EIS analyzes environmental impacts including the CMR.

Decision to Relocate CMR Operations

1999: The CMR Risk Management Strategy addresses increasing limitations of the aging facility by:

- Placing operational limits on the CMR Building;
- Planned relocation of AC and MC operations on or around the year 2010; and
- Initiating planning for relocating and sustaining existing AC and MC capabilities.

CMR Replacement Project — Background

CMRR EIS on Site Selection/Construction Impacts

2004: CMRR EIS analyzes bounding site and construction impacts of the CMRR Project and ROD issued containing the following:

- Preferred alternative is to build a new replacement facility, CMRR
- Site location for the new facility is at TA-55, LANL.
- A single nuclear facility with a separate administrative office and support functions building.
- The existing CMR is to be decommissioned, decontaminated, demolished in its entirety.

http://www.eh.doe.gov/nepa/eis/eis0350/tocindex.html

New LANL SWEIS

Ongoing: LANL Site-Wide EIS analyzes environmental impacts of ongoing and planned operations for several new and planned projects. CMRR is contained in all alternatives. Mid April 2006 release for public and stakeholder comment.

CMR Replacement Project
CMRR Facility Site Location,Technical Area-55

CMR Replacement Project
CMRR Site Layout, Phase A Renderings

RLUOB Facility Renderings from Design-Build Proposal

RLUOB as viewed to the Northwest

RLUOB as viewed from the South

CMRR Replacement Project, Project Phasing

Total project cost: $745M-$975M

CMRR PROJECT

RADIOLOGIAL LAB UTILITY OFFICE BUILDING	SPECIAL FACILITY EQUIPMENT (SFE)	NUCLEAR FACILITY
PHASE A	**PHASE B**	**PHASE C**
- Radiological Lab Space - Utility Building - Office space CMRR workers - Consolidated TA-55 Training facility	- Facility Gloveboxes and Hoods - Long-lead, specialty equipment - Programmatic Equipment	- Core Nuclear Operations

Project Status	- Design/Build Contract Awarded - Design Process Started - Contractor Mobilization - Operational in 2010	In preliminary design	In preliminary design
		Approved (conceptual) design/construction schedule: 8-12 years	

CMR Replacement Project — Key Items of Interest

- Safety-Design integration is a key project objective
- Leadership in Energy and Environmental Design (LEED) Certification – Phase A only
- Air Quality Permitting/design considerations
- Geotechnical data verification

Integration of Safety into Design

- Nuclear safety design
  - codified into law
  - primary design consideration
  - structures, systems, and components are developed and rigorously assessed throughout project life
- Implementation of “defense-in-depth” safety concept
- Lessons learned from all nuclear projects within DOE
- Chief of Defense Nuclear Safety (NA-2) involvement
- Defense Nuclear Facility Safety Board (DNFSB) oversight

LEED – Environmental Stewardship

LEED: Leadership in Energy and Environmental Design

The LEED (Leadership in Energy and Environmental Design) Green Building Rating System® is a voluntary, independently verified, consensus-based national standard for developing high-performance, sustainable buildings.

Contract Specification
(Silver Certification)

CMRR Radiological Laboratory Utility Office Building (RLUOB) Phase A

http://www.usgbc.org

LEED – Environmental Stewardship

RLUOB design effort has started and it's the design build contractor responsibility to achieve silver certification.

