

April 16, 2023

Dear Mr. Maestas -

I am deeply concerned about the WIPP Renewal Permit - thanks so much of you - work to strengthen Protections of the people of New Mexico in relation to WIPP Expansion - Some concerns remain:

- 1) Prohibit New Waste Stream
- 2) Prohibit New Replacement panels
- 3) Retain the revocation of the permit if the volume is in any way increased.
- 4) Prioritize NM LEGACY waste - not new made waste
- 5) There must be a defined end date
- 6) There must be other repositories and DOE must not just report But make progress

Thanks

Robin Seydel

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April 19, 2023

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Dear New Mexico Environment Department,

This is to supplement the comments I submitted dated April 16th.

Once again I would like to thank NMED for their work on editing the original DOE application. You have made some significant improvements and I applaud those. A few areas of concern remain, from my original comments, that I must address.

It has come to my attention that the agreement NM made under the previous administration allowing the modification known as the Volume of Record is not beneficial to New Mexico. Additionally the ability of the DOE to redefine, at will, both how the waste is measured and what waste can be considered TRU waste can be and must be rectified in this current permit with clear definitions, requirements and limitations.

With regard to the Volume of Record modification; DOE should not be allowed these redefinitions, especially as we know that the outside of the storage drums is at times contaminated, and so must also be counted as hazardous wastes in volume measurements. However your condition that revokes the permit should the allowable volume of waste be altered by the DOE or Congress is one that I support and urge you to stay strong on that condition.

The "Dilute and Dispose" concept is at the core of the proposed Surplus PU disposal at WIPP. This is in clear violation of the agreement made with the people of NM, as promised to us by our Senators (specifically Pete Domenici and Jeff Bingaman) at the time of WIPP's acceptance. This violates the spirit of the agreements made with the people of New Mexico. The current plan to transport Surplus Pu, in various forms, twice across the nation puts not only New Mexicans but all residents along the routes at risk and must be clearly denied in the permit.

Further I would like to reiterate my strong support of the following:

Prohibit new "replacement panels" at this time and refrain from any conditions which further an expansion of WIPP in footprint size or allowable volume of waste.

Ensure that Legacy waste is prioritized over newly generated waste—like that from pit production at LANL or at any other site.

WIPP must have a clearly defined end date that is related to the 25 year life span ending in 2024 we, the people of New Mexico were promised.

Finally additional repositories must be sited in states other than New Mexico. Your requirement that the DOE report on these efforts is greatly appreciated and must stay in any approved

permit. However NMED must require real progress in this area, including consequences if other repositories are not in the works in a timely manner.

Apply revocation of the permit, as you have suggested with regards to changes in the allowable volume of waste, to the siting of other repositories requirement as well.

Once again thanks for all your work on this permit and your effort to protect New Mexico.

In cooperation,

Gail Robin Seydel

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