

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

**July 28, 2017
Auditorium, Carlsbad Field Office
Carlsbad**

The second meeting of the Radioactive and Hazardous Materials Committee was called to order by Representative Carl Trujillo, vice chair, on Friday, July 28, 2017, at 9:05 a.m. at the Carlsbad Field Office Auditorium in Carlsbad.

Present

Sen. Jeff Steinborn, Chair
Rep. Carl Trujillo, Vice Chair
Rep. Cathrynn N. Brown
Sen. Carlos R. Cisneros
Sen. Ron Griggs
Sen. Gay G. Kernan
Sen. Carroll H. Leavell
Sen. Richard C. Martinez
Rep. Angelica Rubio
Rep. Debra M. Sariñana
Rep. Larry R. Scott

Absent

Rep. David M. Gallegos

Advisory Members

Sen. Gregory A. Baca
Rep. Jane E. Powdrell-Culbert
Sen. Nancy Rodriguez

Sen. William F. Burt
Rep. Stephanie Garcia Richard
Sen. William H. Payne
Rep. Nick L. Salazar
Sen. Clemente Sanchez
Rep. James E. Smith
Rep. Jim R. Trujillo

Guest Legislator

Rep. Dennis J. Roch

Staff

Monica Ewing, Staff Attorney, Legislative Council Service (LCS)
Nancy Martinez, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Friday, July 28

Representative Carl Trujillo welcomed members of the committee and the audience to the meeting, and the committee members introduced themselves. He noted that the day's agenda would be condensed to allow sufficient time for an underground tour of the Waste Isolation Pilot Plant (WIPP) facility at the conclusion of the meeting.

Welcome and Update on the Carlsbad Brine Well Remediation Advisory Authority

Mayor Dale W. Janway welcomed the committee to Carlsbad and discussed several issues of importance to the Carlsbad community. He highlighted needs related to infrastructure at WIPP, including wiring, fire suppression systems and improvements on the surface of the WIPP site, and said that the community will seek assistance from the federal government for infrastructure improvements.

Regarding the Carlsbad brine well remediation efforts, Mayor Janway said that Carlsbad is working with the Energy, Minerals and Natural Resources Department (EMNRD) and other state agencies to identify solutions. He said that the brine well remediation is a top priority for Carlsbad.

John Heaton, who serves as the mayor's designee on the Carlsbad Brine Well Remediation Advisory Authority (authority), explained that the authority provides advice and makes recommendations to the Oil Conservation Division of the EMNRD. Minutes and meeting agendas for the authority are available on the EMNRD website.

The brine well, Mr. Heaton said, would likely have collapsed if not for the support it receives from the Pecos River below; however, tilt meters show there is movement on the surface, above the mine. He said that financing the remediation of the mine using state special appropriations is difficult because that funding is recaptured at the end of a fiscal year, so some funding has been provided by local resolution. Regarding potential federal assistance, he noted that salt from WIPP is removed by truck on a route that crosses over the brine well sinkhole, so it is possible that assistance would be offered to secure the sinkhole and, consequently, the route.

Mr. Heaton showed the committee a series of images that demonstrate the stages of a sinkhole collapse and the size of the brine well sinkhole in Carlsbad relative to the size of the State Capitol. The sinkhole measures twice as deep as the Roundhouse is tall. He also showed the committee the size of the area that would potentially be affected if the brine well collapses and noted several transportation routes that would be impaired, including two major highways and a railway. Finally, he noted that the economic impact from the collapse of the brine well is likely to exceed \$1 billion.

Mr. Heaton stated that three subcommittees have been formed to address various issues related to the brine well: the RFP/Liability Work Group, the Technical Work Group and the Finance Work Group. He briefly explained the missions of each work group and the roles each will play as solutions to the remediation effort are developed.

In response to a question from a committee member about emergency notification procedures, Mr. Heaton said that he understands that there has been communication with businesses and residents in the affected area about the potential collapse of the well. He said that emergency responders have been well-trained about how to respond if the well collapses. He added that it would cost approximately \$6 million to \$8 million to relocate the businesses and residents in the affected area. Another committee member stressed the importance of providing notice to the community when subcommittees meet to discuss the brine well.

