

**MINUTES
of the
SECOND MEETING
of the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**August 21, 2023
Council Chambers
Los Alamos County Municipal Building
1000 Central Avenue
Los Alamos**

The second meeting of the Radioactive and Hazardous Materials Committee (RHMC) was called to order by Representative Joanne J. Ferrary, chair, on August 21, 2023 at 9:10 a.m. in the Council Chambers of the Los Alamos County Municipal Building in Los Alamos.

Present

Rep. Joanne J. Ferrary, Chair
Sen. Jeff Steinborn, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Christine Chandler
Rep. Stefani Lord
Sen. Brenda G. McKenna
Sen. Shannon D. Pinto
Sen. Nancy Rodriguez
Rep. Debra M. Sariñana

Absent

Rep. Cathrynn N. Brown
Sen. David M. Gallegos
Sen. Joshua A. Sanchez

Advisory Members

Rep. John Block
Sen. Harold Pope

Sen. Ron Griggs
Rep. D. Wonda Johnson

Guest Legislator

Rep. Tara L. Lujan

Staff

Sonya Snyder, Legislative Council Service (LCS)
Tom Kricka, LCS
Sara Wiedmaier, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Welcome and Introductions (9:10 a.m.)

Representative Ferrary asked members of the committee, staff and audience to introduce themselves, and Linda Matteson, deputy county manager, Los Alamos County, welcomed the committee to Los Alamos.

Approval of Minutes (9:26 a.m.)

On a motion made by Senator Pinto, seconded by Senator Rodriguez and without objection, the minutes of the June 15, 2023 meeting were approved.

Chromium Plume Cleanup and Other Environmental Management Issues (9:27 a.m.)

Michael Mikolanis, manager, Los Alamos Field Office, Office of Environmental Management, United States Department of Energy (DOE); Rick Shean, director, Resource Protection Division, Department of Environment (NMED); Maggie Hart Stebbins, natural resources trustee, Office of Natural Resources Trustee (ONRT); Kate Girard, executive director, ONRT; and Joni Arends, co-founder and executive director, Concerned Citizens for Nuclear Safety, discussed the chromium plume cleanup and other environmental issues in the Los Alamos area. Mr. Mikolanis discussed the DOE's top priorities, including accelerating progress on cleanup of the chromium plume, meeting the 2016 consent order milestones and continuing work on characterizing and repackaging above-ground transuranic waste. Mr. Shean focused on issues concerning the chromium plume, including the NMED's role in overseeing the DOE's extraction and cleanup of contaminated ground water pursuant to the Chromium Interim Measures and Characterization Work Plan and 2016 Compliance Order on Consent. Ms. Stebbins and Ms. Girard talked about the ONRT's plan for natural resource restoration and damage assessment of the chromium plume. Ms. Arends requested that the legislature take action on chromium plume cleanup by allocating more funding to the Office of the State Engineer and the NMED and reviewing rules and regulations for public participation in agency hearings regarding the permitting process. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/21/2023&ItemNumber=1>.

Approval of Motion to Send a Letter to the NMED and the DOE Regarding Chromium Plume Cleanup (11:26 a.m.)

On a motion made by Senator Steinborn, seconded by Senator Rodriguez and without objection, the committee approved sending a letter to the NMED and the DOE, copying New Mexico's congressional delegation, encouraging the NMED and the DOE to seek an independent third party to settle their technical disputes regarding cleanup of the chromium plume and to help the entities work toward an agreement on a final remedy.

Issues Concerning Downwinders (11:29 a.m.)

Tina Cordova, co-founder, Tularosa Basin Downwinders Consortium, and Barbara Webber, executive director, Health Action New Mexico, provided a presentation on the issues concerning people impacted by the Trinity nuclear test. Ms. Cordova provided updates on fallout disposition mapping, plutonium studies and amendments to the federal Radiation Exposure Compensation Act. Ms. Webber discussed the health impacts caused by the Trinity nuclear test. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/21/2023&ItemNumber=2>.

Approval of Motion to Send a Letter to Congress in Support of the Amendments to the Federal Radiation Exposure Compensation Act (12:04 p.m.)

On a motion made by Senator Pinto, seconded by Representative Lord and without objection, the committee approved sending a letter to Congress, copying New Mexico's congressional delegation, encouraging the conference committee to keep amendments to the federal Radiation Exposure Compensation Act in the National Defense Authorization Act for Fiscal Year 2024.

Weapons-Grade Plutonium Transport (12:09 p.m.)

Craig Tucker, state hazardous materials coordinator, Homeland Security and Emergency Management Department, and Cynthia Weehler, co-chair, 285 All, discussed the transportation of weapons-grade plutonium in the state. Mr. Tucker briefed the committee on the state's preparedness for and response to transportation incidents involving weapons-grade plutonium and requested that the legislature update the Hazardous Chemicals Information Act to incorporate the federal Emergency Planning and Community Right-to-Know Act of 1986 tier 2 reporting requirements and fee structure. Ms. Weehler discussed the expansion of the Waste Isolation Pilot Plant and the risks involved in the accompanying increase in shipments. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/21/2023&ItemNumber=3>.

Defense Nuclear Facilities Safety Board (DNFSB) Report (12:57 p.m.)

Mark Sautman, associate technical director, Field Operations, DNFSB, provided a report on the DNFSB's activities to fulfill its statutory mission of providing independent analysis, advice and recommendations to the United States secretary of energy for the purpose of providing adequate protection of public health and safety at defense nuclear facilities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20082123%20Item%204%20Defense%20Nuclear%20Facilities%20Safety%20Board%20Report.pdf>.

Plutonium Pit Production and Other Los Alamos National Laboratory (LANL) Projects (1:33 p.m.)

Mr. Shean; Greg Mello, executive director, Los Alamos Study Group; and Jay Coghlan, executive director, Nuclear Watch New Mexico, discussed topics concerning plutonium pit production at LANL. Mr. Shean discussed the NMED's regulatory scheme for the Surplus Plutonium Disposition Program. Mr. Mello urged the committee to write a letter to the DOE, the National Nuclear Security Administration (NNSA) and certain congressional committee chairs and ranking members requesting a halt to the NNSA's efforts to create a pit production facility at LANL. Mr. Coghlan discussed plutonium pit production, including the detection of plutonium at LANL. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/21/2023&ItemNumber=5>.

Executive Session: Update on Plutonium Pit Production, Weapons-Grade Plutonium Transport and Other LANL Projects (2:45 p.m.)

Tour of LANL, the Los Alamos Neutron Science Center (LANSCE) and the Isotope Production Facility at LANSCE (3:45 p.m.)

Adjournment

There being no further business before the committee, the meeting adjourned at 5:15 p.m.