

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

**September 9, 2020
Video Conference Meeting**

The first meeting of the Radioactive and Hazardous Materials Committee was called to order by Representative Angelica Rubio, chair, on September 9, 2020 at 10:00 a.m. by video and audio conference via an online platform.

Present

Rep. Angelica Rubio, Chair
Sen. Jeff Steinborn, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Phelps Anderson
Rep. Cathrynn N. Brown
Rep. Christine Chandler
Sen. Roberto "Bobby" J. Gonzales
Sen. Ron Griggs
Sen. Gay G. Kernan
Sen. Richard C. Martinez
Sen. Nancy Rodriguez

Absent

Rep. Joseph L. Sanchez

Advisory Members

Sen. Clemente "Memé" Sanchez

Sen. Gregory A. Baca
Sen. William F. Burt
Sen. Gregg Fulfer
Rep. David M. Gallegos
Sen. William H. Payne
Rep. Debra M. Sariñana
Rep. James G. Townsend

Staff

Shawna Casebier, Legislative Council Service (LCS)
Sara Wiedmaier, LCS
Tom Kricka, LCS

Handouts

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

Welcome and Introductions (10:00 a.m.)

Representative Rubio welcomed everyone to the meeting.

Los Alamos National Laboratory (LANL) Operations and Updates (10:05 a.m.)

Dr. Thomas Mason, director, LANL, updated the committee on the operations of LANL. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/9/2020&ItemNumber=1>.

Comments from committee members included the following:

- LANL produces an integrated site plan that brings together all different elements of infrastructure revitalization each year. The plan includes leasing additional space, infrastructure investments, capital projects and renovation of existing and additional space;
- Sandia National Laboratories is a sister institution to LANL. LANL began as a division of Sandia National Laboratories. Sandia National Laboratories' primary mission is to develop non-nuclear components of nuclear deterrence and share in activities of nuclear nonproliferation;
- LANL is conducting a statewide environmental impact statement on its current operations, fire and earthquake safety issues and the impact of expanding the number of plutonium pits produced at the facility from 20 to 30 per year. An environmental impact statement includes consultation with the public;
- the National Security Agency reached a decision that the increase in plutonium pit production at LANL would not have a significant impact on the environment;
- LANL has produced models on infectious diseases to help predict what supplies will be needed and where those supplies will need to be distributed. The models allow the state to weigh costs and benefits and make better decisions. The modeling does not look at issues such as who is wearing a mask or where there are more essential workers;
- LANL is anticipating completing the additional plutonium pit production by 2036. The first new pits should be produced by 2023. One issue that has delayed the process is recruiting qualified people, including inspectors; and
- LANL has implemented additional safety initiatives to protect workers who could possibly be exposed to radiation.

Progress on the Department of Environment's (NMED's) Compliance Order on Consent with LANL and the Cleanup of Legacy Waste (11:30 a.m.)

Stephanie Stringer, director, Resource Protection Division, NMED, and Steve Hoffman, deputy manager, Environmental Management-Los Alamos, United States Department of Energy (DOE), made a presentation to the committee on the progress of NMED's consent order with LANL and the cleanup of legacy waste at LANL. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/9/2020&ItemNumber=2>.

Comments from committee members included the following:

- old uranium mines in Cibola and McKinley counties have not been remediated since the 1950s. The remediation of these mines is the responsibility of the United States Department of Defense and the United States Environmental Protection Agency (EPA), not the NMED;
- since January 2020, five shipments of transuranic waste have been transferred to the Waste Isolation Pilot Plant (WIPP). The DOE is planning to make 30 shipments per year of legacy waste that was created before 1999, and it plans to completely remove all legacy waste in approximately six years;
- the WIPP receives about 100 shipments of waste each year; and
- if remediation is too slow, the state should consider instituting litigation, as was done in Idaho, or reconsider renegotiation.

LANL Operations and Expansion Community Concerns (1:15 p.m.)

Beata Tsosie-Pena, program coordinator, Environmental Health and Justice Program, Tewa Women United; Joni Arends, executive director, Concerned Citizens for Nuclear Safety; and Greg Mello, executive director, Los Alamos Study Group, discussed community concerns about LANL operations. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/9/2020&ItemNumber=3>.