A committee member asked about the projected date of the well's potential collapse. Mr. Heaton said that there is incremental movement around the well of 1/100 to 1/1,000 of an inch per day and that one projection indicates the collapse could happen as early as 2021.

A committee member noted that there is significant expertise in the staff at the state's universities and suggested that the expertise be employed in the remediation efforts.

URENCO Status Report

David Sexton, president and chief executive officer, URENCO USA, and Lisa Hardison, manager of communications and public relations, URENCO USA, presented a company update. After providing some background on URENCO's operations in New Mexico and explaining the nuclear fuel cycle, Mr. Sexton said that the company's site in New Mexico is currently fully operational. He explained that the nuclear fuel market can have an impact on the company's operations and talked briefly about nuclear energy supply and demand in the United States and worldwide.

Ms. Hardison described URENCO's contributions to the local community, with a focus on several programs that benefit school-age children. She highlighted the fact that the company encourages its employees to participate in science-related classroom activities that employ the scientific method. URENCO's goal is to show students the many kinds of careers they might pursue in the sciences.

Ms. Hardison noted that URENCO has donated furniture and office supplies to Habitat for Humanity and schools in the community. In addition, the company makes contributions through financial donations and volunteer work in the area.

A committee member thanked Mr. Sexton and Ms. Hardison for their presentations and suggested that the committee try to schedule a visit to the URENCO facility during the 2018 interim.

In response to a committee member's question about URENCO's customers, Mr. Sexton explained that the material his company enriches is not purchased or owned by the company but, rather, by the company's customers. He said that much of the material enriched in the United States is sourced in Canada. In response to another question, Mr. Sexton confirmed that, once enriched, uranium maintains its enrichment level because that isotope has a very long half-life.

A committee member asked about URENCO's business with China, and Mr. Sexton responded that, while the company has made some sales to China, that market has been challenging for URENCO. He said the company maintains its certification that allows it to make sales internationally.

Waste Isolation Pilot Plant Status Report

Jeff Carswell, deputy manager, Carlsbad Field Office, U.S. Department of Energy (DOE), and Bruce Covert, president, Nuclear Waste Partnership, LLC, delivered an abbreviated presentation to the committee in anticipation of the early afternoon tour of WIPP.

Mr. Carswell said that the footprint of the site is 16 square miles, and the facility is nearly in the center of that area. He showed the committee images of the WIPP site and the facility and noted that there are eight areas within the facility in which waste is stored and that those areas are referred to as panels. The eighth panel is currently under construction, and the other seven panels are currently in use.

Mr. Carswell described a map of the underground WIPP facility and noted that the facility is allowed to place 6.2 million cubic feet of waste in the site and that the facility is currently at approximately 50% capacity.

There are several entities that guide and oversee WIPP's operations, Mr. Carswell explained. They include: the U.S. Nuclear Regulatory Commission; the U.S. Environmental Protection Agency; the New Mexico Department of Environment; the U.S. Occupational Safety and Health Administration; the U.S. Mine Safety and Health Administration; U.S. Congress; the DOE; and the U.S. Department of Transportation (DOT). He noted that when a container of waste leaves a site, the DOT is responsible for the container until it reaches WIPP.

Mr. Carswell recalled the fire and thermal events in 2014 that caused WIPP to suspend its receipt and placement of waste pending efforts to analyze safety and restore and stabilize areas damaged by the fire. He said that following operations revisions and review by the DOE and New Mexico agencies, WIPP was authorized to resume receiving shipments of waste in April 2017. WIPP is currently receiving shipments from Texas, Idaho and the Savannah River Nuclear Laboratory. Mr. Carswell projected that panel seven will be filled within three to four years.

Following the presentation, and in response to a committee member's question, Mr. Carswell clarified that the material being received and stored at WIPP is anything that was used while nuclear weapons were being made, including clothing and other items. He said that with

an additional two to three panels, WIPP would have enough space to store transuranic waste from the entire country.

Several members of the committee gathered to depart for the WIPP tour.

Adjournment

There being no further business, the committee adjourned at 11:25 a.m.