



New Mexico State Senate

State Capital
Santa Fe

SENATOR GAY G. KERNAN

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To: Ricardo Maestas

New Mexico Environment Department

Ricardo.maestas@state.nm.us

Dear Mr. Maestas:

I am writing to express my concern regarding the proposed edits to the Waste Isolation Pilot Plant's Renewal Draft permit. To the extent that the proposed changes are outside of the scope of the department's authority over the federal program established by the Land Withdrawal Act, it appears the major concern is the amount of waste to be emplaced at WIPP from LANL as an amount equal to the total "stored" waste throughout the complex. It would appear from testimony at our interim Radioactive and Hazardous Waste Committee, the preparation for transport is in the hands of LANL, not WIPP. The WIPP is a national repository and the obligation to meet the needs from a national perspective is the role of the federal government.

In addition to tethering shipments from LANL to WIPP to a state permit, the permissibility of NMED to potentially shutter WIPP for a variety of reasons including some well outside of WIPP's ability to control, is concerning not only from a national perspective but from a local perspective. Jobs would be at stake in the Carlsbad community and the Los Alamos community would ultimately be at risk as the material that is both generated by LANL and surrounds the area would remain.

Finally, it is evident that the anti-nuclear political agenda continues to influence the work of the department. This is short sighted on the part of NMED as well as those resisting the reality that to move to a fossil free form of energy exists through the development of small modular reactors. New Mexico could be a part of the transition but only if reasonable oversight is provided by the regulators.

I would encourage the department to weigh the consequences of overreaching when establishing regulations and remain within the scope of defined authority.

Best regards,

A handwritten signature in blue ink that reads "Gay G. Kernan".

Gay G. Kernan

Senate District 42

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