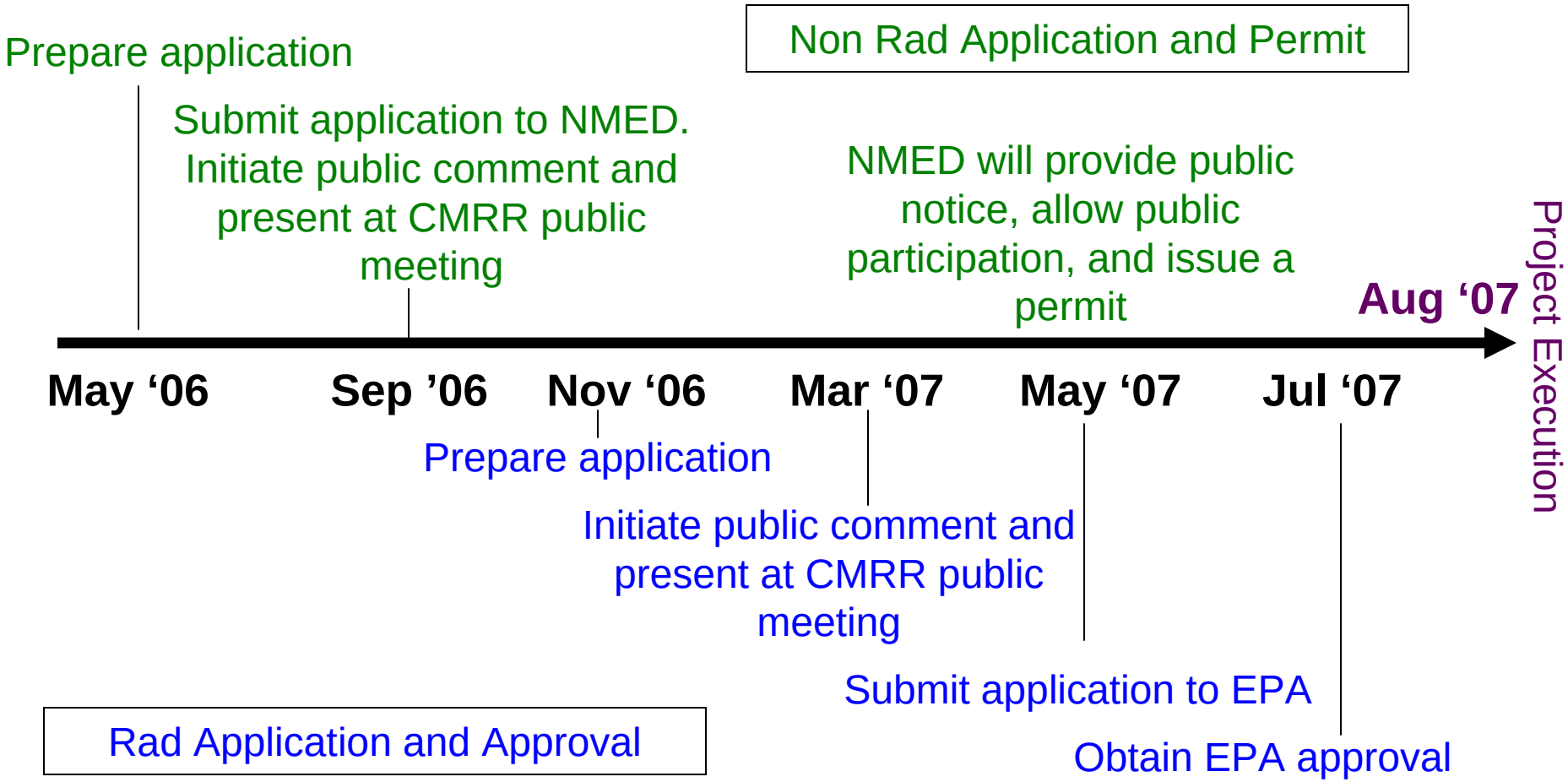
LEED Rating System involves scoring via multiple criteria under each of the follow sustainable design topics:

- Sustainable Sites
- Water Efficiency
- Energy and Atmosphere
- Materials and Resources
- Indoor Environmental Quality
- Innovation in Design

CMRR Air Quality Considerations

- Air Quality Permitting – increased regulatory reporting, subject to regulatory inspections
- Improved emission controls (modern HEPA filtration systems)
- Reduction in stack emission points
- Modern stack sampling equipment