Comments from committee members included the following:

- if LANL's plutonium pit production were not an issue, there would be fewer concerns about the mission and operations of LANL;
- the budgets of LANL and Sandia National Laboratories are growing quickly; however, LANL's budget is growing particularly fast, and LANL has a much larger environmental footprint compared to that of Sandia National Laboratories;
- a concern was expressed about the lack of transparency in LANL's proposal regarding site development and the construction of additional roads and the fact that the roads will receive no federal funding;
- the tritium releases planned by LANL have been delayed because of the COVID-19 pandemic. Venting was scheduled to resume on September 11, 2020. There has been little notice about the venting and that releasing tritium into the air could have adverse health impacts on people in the surrounding area, such as Santa Clara Pueblo residents, and poses a great risk to pregnant women. The tritium has been stored by LANL for decades. After a briefing with the EPA and the DOE, which included

public outreach, a decision was made for a planned release to prevent a possible unplanned release if the old cylinders rupture. The NMED must authorize the release and is considering the action at this time. There is a risk to the public's health however the tritium is released; and

- the COVID-19 pandemic has revealed the inequities that existed prior to the pandemic, such as access to broadband. Public outreach on environmental issues will not be as effective in areas where there is little access to technology.

Updates on Kirtland Air Force Base Bulk Fuel Spill, Per- and Polyfluoroalkyl Substances Contamination and Remediation of Contaminated Sites (2:17 p.m.)

Ms. Stringer updated the committee on the Kirtland Air Force Base bulk fuel spill and the remediation of contaminated sites. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/9/2020&ItemNumber=4>.

Comments from committee members included the following:

- the NMED has been facing the issue of budget cuts. It costs more overall to wait until there is enough money in the budget to take action than it would cost to have an adequate budget from the beginning;
- the NMED would require an additional \$10 million to be fully funded; and
- the NMED has vacancies in about 25 to 30 percent of its positions, but this varies for different departments within the NMED. It is difficult to recruit people at the NMED's pay scales.

Public Comment (2:49 p.m.)

Comments from members of the public included the following:

- Cynthia Wheeler spoke in opposition to LANL's tritium release and the expansion of the WIPP. Ms. Wheeler expressed concern that there is a lack of transparency and that the NMED is not holding the DOE to the agreement made in 1992 on how much waste would be stored over a certain time period;
- Susan Sherman spoke in opposition to the tritium release, the plutonium pit expansion and Holtec International bringing nuclear waste to New Mexico. Also, Ms. Sherman stated that the production of nuclear weapons should cease and that people who have been affected by the development of nuclear weapons and technology should be compensated for the damage done to them and to the environment. Ms. Sherman urged the NMED to clean up the mixed-waste landfill in Albuquerque;
- Joe Caradillo expressed concern about the lack of clarity and oversight over LANL's activities and expansion;
- Justine Teba stated that she was disturbed by the news of tritium release in Tewa airspace and urged a complete cessation to nuclear production because these activities

pollute the watershed and have negative health impacts for people in surrounding communities;

- Leona Morgan commented that people in the state are unaware of their exposure to radiation and other hazardous materials and that there should be information made available on the news. Also, Ms. Morgan commented that the planned 2024 closure of the WIPP should be respected and that New Mexico should not accept nuclear waste from other states. Furthermore, Ms. Morgan stated that, since there have been no in-person meetings this year because of the COVID-19 pandemic, there should be a hold on Holtec International's consolidated interim storage project until in-person meetings can be resumed; and
- Eileen O'Shaugnessy stated that, currently, New Mexico is overburdened by radioactive and hazardous materials, and the impact is disproportionately felt by indigenous communities and communities with people of color. Ms. O'Shaugnessy urged the committee to listen to indigenous voices and was appalled to hear that the NMED is underfunded. Ms. O'Shaugnessy opposes the plan to vent tritium and to expand the WIPP, and she supports a cleanup of the mixed-waste landfill near Albuquerque.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:20 p.m.