CMRR Air Permits – Nuclear Facility



CMRR Geotechnical Investigation

- Excavation of Future Nuclear Facility location – Spring 2006
  - Definitive geotechnical investigation supplement borehole studies
- Seismic Mapping of excavation - Summer 2006 – Spring 2007
  - Identify potential faults and offsets within the tuff units
- Update of Site-Specific (LANL) Probabilistic Seismic Hazards Assessment (PSHA) – Summer 2006 validation and update of seismic sources, design basis ground motion, and influence of local effects
- Data from PSHA incorporated into the design review cycles for Preliminary design

CMR Replacement Project — Summary

- CMR is approaching the end of its operational life
- CMR capabilities support core NNSA mission requirements
- CMRR represents responsive infrastructure
  - Supports modernization of a key nuclear capability
  - Increases operational efficiencies, reducing operational costs
  - Enhances security posture and reduced security costs
  - Enhances environmental compliance posture, fewer monitored emission sources with latest EPA specified technology
- Integration of safety into design is key
- Four years of project development to date, budget in place to support current project development phase

CMRR will be a safe, secure, and modern facility to meet the Nation's requirements.

V. Written Comment Read Into Record

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Thursday, March 9, 2006
CMRR Public Meeting @ Fuller Lodge, Los Alamos
COMMENT SHEET

How was this event?

How were the presentation materials?

How were the presenters?
Could the facilitator + presenters talk a little more slowly?

What additional information would be helpful to you?

Is there anything else you would like for us to know?

May we contact you?

Name: Penny McMullen Phone/E-mail: pmcl@cnsp.com
Mailing Address: _____

COMMENTS FOR CMRR PUBLIC MEETING, MARCH 9, 2006
FULLER LODGE, LOS ALAMOS
SUBMITTED BY PENELOPE MCMULLEN, SL, FOR LORETTO COMMUNITY

I am the regional peace and justice coordinator for the Loretto Community of Sisters and comembers. The Sisters of Loretto came to New Mexico in 1852, so we have a 154-year history of serving the people of this Land of Enchantment.

At previous meetings, some of the people of Los Alamos referred to Sisters as "do-gooders who don't know what they are talking about." So first I want you to know that I have been studying and actively involved in nuclear issues for 30 years. When I lived in NY in the 1980s, I worked with internationally renowned Dr. Bertell, whose research showed that even low-level radiation from each step involved in producing nuclear weapons has devastating effects on employees and the surrounding environment.

So I will speak today of the environmental aspects of any nuclear work.

Dr. Bertell studied the report by the UN Scientific Committee on the Effects of Atomic Radiation which estimated the ionizing radiation dose to the public from nuclear activities between 1943 and 1990. Using their figures, Dr. Bertell concluded that over 30 million fatalities and serious injuries have or will result from nuclear activities that took place during the first five decades (Planet Earth 2002: A Nuclear Postscript, International Peace Update, March 2002). This is more than 3000 times the death toll from all four terrorist attacks on Sept. 11, 2001. Our nuclear activity is actually killing us in the name of defense!

In the 1940s, Loretto Sisters in Socorro taught children of some of the scientists who worked on the Trinity test. The day after the test of the first nuclear bomb, the children brought to school what they called "clinkers," the melted blobs from the bomb tower. These clinkers were passed around the school before it was known that they were radioactive. While this would not happen today, no matter how careful you try to be, accidents and mistakes will continue to occur.

Even without accidents and mistakes, all nuclear production, from mining and milling of uranium ore to transportation, manufacturing, testing and disposal

of radioactive waste, causes some harm not only to the workers, but also to the environment which in turn affects people and animals and plants that are impacted by any contamination of land, water and air.

Since no part of the weapons-producing process can avoid exposing the workers to some degree of radiation, governmental agencies have set "permissible" levels of radiation exposure. However, these "permissible" levels are really the levels of illness and deformed children which the regulatory agencies think the public will accept in return for the supposed benefits of nuclear technology. Today most scientists agree that the effects of low-level radiation are much more serious than we were originally aware of -- 1000 times more damaging than is commonly believed. Many radiobiologists agree with Dr. Bertell that any degree of exposure to radioactive particles causes some biological damage and that there is **no** level of radiation exposure that can truly be called safe, especially when it is continuous.

The Petcau study conducted by the Canadian Atomic Energy Dept. proved that radiation has a cumulative effect in the body -- each time you are exposed, it builds up in your body. Each of us who lives or works or goes to school near or downwind or downstream from a nuclear facility, or along a nuclear transportation route can be exposed to "safe levels" again and again and again, until the the radiation buildup is no longer a safe level and produces cancer or genetic defects in our children.

National security requires environmental health. The ordinary New Mexico citizen does not feel secure when nuclear facilities can harm us all, not just today but for generations to come.

The Loretto Community in New Mexico and worldwide oppose the building of the CMRR building which would create more plutonium pits. The Bush administration talks a lot about morality. In 1979 the entire body of Loretto members gathered for that year's General Assembly wrote by consensus and publicized our commitment to working for nuclear disarmament "as an urgent moral imperative." We concluded that even if nuclear weapons are not used, the mere production and stockpiling of them is immoral.

VI. Sign-in Sheet

Los Alamos
NATIONAL LABORATORY

Thursday, March 9, 2006
CMRR Public Meeting @ Fuller Lodge, Los Alamos -- SIGN IN SHEET

DO YOU WISH TO SPEAK?

NAME	ADDRESS	TELEPHONE NUMBER	E-MAIL	~~INFORMATION REQUESTED:~~
Peggy Pearce	Peace Action NM 226 Fiesta St. S.F.	989-4812	—	maybe
Juan Estrada	NNSA-LASO 528 35th Street LA 87544	667-4434		NO
Tom [illegible]	"	665-5442		NO
Ben Nelson	242 Garver	672-4204		
Phil Wardwell	LANL	665-5557	wardwell@lanl.gov	NO
Jackie Hurtle				NO
TORI GEORGE	LANL	667-2211	torig@lanl.gov	NO
Roger Snodgrass	254 DP Rd Los Alamos	662-4185	roger e lambda.tor.com	NO
Tom Nelson	LANL	7-2324	tom@lanl.gov	—
Scott Kovac	NNWM	989-7349	scott@nukewatch.org	yes

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Thursday, March 9, 2006
CMRR Public Meeting @ Fuller Lodge, Los Alamos – SIGN IN SHEET

DO YOU WISH TO SPEAK ?

NAME	ADDRESS	TELEPHONE NUMBER	E-MAIL	~~INFORMATION REQUESTED~~:
John Witham	1445-B Santa Cruz	699-7914	John@nukewatch.org	(NO)
M. [illegible]	1702 Watch Point SF	988-9263		(NO)
Paul Terp	5 Hopi Ln.	490-2722	pterp@earthlink.net	
Susan Terp	5 Hopi Ln			
David O'Flynn	13907 Country Lane Gainesville VA 20155	571 333-7350	david.oflynn@sms.us	NO
Dianne Wilburn	1042 Oro Ct	662-6102	dwilburn@lanl.gov	
Carmen M. Rodriguez	?			
Brad Mullins				NO
Dave Fuehne				NO
Mark Diveheart	530 Brighton			NO

Page ___ of ___

Los Alamos
NATIONAL LABORATORY

Thursday, March 9, 2006
CMRR Public Meeting @ Fuller Lodge, Los Alamos – SIGN IN SHEET

DO YOU WISH TO SPEAK?

NAME	ADDRESS	TELEPHONE NUMBER	E-MAIL	~~INFORMATION REQUESTED~~:
Penny McMullen				yes
SHERI KOTOWSKI				yes

Page ___ of ___